



An  
Coimisiún  
Pleanála

# Inspector's Report

**PL-500432-DF-25**

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<b>Development</b>	Retention of conservatory extension, use of landscaped yard and awning with all associated site works.
<b>Location</b>	Myos Pub, Castleknock Road, Castleknock, Dublin 15, D15VY32.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	FW25A/0405E.
<b>Applicant(s)</b>	Swanheavey Inns Ltd.
<b>Type of Application</b>	Retention.
<b>Planning Authority Decision</b>	Grant retention with conditions.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	David Hughes.
<b>Observer(s)</b>	Patricia & Tony Sheehan Evelyn Pender & James Anderson Declan Mescall.
<b>Date of Site Inspection</b>	1 <sup>st</sup> April 2026.

28<sup>th</sup> April 2026.

**Inspector**

Des Johnson

## 1.0 Site Location and Description

- 1.1. Myos public house is located in Castleknock Village. The site fronts on to Castleknock Road to then north and to the west on to College Road. The southern site boundary is with No.1, College Road. Flat roofed storage areas bound the site with No.1, College Road. Adjoining these is an open area with awning which appears to be a smoking area for patrons of the public house; there were no tables or chairs in this area at the time of inspection (15.40hrs on Tuesday 28<sup>th</sup> April). Next to this area is a corridor linking the car park to the College Road frontage. Tables and seating were in this area at the time of inspection.
- 1.2. On the opposite side of Castleknock Road to the subject site is commercial development, including estate agents, petrol station and Castleknock Village Centre.
- 1.3. There is a large carpark serving Myos public house on the eastern side of the total land ownership but excluded from the public house which is outlined in red on the submitted drawings.

## 2.0 Proposed Development

- 2.1. There are several elements to the proposal for retention as follows:
  - Retention permission for the use of the conservatory extension on the south side of the public house as part of the public usable space of the licensed premises
  - Retention permission for the use of the landscaped yard to the south of the public house as part of the usable space of the licensed premises
  - Retention permission for as constructed awning to the south elevation of the said public house, with enclosed landscaped yard.
- 2.2. The area of the conservatory is stated to be 37sqm, and the landscaped yard is stated to be 79sqm. The retractable awning is stated to measure c.6.7m by c.12.8m. The gross floor area to be retained is stated to be 117sqm, and the site area is 0.078ha. The red line showing the application site outlines the existing bar and lounge, associated stores and the subject conservatory and area covered by the awning. The 'land ownership' is outlined in blue and includes the associated car park.
- 2.3. The legal interest of the applicant is stated to be occupier.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority granted permission for retention subject to 7 conditions.

##### 3.1.1. Conditions relate to the following:

1. Clarity
2. Clarity
3. Operating hours
4. Restricted hours for broadcasted music
5. No additional lighting, signage etc. without a prior grant of planning permission
6. Surface Water drainage requirements
7. Financial Contribution – public services and facilities.

#### **3.2. Planning Authority Reports**

##### 3.2.1. Planning Reports

The site is in an area zoned 'TC' with the objective 'to protect and enhance the special physical and social character of Town and District Centres and/or improve urban facilities'. The adjacent lands to the south and east are zoned 'RS' Residential. The development is permissible under the zoning subject to compatibility with other policies and objectives of the Development Plan. Submissions were received both in support of the proposal and objecting to the proposal and were considered. There are no visual amenity concerns. The development has the potential to cause disruption to the residential amenity of 1, College Road, and it is appropriate to place a condition restricting hours of operation and types of activity to be carried on within the outdoor area. These restrictions will enable the development to be retained and become more compatible with surrounding residential uses and protect residential amenity. No architectural conservation matters arise. Additional parking is not required as existing

car parking provision is capable of serving the existing development. Permission is recommended subject to conditions.

### 3.2.2. Other Technical Reports

- Water Services – no objection subject to conditions.
- Transportation Planning – no objection
- Conservation Office – no objection.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Submissions were submitted to the planning authority both in support of the retention proposal and objecting to the proposal. The planning authority report notes that these were considered when assessing the proposal.

## 4.0 Planning History

4.1. **Reg Ref: 90A/1176** – Permission for new elevational treatment, alterations and extension to Myos Pub. Subject to 11 conditions. Conditions 5 and 6 read as follows:

5. That the conservatory area extension shall be used only for access, and not as part of the public usable space at the licensed premises in accordance with a letter submitted as additional information dated 24/9/90.

