



An
Coimisiún
Pleanála

Inspector's Report ACP-323459-25

Development

Proposed change of use from residential dwelling to commercial use. Construction of two storey extension to rear and side of existing dwelling (246m²). Proposed signage to front elevation. Along with associated site works necessary to complete this development including service connections, boundary treatments and landscaping.

Location

Menlo, Church Road, Greystones Co. Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

24/60620

Applicant(s)

TGD Cold Foods Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v. Decision

Appellant(s)

TGD Cold Foods Ltd.

Observer(s)

None.

Date of Site Inspection

20th January 2026.

Inspector

Susan McHugh

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site is located to the northwest of the commercial/retail core along Church Road, Greystones, Co. Wicklow.
- 1.2. The building subject if the proposed change of use and extension is known as 'Menlo'. The existing residential property which fronts onto Church Road, is a seven bay two-storey house dating to 1875. The subject site is within an Architectural Conservation Area (ACA).
- 1.3. The site immediately adjoins 'Waverly' to the southeast. This property has been extended at ground and first floor level to the rear and is in commercial use as a restaurant at ground floor and a health clinic to the rear. Hills Garage adjoins the subject site to the rear.
- 1.4. 'Merville' house adjoins the subject site to the northeast, and it has been extended to the rear at ground and first floor also. This detached house is in residential use.
- 1.5. Greystones Dart Station is located approx. 250m further south along Church Road (Main Street). Greystones Village bus stop no. 4284 with bus routes serving Bray Station and the Greystones area is located outside 'Merville'.
- 1.6. The subject site has a stated area of 287sqm.

2.0 Proposed Development

- 2.1. Permission is sought for a change of use of an existing dwelling to commercial use. The stated floor area of the existing premises is stated as 191sqm.
- 2.2. The works proposed to the existing structure comprises the following.
 - Partial demolition of existing single and two storey extensions to rear of existing dwelling (84.5m²).
 - Construction of two storey extension to rear and side of existing dwelling (246sqm).
 - Removal of 2 no. existing trees in the rear garden.
 - The stated total area of the structure to be retained and new build is 348.40sqm.

- Proposed signage to front elevation.
 - New ramp, gate and boundary treatment to side passage.
 - Outdoor seating and bin storage in front garden.
- 2.3. The application was lodged with the planning authority on the 09/10/2024.
- 2.4. A request for Further Information was issued by the PA 28/11/2024.
- 2.5. A request for an Extension of Time for a period of 3 months was received by the PA 14/04/2025. The PA approved the request on 16/04/2025 extending the time for a response till 05/09/2025.
- 2.6. A response to the request for further information (RFI) was received by the PA 03/07/2025.
- 2.7. The response to the RFI was accompanied by the following.
- Daylight & Sunlight Assessments
 - Waste Recycling details
 - Mechanical Installation Technical report
 - Grease Shield details

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission 25/07/2025 for 1 no. reason as follows.

1. Having regard to –
 - (a) The location of the development adjacent to residential dwellings.
 - (b) The revised details submitted, including floor plans which identify bar usage only, and hours of operation.
 - (c) The lack of appropriate assessment with respect to the potential noise emanating from the development.
 - (d) The inadequate assessment of odour pollution arising from the change of use.

It is considered, notwithstanding the location of the development within an area zoned Town Centre, the development would give rise to significant impacts on the amenities of existing residents as a result of the character and potential impacts from the change of use from residence to bar related development, would seriously injure the amenities and depreciate the value of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

Planning Reports

3.2.1. The decision of the PA was informed by two reports from the Planning Officer. The 1st Planners Report dated 27th November 2024 recommended that (FI) was requested on four points which are summarised below.

1. Site sections showing the proposed development in context with neighbouring properties and a daylight/sunlight and overshadowing assessment to the BRE standard.
2. Details of the location of any vents, extraction equipment or other external services, noise and odour assessments, and hours of operation.
3. Address matters relating to the proposed design, including the height of the proposed rear extension, universal access at the main entrance, retention of fanlight, front boundary treatment, bin storage, finishes and lighting proposals.
4. Confirmation of details for the provision of a suitably sized grease trap on the wastewater disposal system.

The 2nd Planners Report dated 25th July 2025 recommended planning permission be refused.

3.2.2. **Other Technical Reports**

- **Roads:** Report dated 16/10/2024 no observations.
- **Greystones Municipal District Engineer:** 1st Report dated 30/10/2024 recommended further information in relation to the front boundary wall, capacity of the bin storage area, wastewater disposal to include a grease trap, and universal access at the main entrance.

The 2nd Report dated 15/07/2025 recommends no objection subject to requirements in relation to front boundary wall, public realm/footpath, surface water drainage and SuDS proposals.

- **Heritage Officer:** No report.
- **Chief Fire Officer:** Report dated 14/11/2024 recommends no objection subject to requirements.

3.3. Prescribed Bodies

The application was circulated by the PA to Irish Water, The Heritage Council, DOE, An Comhairle Ealaíon, Fáilte Ireland, An Taisce, and Iarnród Éireann, no reports were received.

3.4. Third Party Observations

One submission from Cllr. Gail Dunne was received by the PA during the public consultation stage.

