



An
Coimisiún
Pleanála

Inspector's Report

ACP-324086-26

Development	Section 254 street furniture license application for 4 Tables and 12 chairs, a free-standing arched cover and brassed post uprights with menu board and sculpture at entrance door to restaurant.
Location	9/10 Dawson St, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	SF61/2025
Applicant(s)	TIA Ireland Venture Ltd
Type of Application	S254 Street Furniture License
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	TIA Ireland Venture Ltd.
Observer(s)	None
Date of Site Inspection	07 May 2026
Inspector	Sandra Eapen

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. This application is made in relation to the premises of No. 9/10 Dawson St, Dublin 2, which is occupied by 'The Ivy Asia' Restaurant. There are Luas ticket machines, columns and signages located immediately in front of the site along the public footpath corridor. The clear width of the footpath available to the front of subject site for pedestrians when measured up to the rumble strip varies between a maximum of c.5.2m at the entrance of the building to a minimum of c. 2.4m from the Luas ticket machines.
- 1.2. The subject building is a Recorded Protected Structure (RPS 8780) within the Dublin City Development Plan 2022-28 with emphasis on the elevation along Dawson Street.

2.0 Proposed Development

- 2.1. This application sought a Section 254 street furniture licence from Dublin City Council (DCC) to place
 - 4 tables and 12 chairs, bound by timber planters erected behind the line of Luas ticket machines and signages covering an area of c.2.7m x c.9m (or c.25.15sqm).
 - A free-standing arched cover with brassed post upright (including menu board and sculptures) shown as extending c.3m deep and c.3.4m wide across the entrance (c.11.57sqm)

The total area covered is stated as c.36.57sqm.

3.0 Planning Authority Decision

3.1. Decision

On 18 December 2025, DCC decided to refuse license for this application on various grounds namely:

- Reduction of already limited pedestrian and Luas platform space.

- Inaccurate measurements on drawings
- Introduction of excessive street furniture
- Obstructing pedestrian movement along public footpath

3.2. **Planning Authority Reports**

3.2.1. The report from the Transportation Planning Division notes the following:

- The works are proposed on public footpaths within the control of DCC
- The submitted drawings denote inaccurate clear footpath width of 3.2m-3.9m.
- The proposal will reduce the clear width to c.2.2m to c.3.0m which will constrain the Luas operations here.
- This space is important to safeguard and accommodate pedestrian movement for various users with varying abilities in line with Policy SMT11 as well as passengers waiting for Luas
- Concerns are raised with regard to the extent of proposed furniture elements
- Proposed entrance archway and uprights would obstruct direct access to the proposed seating area requiring staff to carry food across public footpath.
- Recommends refusal due to the proposals impact on space available at Dawson Street Luas platform.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 Planning History

DCC Reg. Ref. WEB5253/25 – Planning permission was sought for modifications to existing shopfront including signage, fascia panels, amended entrance door etc altering permitted development Reg. Ref. WEB2295/25. **Additional Information** sought (dated 19 November 2025) - including the removal of proposed planter boxes, canopy and other items.

DCC Reg. Ref. WEB2295/25 – **Permission granted** (dated 5 September 2025) to renew previously permitted development (under Reg. Ref. 4716/18) for the use of c.851.7sqm of ground floor of 9-12 Dawson Street to a licensed restaurant and for the use of c.170sqm as staff toilets, changing and storage for the restaurant.

5.0 Policy Context

5.1 Dublin City Development Plan (2022-28)

The subject site is zoned under Zone Z5 City Centre with an objective “to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.” The following map-based objectives are relevant to subject site:

- No 9-10 Dawson Street is a Protected Structure (RPS No. 8780)
- Dawson Street is also protected as a special conservation area and falls within South City Retail Quarter ACA. This area excludes the subject building.
- Part of the site falls within the Record of Monuments and Places (RMP) zone.
- Figure 7.2 identifies Dawson Street as a Category 2 Street within the Retail Core.