**Reason:** In the interest of the proper planning and development of the area.

6. The feature landscape area shall be developed as a visual feature which shall not be used as a “beer garden” or as part of the public usable space of the licensed premises in accordance with a letter received as additional information dated 24/9/90.

**Reason:** In the interest of the proper planning and development of the area.

4.2. **Reg Ref: FW 19A/0204** – Permission refused at Myos Pub for removal of 2 existing Myos Pub signboards and 3 existing flagpoles, to replace a single Myos Pub signboard (digital). The single reason for refusal, in summary, stated that by reason of its size, design and format, its freestanding nature, and prominent location adjacent to Castleknock Road within Castleknock Village, the development would have an unduly

negative impact on the character and visual amenities of the area, and would contravene Objective DMS 11 of the Development Plan.

4.3. Enforcement File 22/084B is 'active'.

## 5.0 Policy Context

### 5.1. Development Plan

The Fingal Development Plan 2023-2029 is the statutory plan for the area. It came into effect on 5<sup>th</sup> April 2023.

The site is within an area zoned 'TC' – Town and District Centre - with the objective 'to protect and enhance the special physical and social character of Towns and District Centres and/or improve urban facilities'. Pub is a 'permitted use' in principle.

The Vision for the 'TC' zoned areas includes maintaining and building on the accessibility, vitality and viability of the existing Urban Centres in the County, developing and consolidating these centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and enhancing and developing the urban fabric of these centres in accordance with the principles of urban design, conservation and sustainable development.

The adjoining housing on College Road is zoned 'RS' - Residential. The objective for this zoning is to *provide for residential development and protect and improve residential amenities*.

The site is within Castleknock Architectural Conservation Area (ACA).

### 5.2. Natural Heritage Designations

South Dublin Bay & River Tolka Estuary SPA & pNHA – c. 9.5km to the east

South Dublin Bay SAC – c.10.8km to the south-east.

## 6.0 EIA Screening

6.1. The proposal is for the retention of a conservatory and a landscaped yard, and for an as constructed awning as part of the usable public space at an existing public house. The

development is not of a Class for the purposes of Schedule 5. As such, the development is excluded at pre-screening stage.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

These may be summarised as follows:

- The use of the conservatory extension area as part of the public usable space for the licensed premises is contrary to Condition 5 of Reg Ref 90A/1176.
- The use of the visual feature landscape area as a beer garden/part of the public usable space for the licensed premises is contrary to Condition 6 of Reg Ref 90A – 1176. The recent decision is in direct contradiction to Ref: 90A/1176.
- The construction of an awning at the public house covering the visual feature landscape area is without the benefit of planning permission
- The yard has been transformed into a covered space extending to c.50 feet x 60 feet i.e. 3,000 square feet of usable space accommodating a very large number of people. In effect this is a covered yard, and its use has a profound impact on the appellants. The permission granted brings the location of 100 customers or more to within 5 metres of the appellant's bedroom.
- For many years the yard has been the source of ongoing disturbance and nuisance, and the appellant's health has suffered. At times the appellant's house has become unliveable. There is late night use most weekends up to 1.30am and beyond. It is often 2.00am before customers finally exit the car park.
- An Enforcement Notice has issued initiating High Court proceedings in June 2025. The High Court Number is 2025/285HMCA.

### **7.2. Applicant Response**

This may be summarised as follows:

- Enforcement matters are not open to consideration by the Commission. The Commission's jurisdiction is confined to an assessment of the planning merits of the proposed development. Reference is made to *Boland v An Bord Pleanála* in this regard.
- The floor areas quoted by the appellant are not supported by evidence that they are accurate. Also, the number of people using the subject area is not supported by evidence.
- The closest areas to the appellant's premises are storage areas.
- No noise monitoring has been engaged by the appellant and there is no proof or evidence that noise disturbance exists.
- The habits of patrons and practices of pubs have changed since 1990 e.g. smoking ban. Having an indoor smoking area enhances the experience of patrons. It would be unreasonable to expect no change since the 1990 permission was granted.
- There is no evidence submitted to show that the development has given rise to health issues.
- The appeal could be considered vexatious and invalid.