3.5. Planning History

Appeal Site

PA Reg.Ref. 01/4202: Permission **granted** 03/07/2001 for a bay window.

PA Reg.Ref. 89/4550: Permission **granted** 17/07/1989 for retention of an entrance.

'Merville'

PA Reg.Ref. 12/6707: Permission **granted** 27/03/2013 to renovate an existing two storey house, demolish a two-storey extension to rear, (80sqm) and construct a new one and two storey extension (295sqm) to the rear and side of existing house including rooflights and dormer windows, along with new vehicular entrance and associated site works. This permission has been implemented on site.

PA Reg. Ref.10/2844:: Permission **granted** 3/11/2020 for restaurant on a site of 0.15 acres (0.063 ha) including the partial removal of the rear of the existing dwelling and the construction of a new two storey rear extension; including the change of use of the existing building to provide for a new restaurant (269 sqm), a new proposed

vehicular entrance, for all signage, internal footpaths, roads, 7 no surface car parking spaces, bicycle parking, bin storage, entrance canopy boundary walls and fences, hard and soft landscaping and for all site services above and below ground. This permission was not implemented on site.

‘Waverly’

PA Reg. Ref. 23/777: Permission **granted** 11/12/2023 for removal of steps from the front entrance and installation of a new door. Installing a toughened glass canopy over the main entrance to the side of the building. Installation of relevant signage to the front and side of building for a restaurant. Mounting a service ladder for roof access at the rear of the building and all associated site works.

PA Reg. Ref. 21/693: Permission **granted** 13/09/2021 for subdivision of previously approved Reg. Ref. 19/122 for ground floor restaurant to provide for 2 no restaurants / takeaways including associated ventilation and site works.

PA Reg. Ref. 20/1204: Permission **granted** 22/01/2021 for change of use at first floor level only from Office Use as previously approved under Reg. Ref. 19/122 to Health Clinic.

4.0 Policy Context

4.1. Development Plan

Wicklow County Development Plan 2022-2028 (WCDP)

- 4.1.1. The subject site is within the boundary of the Greystones – Delgany & Kilcoole Local Area Plan 2013-2019 (GDK LAP). This LAP expired in 2019 and the WCDP contains a commitment to prepare a new LAP for Greystones – Delgany and Kilcoole during the lifetime of the plan.
- 4.1.2. Variation No. 2 of the WCDP was adopted and came into effect on the 12th of May 2025. It brought the existing LAPs into the WCDP while new plans were being prepared. Section 5.0 of Variation 2 states that, *‘The existing Local Area Plan will remain in place until that LAP is superseded by a new plan’*.
- 4.1.3. Variation No. 4 was proposed for the WCDP and went on public display in May 2025. The reason for the variation was to make a new local land-use plan (a Local

Planning Framework (LPF)) for the towns of Greystones-Delgany and Kilcoole. When adopted, the LPF will be integrated into the Development Plan and will replace the 'Greystones – Delgany and Kilcoole Local Area Plan 2013-2019'.

4.1.4. At the time of writing, Proposed Material Alterations to the Proposed Variation No. 4 has been on public consultation but had not been formally adopted.

4.1.5. The following extracts from the WCDP relate to aspects of the subject development but is not an exhaustive list of all relevant policies and objectives contained in the Development Plan.

4.1.6. **Zoning** – The subject site is zoned objective 'TC'– Town Centre' in the Greystones-Delgany and Kilcoole Local Area Plan (LAP) 2013-2019, now adopted into the WCDP. This zoning objective has been retained and carried forward into the Draft GDK LPF.

4.1.7. The 'TC' zoning objective seeks '*To protect, provide for and improve the development of a mix of town centre uses including retail. Commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas.*'

4.1.8. **Chapter 5 Place Making for Town and Village Centres**

CPO 5.1 seeks 'To protect and maintain the viability of town and village centres, target the reversal of decline and deliver sustainable reuse and regeneration outcomes'.

CPO 5.2 seeks 'To protect and increase the quality, vibrancy and vitality of town and villages centres by promoting and facilitating an appropriate mix of day and night time uses, including commercial, recreational, civic, cultural, leisure and residential uses and to control uses that may have a detrimental impact on the vitality of the streetscape and the public realm.'

CPO 5.18 seeks 'To protect, integrate and enhance heritage assets, including attractive streetscapes and historic buildings, through appropriate reuse and regeneration and restrict inappropriate development that would undermine the settlement's identity, heritage and sense of place.'

CPO 5.21 seeks 'To strengthen the urban structure of towns and villages by ensuring that any new development contributes to a coherent urban form, focused on a high-quality built environment of distinct character. New development shall incorporate a legible and permeable urban form that protects and complements the character of the street or area in which it is set in terms of proportion, enclosure, building line, design and by the marrying of new modern architecture with historic structures.

CPO 5.22 states that 'Within town and village centres, particularly the retail core, new development is required to provide for active street edges. Ground floor units should be occupied predominantly by uses that promote a high level of activity and animation. In order to maximise street activity, setbacks should be minimised and there should be a high frequency of entrances (every 5 to 10 metres).'