Policy BHA2 (Development of Protected Structures) – supporting conservation and enhancement of protected structures and their curtilage.

Policy CCUV32 (Outdoor Dining) -Proposals for outdoor dining...will be supported where they would not harm local amenity or compromise pedestrian movement, accessibility needs or traffic conditions.

Section 15.17.4 Outdoor Seating and Street Furniture

Section 15.14.7.2 Restaurants/Cafes

Policy CCUV16 (Category 1 and Category 2 Streets) – seeks to promote active uses at street level on principal shopping streets in the city centre retail core having regard to the criteria for Category 1 and Category 2 streets.

Section 8.6 of Appendix 2 of Development Plan (Supporting Outdoor Dining)

Policy SMT11 (Pedestrian Network) seeks to ensure accessibility for all.

5.2 Natural Heritage Designations

South Dublin Bay SAC (Site Code 000210), and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), are located 3km east of subject site.

6.0 EIA Screening

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.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal against the PA's decision to refuse S254 license application. The grounds of appeal can be summarised as follows:

- An alternate arrangement is proposed by the applicant within the appeal to address the refusal reason issued by DCC. The applicant has agreed to omit the tables and chairs from the proposed outdoor seating area. The applicant has also agreed to push the line of planter boxes to the building line so as to create more room at the Luas stop. However, revised drawings are not included with the appeal.

- The applicant claims that the alternate layout will allow for sufficient room for pedestrians and Luas passengers and not hinder pedestrian movement here.
- The applicant claims that the restaurant needs a buffer along the window to ensure suitable dining experience for its patrons.
- It is claimed that the canopy structure to the front of the entrance door does not hinder pedestrian flow along footpath or Luas passengers.
- Alternate colour has been proposed for the canopy – black, to make it less noticeable along the façade.
- With the omission of dining area there will be no need for staff to carry food along the public footpath.
- Planters will add to the street appeal and improve biodiversity.
- The street furniture was set up on site to facilitate the opening of the restaurant in November 2025

7.2. Planning Authority Response

- No response on record

7.3. Observations

- No observations on record

8.0 Assessment

8.1. Introduction

- 8.1.1. The subject application is made under the provisions of Section 254 of the Planning and Development Act, 2000 (PDA), which relates to the licensing of appliances, advertisements, and cables etc. Subsection 5 under Section 254 states that ‘in considering an application for licence under this section, a planning authority or the Board on appeal, shall have regard –

- (a) the proper planning and sustainable development of the area,
- (b) any relevant provisions of the development plan, or a local area plan,
- (c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- (d) the convenience and safety of road users including pedestrians.

8.2. The proper planning and sustainable development of the area

- 8.2.1. This is a first party appeal, seeking annual street furniture license for an outdoor seating area (stated area c.25.15sqm) and entrance canopy structures (stated area c.11.57sqm) to the front of 'The Ivy Asia' Restaurant at 9/10 Dawson St, Dublin 2 covering a total stated area of c.36.57sqm. The building façade is setback by more than 5m from the edge of public footpath, as measured from the rumble strip along Dawson Street. The application made to DCC included proposals for a seating area comprising of 12 chairs and 4 tables, line of timber planters (c.0.5m tall, c.0.4m wide) located behind the existing Luas machines and signages. A freestanding arched cover with braced post uprights (c.3.7m tall, c.1.37m wide), menu board (c.1.8m tall, c.0.95m wide) and 2no. sculptures with footing (c.2m tall, c.1.145m wide) are proposed at the entrance to the building. The proposed operational hours are from 11:30am to 11:30pm.
- 8.2.2. DCC refused the proposal following the recommendation made by its Transportation Planning Section, citing, reduction of already limited pedestrian and Luas platform space. The report from the Transportation Planning Section of DCC, raises serious concerns regarding the extent and scale of the proposal as well as its impact on the busy Luas stop. Issues raised include incorrect dimensions on submitted drawings and significant compromise of pedestrian access along the footpath. The appeal grounds submitted has not commented, specifically on these.
- 8.2.3. To address the refusal reason from DCC, the applicant has suggested the omission of the proposed seating area, consisting of 4 tables and 12 chairs, to the front of the building. However, revised drawings showing the changes are not included in the appeal. Therefore, if permission is considered for the amended development by the commission, the changes would have to be addressed by conditions. No changes are being proposed to the entrance canopy structures. Some of the proposed