### 7.3. **Planning Authority Response**

Having reviewed the grounds of appeal, the planning authority concurs with the original decision and conditions attached. Conditions limit the operational use of the outdoor area to limit any negative impact on residential amenity. The planning authority were aware of the High Court Record on the site. In the event of permission being granted, provision should be made for a financial contribution and/or provision for any shortfall in open space, and any Special Development Contributions required. Conditions should also be included where a tree bond is required.

### 7.4. **Observations**

- There are 3 Observations relating to the appeal on file.

#### **Observation 1**

This may be summarised as follows:

- Myos is more than a pub and is an integral part of the social and cultural fabric of Castleknock for many years. It is in the heart of the village. It collaborated closely

with local community voluntary groups to enhance the spirit, character and character of Castleknock.

- The conservatory extension and landscaped yard have been in existence for many decades.
- The development serves patrons who smoke and have no option but to step outside. The development is needed for safety reasons and to prevent the risk of drinks being tampered with when left unattended.
- The roof awning is a proactive effort to address potential noise concerns. Noise assessments carried out in the past have all shown compliance with noise levels.
- Choosing to live close to an established public house, one could expect to experience a certain level of activity and associated noise. Myos predates occupancy in the area by many nearby residents, including the 3<sup>rd</sup> Party appellant.
- Refusal is very likely to lead to potential job losses and the loss of a much needed community amenity.

## **Observation 2**

This may be summarised as follows:

- The retention application is key to the survival of the applicants' business survival and the retention of a key business in Castleknock. Myos is intrinsic to the character of the village.
- The social benefit of pubs cannot be underestimated.
- It is understood that the smoking area has been in place since 1990, and there is one noise complaint.
- Noise monitoring has been undertaken by both the applicants and Fingal County Council, and neither showed noise exceeding normal levels. The awning over the smoking area mitigates noise. Forcing smokers on to the street would be an unreasonable and unsafe expectation. Tampering of unattended drinks poses a threat to customers, particularly women.
- Trees along the boundary with the appellant act as a buffer.

- The Myos car park is of great value to the village and of value to other businesses.
- Myos supports local community groups and is a place to meet for tea and coffee. Myos is an important contributor to the National Tidy Towns.
- No one living in a city should expect silence.

### **Observation 3**

- The conservatory, landscaped yard, and awning are valuable features, and an attractive place for the community to meet and socialise.
- Myos facilitates a local voluntary group, free of charge, who maintain the look and vibrancy of the village.
- The design and landscaping blend well with the surroundings.
- Noise monitoring has been undertaken by both the applicants and Fingal County Council, and neither showed noise exceeding normal levels.
- The development supports social activity and promotes the character of the village. It is in line with the County Development Plan.

## **7.5. Public Representation**

This is submitted by a Councillor for Castleknock and may be summarised as follows:

- The Commission is urged to uphold the planning authority's decision and the conditions attached.

## **8.0 Assessment**

8.1. The proposal is for retention of the following:

- The use of conservatory extension on the south side of Myos public house as part of public usable space of the licensed premises
- The use of landscaped yard to the south of Myos public house as part of the usable space of the licensed premises

- As constructed awning to the south elevation of Myos public house with enclosed landscaped yard

The conservatory area is stated to be 37sqm and the landscaped yard is stated to be 79sqm. The retractable awning is stated to measure c.6.7m x c.12.8m. The site area is 0.078ha. The applicant is stated to be the occupier.

- 8.2. The planning authority has granted permission subject to 7 conditions. In addition to standard type conditions clarifying the development being permitted, other conditions restrict operating hours to between 1200hrs and 2300hrs Monday-Saturday and 1230hrs-2300hrs Sundays, prohibit amplified music or other broadcast sound between 2200hrs and 0700hrs, prohibit any additional signage, lighting etc without prior grant of planning permission, set out surface water drainage requirements, and require a financial contribution in respect of public infrastructure and facilities.
- 8.3. There is a Third Party appeal from an adjoining resident. The grounds of appeal state that the development is contrary to conditions of a previously granted planning permission under Ref: 90A-1176, the awning covering the visual feature landscape area is without planning permission, the covered space brings 100 customers or more to within 5 metres of the appellant's bedroom causing ongoing disturbance and nuisance and health issues, the appellant's house has become unliveable, and that High Court proceedings were initiated in June 2025.
- 8.4. In response, the applicant states that Enforcement matters are not for the consideration of the Commission who are confined to an assessment of the planning merits of the proposal, grounds of appeal are not supported by accurate evidence, the closest areas to the appellant's property are storage areas, there have been changes to the practices of public houses since the permission of 1990, and the appeal could be considered vexatious and invalid.
- 8.5. Three observations have been submitted supporting the proposed retention. These contend that Myos is a valuable and important community facility in Castleknock and refusal could impact on its commercial viability, the location is in a Town Centre and increased levels of activity should be expected, the development provides for smokers and also safety for patrons from potential tampering of drinks.
- 8.6. I consider that the key issues to be addressed are as follows:

- Status of appeal
- Policy issues
- Planning history
- Visual amenity
- Residential amenity
- Other Issues

### **Status of appeal**

- 8.7. The applicant contends that the appeal lodged against the planning authority's decision could be considered vexatious and invalid. I do not agree with this contention. I consider that the grounds of appeal raise important planning matters to be assessed by the Commission, and that the appeal should not be considered as either vexatious or invalid. The Commission has acknowledged receipt of the appeal and stated that it will be considered under the Planning and Development Act 2000 (as amended).
- 8.8. The issue of enforcement is raised by the appellant. The enforcement function is assigned to the planning authority and An Coimisiún Pleanála does not have any enforcement function.

### **Policy Issues**

- 8.9. The site is located in Castleknock centre which is zoned 'TC' Town and District Centre. The objective for this zoning is to *protect and enhance the special physical and social character of town and district centres and/or improve urban facilities*. A public house is a permitted use under this zoning, subject to compatibility with other policies and objectives of the Development Plan.
- The site is within Castleknock Architectural Conservation Area (ACA) whereas the adjoining residential development to the south is outside the designated ACA. I consider that the proposed retention does not have any adverse impacts on the ACA.
- 8.10. There is an existing extensive car parking area to the east side of the public house, But is not included in the application site. The Transportation Planning section of the planning authority has raised no objection to the proposed retention.

### **Planning History**

8.11. Under Reference; 90A/1176 permission was granted for development referred to as 'new elevational treatment, alterations and extension to Myos public house'. This permission attached conditions prohibiting the use of the conservatory extension as part of the public usable space at the licensed premises and prohibiting the use of the feature landscape area as public usable space as part of the licensed premises. The decision to grant permission was made following the submission of Additional Information in response to the following request:

*The proposed development is located in close proximity to existing housing. The plans provide for a conservatory opening on to a landscaped area and also 'an area for bands'. The applicant is requested to submit any proposals he may have which would satisfy the planning authority that adjoining houses would not be adversely affected by nuisance or otherwise.*

The response to the Additional Information request or drawings for the 90A/1176 development are not on file.

The planning authority's decision on Ref: 90A/1176 was not appealed.

8.12. Notwithstanding the above comments, it is reasonable to conclude that the use of the conservatory extension and feature landscape area as usable space as part of the licensed premises in contrary to Conditions 5 and 6 of Ref: 90A/1176. The current proposal is aimed at overcoming the restriction applied by the two conditions in light of the changed operational circumstances relating to the pub trade. Contravention of a previous planning condition is not, in itself, a ground for refusal and there is no restriction on the making of an application seeking to amend such a condition.

Based on the information available on file, the use of the conservatory extension and landscape area as usable space as part of the licensed premises has operated over a significant period. However, this use is unauthorised and the fact that it has operated over a significant period should not be an influential factor in assessing the proposal the subject of this appeal.

### **Visual Amenity**

8.13. The conservatory area, landscape area and awning are all set back from view from the public roads adjoining the site and have no significant visual impact in the area. I agree with the planning authority view that no architectural conservation matters arise.