4.1.9. **Chapter 8 Built Heritage**

CPO 8.21 states that 'Within Architectural Conservation Areas, all those buildings, spaces, archaeological sites, trees, street furniture, views and other aspects of the environment which form an essential part of their character, as set out in their character appraisals, shall be considered for protection. The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable.'

CPO 8.22 states that 'The design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole. Schemes for the conservation and enhancement of the character and appearance of Architectural Conservation Areas will be promoted. In consideration of applications for new buildings, alterations and extensions affecting Architectural Conservation Areas, the following principles will apply:

- Proposals will only be considered where they positively enhance the character of the ACA.
- The siting of new buildings should, where appropriate retain the existing street building line.

- The mass of the new building should be in scale and harmony with the adjoining buildings, and the area as a whole, and the proportions of its parts should relate to each other, and to the adjoining buildings.
- Architectural details on buildings of high architectural value should be retained wherever possible. Original features, which are important to a building's character such as window type, materials, detailing, chimneys, entrances and boundary walls, both within and outside the architectural conservation area, should be retained where possible.
- A high standard of shopfront design relating sympathetically to the character of the building and the surrounding area will be required.
- The materials used should be appropriate to the character of the area. Planning applications in ACAs should be in the form of detailed proposals, incorporating full elevational treatment and colours and materials to be used.
- Where modern architecture is proposed within an ACA, the application should provide details (drawings and/or written detail) on how the proposal contributes to, or does not detract from, the attributes of the ACA.

4.1.10. **Greystones, Delgany and Kilcoole Local Area Plan 2013-2019**

Architectural Conservation Areas

HER12: seeks 'To preserve the character of Architectural Conservation Areas (ACAs), in accordance with Appendix B. The following objectives shall apply to ACAs:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
- The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
- Proposals involving the demolition of buildings and other structures that contribute to the Special Interest of ACAs will not be permitted. The original structure of the La Touche Hotel contributes to the Special Interest of this ACA.

- The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- Schemes for the conservation and enhancement of the character and appearance of an ACA will be promoted.
- The character and appearance of the urban public domain within an ACA shall be protected and enhanced. The Council will seek to work in partnership with local community and business groups to implement environmental improvements within ACAs.
- Within the Church Road ACA, alterations to the front boundaries to accommodate off-street car parking will not normally be permitted.
- Historic items of street furniture and paving within ACAs shall be retained, restored and repaired.
- All electricity, telephone and television cables within ACAs shall be placed underground where possible.
- The placing of satellite dishes, television aerials, solar panels, telecommunications antennae and alarm boxes on front elevations or above the ridge lines of buildings or structures will generally be discouraged within Architectural Conservation Areas, except where the character of the ACA is not compromised.

It should be noted that the designation of an Architectural Conservation Area does not prejudice innovative and contemporary design. The principle of a contemporary and minimalist design style will be encouraged within ACAs, provided it does not detract from the character of the area. It is considered that new buildings should be of their own time in appearance and should not replicate the style and detailing of heritage buildings. The replication of historic architectural styles is considered to be counterproductive to heritage conservation in principle as it blurs the distinction between what is historic and what is contemporary and can lead to the emergence of poorly considered and inauthentic buildings.'

The existing dwelling is recorded on the NIAH Record No. 16304054 as follows;

'Semi-detached seven-bay two-storey house-built c.1875. The house is finished in painted lined render with quoins and has a two-storey canted bay to the north side

and a single-storey canted bay to the south; sill courses and some panel decoration to bays. The four panelled door is framed with panelled pilasters with console brackets which support a projecting cornice and plain fanlight, this is all set within a semi-circular headed opening with moulded surround. All window openings are flat-headed with two over two sash frames. The roof is pitched and finished with slate with cast-iron rainwater goods; chimneystacks are rendered with corbelled caps and clay pots. The house is set back from a rendered wall with square gate pillars with pyramidal caps and replacement wrought-iron gates.'

4.2. Natural Heritage Designations

- 4.2.1. There are no European designated sites in the vicinity.
- 4.2.2. The proposed development is located within an established commercial area and comprises the change of use from residential to commercial and all site works. There will be a connection to the public sewerage network. There are no watercourses linking the site with any designated sites.

4.3. EIA Screening

- 4.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

5.0 The Appeal

5.1. Grounds of Appeal

- 5.1.1. A First Party appeal (received by ACP on 21/08/2025) was lodged by a Town Planner on behalf of the applicant and was accompanied by the following;
 - Report from Waterman Moylan, Mechanical and Electrical Engineers
- 5.1.2. The Grounds of First Party appeal can be summarised as follows;
 - *PA Assessment*