structures, such as the entrance canopy and planter boxes were found to be already in place on site visit. The commission shall note that the applicant has not sought retention permission for these.

- 8.2.4. The subject site is located within City Centre - Zone Z5 which seeks to identify, reinforce, strengthen and protect its civic design character and dignity. Restaurant use is listed as a permitted use under Z5 zoning in the development plan. The principle of street furniture addition to a permitted Restaurant use is considered to be acceptable in principle at this site, subject to compliance with other relevant policy objectives set out in the Development Plan

8.3. **Any relevant provisions of the development plan, or a local area plan**

- 8.3.1. Policy CCUV32 promotes the provision of outdoor dining areas in locations where they would not harm local amenities or compromise pedestrian movement, accessibility needs or traffic conditions. Section 15.17.4 of the Development Plan also sets out specific criteria for assessing Outdoor Seating and Street Furniture licence applications made under Section 254 of the PDA, mainly in relation to, the scale of proposals; concentration of already existing street furniture; visual impact; impact on streetscape; effect on amenities; impact on access and visibility. The refusal reason from DCC cite the extensive scale of proposed structures, further obstruction to pedestrian movement and reduction of already limited Luas platform space. The proposal will result in a reduction of useable footpath width at the entrance from c.5.2m to c.3.2m. The proposals would significantly increase the number of obstructions to pedestrian movement across the site given the number of Luas equipment already existing to the front of the site.
- 8.3.2. The building on site is a Protected Structure (RPS 8780) with the external façade noted as its most important architectural feature. The 1970's office building, with its glazed façade and stone bands is considered to be a fine example of modern Irish architecture. The protected status of the building is not noted in the application documents or in the Planning Authority's assessment. Section 57(10)(a) of the PDA provides that a planning authority or the Board on appeal in considering any application for permission in relation to a protected structure, to have regard to the protected status of the structure. Policy BHA2 of the Development Plan seeks to

conserve and enhance protected structures and their curtilage. The excessive scale of the proposed street furniture was noted within the refusal reason by DCC. The applicant has suggested an alternate arrangement which will see a reduction in the number of street furniture items being placed to the front of the building and a less notable colour for the entrance canopy. Given the modern architecture expression of the building, I consider the scale and design of the proposed street furniture items to detract from its special architectural character contrary to Policy BHA2. This is a new issue, and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

8.4. The number and location of existing appliances, apparatuses or structures on, under, over or along the public road

8.4.1. The subject application site is located within the immediate context of a busy Luas stop. There are currently 2 no. ticket machines, 2 no. ticket validation poles, 1 no. signage, 1 no. bin and other structures located directly to the front of the building. Given the presence of considerable number of Luas equipment's within immediate site context, I consider the addition of subject street furniture to lead to a proliferation of appliances, apparatuses or structures on, under, over or along this section of the public road.