## **Residential Amenity**

- 8.14. I consider this to be the key issue in this appeal. The site is within an area zoned 'TC' for Town and District Centre and public house use is permissible under this zoning, subject to compatibility with other policies and objectives of the Development Plan. The application site adjoins existing residential development to the south and which is zoned 'RS' Residential with the objective to *provide for residential development and protect and improve residential amenity*. While I concur with the planning authority view that the development has the potential to cause disruption to residential amenity, I submit that the proper planning and sustainable development of the area would allow for pub use and associated activities in this commercial location, and that undue disruption to residential amenity may be controlled by way of appropriate restrictive conditions.
- 8.15. A significant change to public house operations since the 1990 permission (Ref: 90A/1176) was brought about with the introduction of the smoking ban. The proposal provides a segregated area covered by an awning for patrons to smoke. The grounds of appeal contend that this has resulted in late night noise adversely impacting on residential amenity.
- 8.16. The planning authority decision conditions the operating hours to between 1200hrs and 2300hrs on Monday to Saturday, and 1230hrs and 2300hrs on Sundays. It also prohibits amplified music or other broadcast sound between the hours of 2200hrs and 0700hrs.
- 8.17. Having regard to the proximity of the residential property to the south, which has a first floor bedroom overlooking the development to be retained, I submit that the restriction on the operating hours, as attached in the planning authority's decision is appropriate in order to protect residential amenity.
- 8.18. I consider that the condition prohibiting amplified music or other broadcast sound between the hours of 2200hrs and 0700hrs is generally reasonable but should be extended to between the hours of 2200hrs and 0900hrs to protect residential amenity.

## **Other Matters**

- 8.19. There is reference to previous noise monitoring made by an observer but there are no details of such monitoring, or the outcome of such monitoring, on file. The appellant

contends that ongoing disturbance and nuisance from the development have had an adverse impact on his health but there is no convincing supporting evidence on file.

## 9.0 **AA Screening**

9.1. Having considered the nature, scale and location of the development proposed for retention, I am satisfied that it can be eliminated for further assessment because it could not have any effect on a European site. The reason for this conclusion is having regard to the nature and limited scale of the development, location in an established village area, and the distance from and absence of connectivity to European sites.

## 10.0 **Water Framework Directive**

10.1. The subject site is located in Castleknock. The development relates to the retention of a conservatory, landscaped yard area and awning as part of an established public house complex. No water deterioration concerns are raised in the appeal. I have assessed the development in the context of the objectives of the Water Framework Directive. Having regard to the nature, and location of the development in an established urban setting, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitatively.

## 11.0 **Recommendation**

11.1. I recommend that planning permission for retention be granted subject to conditions.

## 12.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposal for retention, the established use of the site as a public house, the location of the site in an area of Castleknock Village containing extensive commercial development and zoned 'TC' Town and District Centre in the Fingal County Development Plan 2023-2029, it is considered that subject to compliance with the attached conditions, the development would be consistent with the Zoning Objective and Vision for the area as set out in the Development Plan, is visually acceptable, would not have an undue adverse impact on the residential amenity of

property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

### 13.0 Conditions

1. The development shall be retained in its entirety in accordance with the plans, particulars, and specifications lodged with the application, save as may be required by other conditions attached hereto.

**Reason:** In the interest of clarity.

2. The permission relates solely to that detailed in the public notices and does not refer to any other aspects of the development that may be shown on the lodged plans.

**Reason:** In the interest of clarity.

3. The operating hours of the external landscape yard shall be as follows:

Monday-Saturday: 1200hrs to 2300hrs

Sunday 1230hrs to 2300hrs.

Any changes to these times shall be the subject of a separate planning application.

**Reason:** In the interest of clarity and the protection of residential amenity.

4. No amplified music or other sound shall be broadcast from the premises between 2200hrs and 0900hrs. No amplified music shall be broadcast at any time in the conservatory or landscape area covered by the awning. The hours of amplified music or other sound to be broadcast may be reviewed at any time by the planning authority and adjustments shall be made accordingly by the operator of the premises.

**Reason:** In the interest of residential amenity.

5. The development shall be in accordance with the planning authority's requirements for surface water drainage.

**Reason:** In the interest of public health and the proper planning and sustainable development of the area.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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 in such phased payments as agreed with the planning authority and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

**Reason:** It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the planning authority and which is provided, or which is intended to be provided by, or on behalf of the local authority.

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.

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Des Johnson  
Planning Inspector

30 April 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500432-DF-25
<b>Proposed Development Summary</b>	Retention of conservatory, landscaped yard area, and awning, providing public useable space attached to an established public house, and for public use associated with the public house.
<b>Development Address</b>	Myos Pub, Castleknock Road, Castleknock, Dublin 15, D15 VY32.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1.	
<b>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?</b>	

<input checked="" 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. <b>No Screening required.</b>	
<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

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