- Notes proposed change of use considered acceptable, in principle, yet permission was refused.
- Reason for refusal in relation to potential impacts on one residential dwelling.
- Subject site is well within the town centre zone as per the Greystones LAP 2013-2019 and the draft Greystones LPF 2025.
- Question whether existing residences should dictate the nature of commercial uses permissible in this area of the town centre.
- *Character of the Area*
 - Church Road serves a range of commercial uses. Large dwellings are not typical of a town centre location, and submit the residential amenities are less sensitive than might be the norm.
 - Merville has been granted 2 permissions for change of use to offices and to a restaurant under (08/1497 and 10/2844).
- *Planning Policies and Objectives*
 - Land use in the vicinity of the subject site will continue to change.
 - CDP promotes a mix of town centre uses in the area; as highlighted in Chapter 5 and policy objectives including CPO 5.2. and CPO 5.22.
 - Refers to policy HER12 of the 2013-19 LAP in relation to ACAs, and that the proposed design will not detract from the integrity of the ACA.
- *Greystones LPF 2025 (draft) –*
 - Draft Greystones LPF 2025 will inform planning decisions in the town centre zone, refer to *Section A4 – Development Strategy*, *Section B1 – Town Centre Regeneration*, *Section B1.1* refers to Greystones, and *Section 12.1 – Zoning Objectives for Town Centre*
 - Submit that with low levels of vacancy and the desire to promote vibrancy and vitality through densification of uses, including residential, proposals for changes of use of large residences, in the vicinity of the subject site, will occur.

- *Other Matters*
 - Notes assessments, by Digital Dimensions, and that there will be no adverse impact on the amenities of Merville, having regard to current BRE Guidelines.
 - Report submitted from Pure Engineering regarding kitchen equipment, extraction, noise etc. by way of RFI response has been reviewed and is now augmented by report carried out by Waterman Moylan, Mechanical and Electrical Engineers.

- *Summary*
 - Planning policy objectives seek to include nighttime uses in the promotion of the densification vibrancy and vitality of the town centre. Submit the merits of the proposed change of use should not be outweighed by the assumed impacts on one residence, Merville.
 - Notwithstanding the Town Centre zoning of the subject site and surrounding area, the 4 parts of the reason for refusal – (a) to (d) were deemed to render the proposed use ‘inappropriate’.
 - There will be no adverse impacts on adjoining residences.
 - Proposed use will operate as a gastro pub and not ‘bar usage only’. Unclear how the PA considered the proposed use to be bar only, given the size of the kitchen proposed - may have been due to a draughting error whereby the first-floor layout was labelled as a bar, not a restaurant.
 - It is noted that closing times (11.30pm) of the restaurant next door to the subject site, very similar to those proposed for the gastro-pub. The only difference is the 12.30am proposed for Saturday. Should this be deemed unacceptable it is considered that it can readily be controlled by a condition attached to planning permission.
 - Part (a) of the refusal – Submit the sensitivity level to be applied to existing residential amenity is reduced by the town centre zoning, the character of the surrounding area and the aspirations for densification outlined in the

LPF 2025. The impacts on the existing residence regarding noise and odour pollution will not be adverse.

- Part (a) of the reason for refusal can be set aside. The location of the proposed use beside a residence, in a busy part of the town centre, has been shown not to be an issue.
- Dispute that the proposed use will depreciate the value of property and submit that the new use will set a precedent for commercial uses.
- Planning permission can be granted with conditions attached.

5.2. Planning Authority Response

No response received.

5.3. Observations

None.

6.0 Assessment

6.1. Introduction

6.1.1. Variation No. 4 relates to a new Local Planning Framework (LPF) for the towns of Greystones-Delgany and Kilcoole. When adopted, the LPF will be integrated into the CDP and will replace the '*Greystones – Delgany and Kilcoole Local Area Plan 2013-2019*'. The new LPF was not yet adopted at the time of writing this report.

6.1.2. Having examined the application details and all other documentation file, including all the submissions received in relation to the appeal, and inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follow:

- Principle of Development
- Residential Amenity
- Built Heritage

6.2. Principle of Development

- 6.2.1. The subject site is zoned 'Town Centre TC' which seeks to provide for and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to consolidate and facilitate the development of the central area.
- 6.2.2. The site is located on the western side of Church Road towards the northwestern side of the town centre area. This part of the town centre is particularly developed as it contains a number of restaurants. There is also a bus stop directly outside the adjoining residential property 'Merville' to the northwest.
- 6.2.3. The existing two storey residential house is currently occupied and in residential use.
- 6.2.4. The grounds of appeal refer to policies and objectives in relation to Place Making for Town and Village Centres as set out in Chapter 5 of the County Development Plan 2022-2028 which support the proposed development and is acceptable in principle.
- 6.2.5. Policy CPO 5.1 seeks *'to protect and maintain the viability of town and village centres, target the reversal of decline and deliver sustainable reuse and regeneration outcomes'*. Policy CPO 5.2 seeks *'To protect and increase the quality, vibrancy and vitality of town and villages centres by promoting and facilitating an appropriate mix of day and nighttime uses, including commercial, recreational, civic, cultural, leisure and residential uses and to control uses that may have a detrimental impact on the vitality of the streetscape and the public realm.'*
- 6.2.6. From my assessment of the proposed change of use from residential to commercial at this location, I am of the opinion that it would contribute in a positive way to the viability, vibrancy and vitality of the town centre by promoting and facilitating an appropriate mix of day and nighttime uses.
- 6.2.7. I am also satisfied that the proposed change of use would provide for a sustainable reuse and appropriate regeneration of an existing building and is in accordance with CPO 5.1 and Policy CPO 5.2 of the CDP.
- 6.2.8. I am also of the view that the proposed change of use of the building which is of architectural merit would contribute to an attractive streetscape and help create a sense of place. The development of this site next to the adjoining commercial use at 'Waverly' would result in a legible and permeable urban form that protects and complements the character of the street. The proposed development further

provides a use with a high level of activity and animation, which will maximise street activity.