8.5. The convenience and safety of road users including pedestrians.

8.5.1. The existing Luas ticket machines, signage and poles to the front of the building reduces the clear width of the pedestrian corridor to 2.5m (on average). Although, all the proposed street furniture is located behind this line of existing Luas apparatus, the addition of proposed structures will extend the reduction of useable footpath and add to the number of obstructions across the pedestrian corridor at this location. On my site visit I noticed passengers waiting for Luas, going behind this line of ticket machines to avoid obstructing the busy pedestrian corridor here. If the proposed outdoor seating area is implemented, all the passengers that are waiting for Luas will be forced onto the remaining footpath resulting in considerable obstruction of pedestrian movement here. As per the submitted drawings, there is no direct connection between the entrance and the proposed seating area. Staff carrying food

will thereby be forced onto the public footpath to attend to the patrons seated outside. The total depth of the proposed structures at the entrance to the building would amount to c.3m, resulting the reduction of available footpath width from c.5.2m to c.2.2m, when measured up to the rumble strip here. The substantial reduction in useable pedestrian corridor is also likely to impact accessibility for people with mobility impairments, disabilities, elderly and people with children contrary to Policy SMT11(Pedestrian Network) of the Development Plan.

8.5.2. In the revised arrangement, the applicant has suggested to omit the proposed seating area and to only provide the entrance canopy structures. It is acknowledged that with the omission of the outdoor seating area, the restaurant staff would not have to walk across the pedestrian footpath to serve food. The applicant has also agreed to push back the line of wooden planter boxes to the building line to improve pedestrian space here. Since the proposed planters are situated behind the Luas machines, these amendments are unlikely to result in any significant improvement to the useable footpath width here but will improve the space available for waiting Luas passengers. However, no revised drawings have been submitted in support of these amendments. The appeal grounds state a requirement for a visual screening for patrons dining within the premises. However, it is my view that this can be addressed internally within the building envelope without any external features. I note that no changes are being proposed to the scale or depth of proposed entrance canopy structures (c.3m). I therefore consider the amended proposals to still have substantial negative impact and compromise the pedestrian movement along this section of the street.

8.6. Conclusion

8.6.1. I acknowledge that the revised arrangement, with the omission of outdoor dining facilities, to address some of the concerns raised by the Planning Authority in the refusal reason. However, the footprint and scale of the proposed entrance canopy and associated structures across the public footpath (reduction of depth by 3m) are the same and will still result in significant reduction of usable pedestrian area available at the entrance. Having regard to the significance of the adjacent footpath as a Luas stop and possible obstruction of pedestrian flow from the proposed canopy structure, I consider the proposals to have a significant adverse impact on the

convenience and safety of pedestrians at this location contrary to Policy CCUV32 (Outdoor Dining) of the Development Plan. The proposals are likely to negatively impact the special architectural character and appearance of the Protected Structure contrary to Policy BHA2 (Development of Protected Structures) within the Development Plan. I therefore recommend that permission be refused for the proposed street furniture license.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not located within a designated site, with the nearest site being South Dublin Bay SAC (Site Code 000210), and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) located 3km to the east.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
 - Scale and size of the proposed development within an existing urban setting.
 - The lack of connections to the SAC.
 - Connection to public water, drain and sewer.
- 9.5. 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 (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that permission be refused for the street furniture license application.

12.0 Reasons and Considerations

1. Having regard to the proximity of the site to a busy Luas stop, the width of the adjoining public footpath, and the pattern of pedestrian movement here, the scale of the proposed outdoor furniture items and the area covered by them is considered to be extensive, compromising pedestrian movement across the footpath contrary to the provision of Policy CCUV32 (Outdoor Dining) and likely to impact the mobility for differently abled people along the public corridor contrary to Policy SMT11 (Pedestrian Network) of the Dublin City Development Plan 2022-18. To grant a licence for the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the protected status of the subject building, the proliferation of street furniture at this location is considered to have a detrimental effect on the special character of the Protected Structure (RPS 8780) and will thereby contravene Policy BHA2 (Development of Protected Structures) of the Dublin City Development Plan 2022-28.

Sandra Eapen
Planning Inspector

13 May 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ACP-324086-26		
Proposed Development Summary	Street furniture license		
Development Address	9-10 Dawson Street, Dublin 2		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		State the Class here.	Proceed to Q3.
No	X		X
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Sandra Eapen

Date: 13 May 2026