6.2.9. I note the PA in their assessment was satisfied that the proposal was acceptable in principle but had concerns in relation to the impact of the development on the adjoining residential property at 'Merville'. I will address these concerns in section 6.3 of my report below.

6.2.10. I am therefore satisfied that the proposed development would enhance the urban environment and is in accordance with CPO 5.18, CPO 5.21 and CPO 5.22 of the CDP.

6.2.11. In my opinion the grounds of appeal should be upheld on this basis.

6.3. Residential Amenity

6.3.1. Reason for refusal no. 1 states that, *'the development would give rise to significant impacts on the amenities of existing residents as a result of the character and potential impacts from the change of use from residence to bar related development, would seriously injure the amenities and depreciate the value of properties in the vicinity'*.

6.3.2. In my opinion concerns raised by the PA in relation to the proposed change of use stems from the extent and nature of the proposed bar area proposed, located as it is adjacent to a residential property which is at the crux of this appeal. I am also mindful of the balance to be struck between protecting the amenities of the adjoining residents and the need to enhance the viability and vitality of the town centre within which both properties are located.

6.3.3. The applicant in the grounds of appeal submit that the proposed use will operate as a 'gastro pub' and not 'bar usage only'. It is submitted that the labelling of the first-floor area as a bar and not as a restaurant was a draughting error. It is also submitted by the applicant that the area of the proposed kitchen at first floor level at c.30sqm as indicated on RFI drawings is for the purpose of serving the restaurant at first floor.

6.3.4. I have examined the ground and first floor plans submitted with the application and revised in the RFI. I consider the concerns raised by the PA to be reasonable as the

ground floor plans clearly indicates a layout with seating around a central bar area, and restaurant use at first floor. The overall area of the proposed ground floor area is indicated 177sqm, with first floor area measuring 171sqm.

- 6.3.5. I have also examined the ground and first floor plans submitted in response to the RFI. The ground floor plans indicate a bar / lounge with bar counter along the length of the ground floor party wall. At first floor the floor plan is labelled bar/lounge and includes a smaller bar counter next to the kitchen and seating areas.
- 6.3.6. I can confirm from site visit that the subject site is located along a busy section of Church Road, which serves a range of commercial uses, including a number of restaurants to the south and east. I consider therefore that the proposed use is located at a suitable location within a cluster of similar uses.
- 6.3.7. I also note the concern raised by the PA in relation to the hours of operation which it is asserted by the PA are more typical of a bar use rather than a restaurant use. The PA sought further information on this matter and the applicant outlined in their RFI the hours of operation for both the kitchen and bar/restaurant areas.
- 6.3.8. The applicant has indicated that operating hours Monday to Sunday within the kitchen will be from 8.45am to 9.30pm. Monday to Friday the bar/restaurant operating hours are indicated as from 8.45am to 11.30pm. Saturday and Sunday operating hours are stated as from 8.45am both days till 12.30am Saturday night and Sunday till 11pm.
- 6.3.9. It is clear therefore that the premises would operate seven days a week with late opening Saturday and Sunday. I also note on the day of my site inspection in January the opening hours of the adjoining restaurant, which opens five days a week, and is closed Mondays and Tuesdays. It opens for brunch on a Saturday and Sunday and from 5pm to 9pm mid-week, with extended opening hours till 9.30pm Friday and Saturday and with an earlier closing time 8pm. The applicant has indicated in the grounds of appeal that they are willing to accept a condition which would limit opening hours on a Saturday to that of the adjoining restaurant, which at the time of the appeal lodgement in August was 11.30pm.
- 6.3.10. I have considered the merits of restricting the hours of operation, while also mindful of the need to cater for appropriate uses in a town centre where such uses are best located. I note there is no outdoor seating area, beer garden or terraced area to the

side or rear of the premises which would have the potential to generate noise. The outdoor seating area proposed is located to the front of the premises similar to that outside the adjoining restaurant.

- 6.3.11. I am satisfied therefore that the restriction of opening hours to align more closely with that of the adjoining restaurant could be a reasonable compromise in protecting the residential amenities of the adjoining residence. Noise monitoring can also be conditioned which would allow the planning authority to maintain noise monitoring results from the closest noise sensitive location.
- 6.3.12. On balance therefore, I am of the opinion that the proposed development is acceptable on the basis that the primary function of the restaurant be for the sale of food, meals and refreshments for consumption on the premises and that the unit is not used exclusively as a public house. If the Commission are minded granting permission, I am satisfied that a suitably worded condition to that effect with restrictions on late opening hours at the weekend especially would ensure that the proposal would not seriously impact on the amenities of the town centre area.
- 6.3.13. The adjoining two storey residential property known as 'Merville' is a detached house located on the adjoining site to the northwest. The original house and extension to the rear is set off the shared boundary with the appeal site by approx. 2.1m and has been extended to the rear at two storey level. The rear elevation of the two-storey extension is roughly in line with the rear boundary of the appeal site. The rear garden of 'Merville' extends to the rear for a length of approx. 12m and provides a generous area of open space with a southwest orientation.
- 6.3.14. The PA initially raised concern in relation to the design and height of the proposed extension due to the position scale and proximity of the proposed rear elevation to the existing residential dwelling to the west, 'Merville', which it considered would result in negative impacts on the amenity of those occupiers in terms of overbearance and daylight/ sunlight /overshadowing.
- 6.3.15. I have had regard to BBA drawings O-151-FI-302, O-151-FI-303, O-151-FI-402 and O-151-FI-403, together with Daylight & Sunlight Assessments prepared by John Healy of Digital Dimensions, based on the revised roof design submitted in response to the RFI.

- 6.3.16. Revised proposal comprises of a pitched roof solution, replacing the originally proposed flat roof, reducing the height of the eaves of the proposed extension by 835mm. The majority of the proposed extension roof has an eaves level below the eaves level of the original Merville dwelling.
- 6.3.17. The daylight and sunlight assessment indicates that there will be a negligible reduction in sunlight in adjacent properties and will retain VSC levels in excess of 27%. Having visited the rear garden of the appeal site and viewed the rear elevation of the adjoining residential house I am satisfied that any impact on the daylight availability to Merville will be minor and the impact will be negligible.
- 6.3.18. I concur with the PA and am satisfied that the proposed extension to the rear will not give rise to undue overbearance or overshadowing of the adjoining residential property. I am satisfied therefore that the revised drawings submitted which comprises a pitched roof, reduces the height of the eaves of the proposed extension and therefore its visual impact/ overbearance/ overshadowing, especially in relation to the existing "Merville" property.
- 6.3.19. I further note from my site visit of the rear of the subject site that there are no windows on the gable elevation of the original house 'Merville' or the extension to the rear. The layout of the house as constructed includes a fully glazed two storey element forming a divide between the original and extended house. This two-storey element is set off the party boundary wall by approx. 4.6m creating a small southeast facing courtyard. The glazed area at first floor serves a void area and landing, and not to any habitable rooms.
- 6.3.20. I am satisfied that the revised design proposals demonstrate that the proposed development meets the recommendations of the BRE guidelines and Standards 2022.
- 6.3.21. Reason for Refusal items c) and d) refer to the lack of appropriate assessment with respect to the potential noise and odour pollution from the development arising from the proposed change of use.
- 6.3.22. I have had regard to the report submitted prepared by Pure Engineering regarding kitchen equipment, extraction, noise etc. by way of RFI which provide for extract terminations located on the roof and would share the concerns raised by the PA in relation to noise and nuisance.

- 6.3.23. I have had regard to the revised proposals (submitted with the grounds of appeal) for a separate plant room proposed, and specifically Drawing No. O-151-ACP-202 titled Proposed ground and first floor service layout, Drawing No. O-151-ACP-302 Proposed elevations, and O-151-ACP-403 Proposed sections.
- 6.3.24. The first-floor plan now indicates a separate plant room with an area of 9sqm, located along the boundary with the adjoining commercial development. This plant room would accommodate AC condensers and AHU odour control and provided with an aluminium louvered wall along the rear elevation. It is noted that this area is furthest away from the residential property.
- 6.3.25. I have reviewed the report prepared by Waterman Moylan, Mechanical and Electrical Engineers submitted with the grounds of appeal. It concludes that, *'with modest revision to the original, the venting, odour filtration and noise control can be provided in a location and manner that will result in no impacts on residential amenities.'* I would concur with this assessment and consider the revised proposals address concerns raised by the PA in the reason for refusal.
- 6.3.26. I am satisfied that subject to these further interventions that the noise and odour nuisance can be managed and minimised such as to not seriously detract from the residential amenities of the adjoining dwelling. I would also note that the combined accommodation of plant reduces the requirement for external fans, ducts or other external plant which in my opinion is preferable in terms of visual amenity in the town centre.
- 6.3.27. I am therefore satisfied that issues raised in relation to noise and odour have been adequately addressed in the grounds of appeal.
- 6.3.28. I note there are currently two trees within the back garden of the existing appeal site one midway along the rear garden boundary with 'Merville', (which provides some screening), and the other to the rear adjoining the rear boundary with 'Hills Garage'. It is proposed to remove both, which I consider acceptable.
- 6.3.29. I note the existing party boundary wall between the appeal site and 'Merville' to the north is to be retained, and that it is proposed to provide timber panelling above to avoid overlooking as indicated on Drawing No. O-151-FI-302 submitted by way of RFI. This additional fencing is to be located along a section of the side pedestrian entrance to as far as the ground floor entrance to the extension at the rear. I

consider this appropriate and acceptable in terms of protecting the residential amenities of the adjoining residential property.

Summary

6.3.30. I am satisfied therefore, that the reason for refusal has been adequately addressed in the grounds of appeal and should not be upheld by the Commission.

6.4. Built Heritage

6.4.1. I can confirm from my site visit that the subject site is located at a prominent location on Church Road, close to the junction with Hillside Road, on the northwestern end of the town centre.

6.4.2. As previously noted, the appeal site is located within the Church Road Architectural Conservation Area, and the existing house is listed under the NIAH. It is one of a pair of semidetached dwellings (with 'Waverly') which are of architectural merit.

6.4.3. It is proposed to demolish a two-storey return with pitched roof, single storey lean to, and flat roof extensions located to the rear of the existing property. The two-storey return, single storey lean to, and flat roof extension immediately adjoin the commercial property to the southeast.

6.4.4. Importantly there are no changes proposed to the front elevation of the existing building. Drawings submitted by way of RFI clarify that the front boundary treatment will be retained.

6.4.5. The PA note the retention of the existing hardwood door, panel decoration and other features, and in terms of signage the PA also requested that the existing property name/lettering within the fanlight 'Menlo' be retained.

6.4.6. The proposed two storey extension to the side and rear will be only partly visible from the public realm along Church Road. This is primarily as the side extension is set back substantially (approx. 9.4m) from the front elevation and finished in render.

6.4.7. While I note no report was received from the Heritage Officer of the PA, I am satisfied that the proposed two storey extension to the rear will not detract from the architectural integrity of the existing building.

- 6.4.8. I share the concerns raised by the PA in relation to the height and design of the proposed extension in so far as it relates to the adjoining properties. That said, I also acknowledge the extent of the two-storey extension to the rear of the adjoining property 'Waverly' to the south which is in commercial use, and that of Hills Garage along the rear boundary to the west. These combined with substantial two storey extension to the rear of the residential property 'Merville' means that the site is largely enclosed on all sides.
- 6.4.9. Notwithstanding, revised drawing submitted in RFI indicates a reduction in height of the flat roof section of the two-storey element along the boundary with Merville such that it is at the same eaves level of the existing dwelling. I am satisfied therefore that the reduction in height proposed in the revised drawings submitted by way of RFI provide for a better relationship with that of the residential property to the northwest at 'Merville'.
- 6.4.10. I am satisfied that the proposed extension as modified by way of RFI is acceptable in terms of design and finishes and will not detract from the character of the existing house or the architectural character of the area.
- 6.4.11. Signage is proposed to the front plaster panel located above the ground floor central bay window. I note the PA in the RFI requested that the 'Menlo' lettering within the fanlight over the front door be retained. Revised elevation drawings submitted by way of RFI Drawing No. O-151-FI-302 indicate details in relation to same. If the Commission are minded granting permission a suitably worded condition in relation to signage can be attached.
- 6.4.12. The District Engineer of the PA queried whether the front boundary wall along the R762, Church Road, is to be retained, demolished or altered, stating that the wall should be retained in its current state. Revised drawings submitted indicate the retention of the front boundary wall as advised.
- 6.4.13. In response to the RFI the District Engineer of the PA noted that given the nature of the proposed change of use and increased footfall that the existing wall in the front garden of the property at the boundary with Church Road and the adjoining property 'Waverly' should be removed. It is recommended that the proposed paving in the front garden be permeable paving and should be of a similar design and colour to match the adjoining property 'Waverly', to ensure continuity of the public realm.

- 6.4.14. It is further recommended that soft planting, including trees, again similar in specification to the adjoining property 'Waverly' should be provided in the front garden of the property. There should a slight set back of any planting, bins, etc to ensure that the public footpath is effectively widened to the same dimensions as the adjoining property 'Waverly'.
- 6.4.15. I would note that the existing front boundary wall to the front of the appeal site is of no particular architectural merit and includes a pedestrian entrance in line with the front door and a vehicular entrance neither of which include gates. I see no difficulty in the removal of this front boundary wall, as in contrast to the front boundary of 'Merville' it does not benefit from original railings over a low plinth wall.
- 6.4.16. I can also confirm from my site visit that the works to the front of 'Waverly' are an attractive feature which helps improve the public realm and streetscape at this corner of Church Road. In my opinion therefore, a paving of a similar design and colour to match the adjoining property 'Waverly', would provide for the continuity and enhancement to the public realm, particularly in proximity to the bus stop and would represent a planning gain. If the Commission are minded granting permission this can be dealt with by way of a suitably worded condition.
- 6.4.17. A covered bin storage area is proposed within the front garden area along the shared boundary with the adjoining restaurant. It provides for six no. bins. I accept with the removal of the front boundary wall the design of this bin storage area will need to be given careful consideration.
- 6.4.18. I have examined Drawing No. O-151-FI-205 – Proposed Lighting Layout for proposed external lighting fittings details submitted by way of FI. Details of the five proposed floor mounted Georgian style lamps submitted are to be located either side of the pedestrian entrance from Church Road (two on each side) and at the access to the side gate. Wall mounted Georgian style lamp are to be placed either side of the entrance door and at the side entrance gate to the rear with three in total. I am satisfied that these wall mounted lamps are acceptable and would not detract from the character of the building, however I have concerns in relation to the number and location of the lamp posts.
- 6.4.19. Given the recommendation above to remove the front garden boundary to widen the public footpath, I am of the opinion that the no. of lamp posts would give rise to

visual clutter and potentially obstruction to pedestrians. I recommend therefore that the two lamp posts proposed closest to the public footpath be omitted. If the Commission are minded granting permission this can be dealt with by way of condition.

Summary

6.4.20. I am satisfied that the proposed change of use and two storey extension will not detract from the character of the existing house or the ACA and is in accordance with policy HER12 of the 2013-19 LAP, and the Wicklow County Development Plan 2022-2028.

7.0 AA Screening

I have considered the nature and scale of the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development comprises a change of use from residential to commercial and all site works as described in section 2 of this report. The subject site is not located within or adjacent to a European Site.

Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. This determination is based on:

- Small scale and domestic nature of the development
- Distance from European sites.
- Likelihood of indirect connections to the European sites.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Water Framework Directive

- 8.1. The subject site is located in the settlement of Greystones and is connected to the public water and wastewater services. The proposed development comprises a change of use from residential dwelling to commercial use, with construction of a two-storey extension to rear and side of existing dwelling. No water deterioration concerns were raised in the planning appeal.
- 8.2. I have assessed the subject proposal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 8.3. The reason for this conclusion is based on the small-scale nature of the development and its location in an urban settlement. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

9.0 Recommendation

I recommend that planning permission is **granted** for the proposed development.

10.0 Reasons and Considerations

Having regard to the town centre zoning objective contained in the current Greystones-Delgany and Kilcoole Local Area Plan (LAP) 2013-2019 which seeks to provide for and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to consolidate and facilitate the development of the central area, it is considered that the proposed development,

subject to compliance with the conditions set out below, would not seriously detract from the integrity of the existing structure or character of the area, and would not seriously injure the visual amenities of the area, or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the policies and objectives of the Wicklow County Development Plan 2022-2028 and with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 9th day of October 2024, as amended by the further plans and particulars submitted to the planning authority on the 3rd day of July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The primary function of the restaurant shall be for the sale of food, meals and refreshments for consumption on the premises and the unit shall not be used exclusively as a public house.

Reason: In the interest of preserving the amenities of the area.

3. The hours of operation shall be between 0900 hours and 2100 hours Mondays to Fridays inclusive and between 0900 hours and 2300 hours on Saturdays and Sundays or public holidays.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. (a) The noise level arising from this development shall not exceed the following limits when measured at the nearest noise sensitive receptors Monday to Sunday inclusive. No pure tones should be audible at any time.

Daytime (0700 to 1900 hours) – 55 dB(A) (Leq 1 hour)

Evening Time (1900 to 2300 hours) – 50 dB(A) (Leq 1 hour)

Night Time (2300 to 0700 hours) – 45 dB(A) (Leq 1 hour)

(b) As and when required by the planning authority, a survey of noise levels at monitoring stations on adjacent properties (to be agreed with the planning authority) shall be undertaken by an agreed professional (at the expense of the developer) and the results shall be submitted to the planning authority within one month of such a request.

The results of such surveys shall include, inter alia:-

- (i) Type of monitoring, equipment used, sensitivity or calibration evidence, and the methodology of the survey.
- (ii) Prevailing climatic conditions at the time of the survey.
- (iii) The time interval over which the survey was conducted.
- (iv) What machinery was operating at the time of the survey.

The results shall be submitted to the planning authority within two weeks of the survey date in each case. If the noise survey has not been carried out, or the results not submitted to the planning authority within one month, the planning authority shall arrange to have such a survey carried out and the cost of the survey shall be recouped from the developer.

Reason: In the interests of proper planning and sustainable development, residential amenity and to prevent noise pollution.

5. A revised Proposed Site Layout plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

This shall include the following;

- a. The existing front boundary wall in the front garden of the property at the boundary with Church Road and adjoining property 'Waverly' shall be removed.

- b. Proposed paving in the front garden shall be permeable paving and be of a similar design and colour to match the adjoining property 'Waverly'
- c. Soft planting, including trees, similar in specification to the adjoining property 'Waverly' shall be provided in the front garden of the property.
- d. There shall be a slight set back of any planting, bins, etc. to ensure that the public footpath is effectively widened to the same dimensions as the adjoining property 'Waverly'.
- e. The two lamp posts proposed closest to the public footpath shall be omitted.

Reason: To ensure the continuity of and enhancement of the public realm.

- 6. Details of materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 7. Signs shall be restricted to signage as indicated on RFI Drawing No. O-151-FI-302 submitted to the planning authority on the 3rd day, of July 2025. The 'Menlo' lettering within the fanlight over the front door shall be retained.

Reason: To protect the visual amenities of the area.

- 8. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission, other than the signage agreed under condition number 5 above.

Reason: To protect the visual amenities of the area.

- 9. The proposed plant room identified on BBA Drawings; 0-151-ACP-202 Ground and first floor service layout, and ACP-302 Proposed elevations, submitted with the appeal dated 21st August 2025 shall be implemented.

Reason: In the interest of residential and visual amenities.

10. No fans, louvres, ducts or other external plant shall be installed without the prior written agreement of the planning authority.

Reason: In the interest of public health.

11. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: in the interest of public health.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of integrated construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning

authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Susan McHugh
Senior Planning Inspector

9th February 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-323459-25
Proposed Development Summary	Proposed change of use from residential dwelling to commercial use. Construction of two storey extension to rear and side of existing dwelling (246m ²). Proposed signage to front elevation. Along with associated site works necessary to complete this development including service connections, boundary treatments and landscaping
Development Address	Menlo, Church Road, Greystones Co. Wicklow.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____