



Development

PROTECTED STRUCTURE:

RETENTION & permission for installation of retractable canopies to shopfronts, 1 no. set back bay, canvas wind-breaks to boundary of seating area, retention of external seating areas and associated works.

Location

Public House "The Merry Cobbler", Nos 78, 80 and 82 Irishtown Road, [on the corner with Barrack Lane] (Protected Structure), Dublin 4, D04 H6W7

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

WEB5685/25

Applicant(s)

Stafford Arms Limited

Type of Application

Retention

Planning Authority Decision

Refuse Retention

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Stafford Arms Limited

Observer(s)

None

Date of Site Inspection

16/4/2026

Inspector

Sandra Eapen

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1.0 Site Location and Description

- 1.1. The subject site is located on the eastern side of the Irishtown Road, at the junction with Barrack Lane in Dublin 4. The existing building on site is a public house and Protected Structure (RPS Ref 4006).
- 1.2. The main building is a 2 storey, 5-bay, structure addressing Irishtown Road, with additional recessed 2- storey element addressing Barrack Lane to its north. The exterior typically features rendered finishes, sliding sash windows at first floor level, timber shopfront, fascia and cornice detailing. There is a large area to the front and side entrance of the public house, part of which is currently being used as an external seating area by the public house, and the remaining area functions as a wide pedestrian zone along Irishtown Road.
- 1.3. The surrounding area comprises of a mix of commercial and residential uses. To the immediate south of the site, the subject building adjoins two residential dwellings, that are similar in height and scale. These dwellings are set further back from the building line of the public house and includes front gardens that are bound by low walls and cast-iron railings.

2.0 Proposed Development

- 2.1. The applicant is seeking retention permission for the existing external seating area to the front and side of the building.

Planning permission is being sought for the following works

- The installation of 3 no. traditional retractable canopies (2 no. along the existing shopfront and 1no. along the recessed element addressing Barrack Lane).
- The provision of canvas windbreaks along the boundary of the proposed seating area
- The replacement of existing unauthorised wooden barrels and high stools with conventional tables and chairs (5 no. tables).

The Commission shall note that although the statutory description for the application notes the provision of new canvas windbreaks along the boundary of the proposed seating area, the submitted drawings only show glazed partition screens.

The applicant in their appeal has not modified the proposals.

3.0 Planning Authority Decision

3.1. Dublin City Council (DCC) made the decision to refuse the proposed retention and permission for these works citing a single refusal reason. The refusal reason is as noted below

‘The proposed replacement of existing unauthorised outdoor furniture is considered wholly unsympathetic and is an inappropriate intervention to the front of this Protected Structure, thereby having a significant adverse visual impact and causing serious injury to the special architectural character and setting of the Protected Structure, the adjoining protected structures and the historic streetscape. The proposal is contrary to Policies BHA2 (b, d, and e) of the Dublin City Development Plan 2022-2028 and would create an undesirable precedent for similar type development. The proposal would devalue property in the vicinity and would be contrary to the proper planning and sustainable development of the area.’

3.2. Planning Authority Reports

3.2.1. DCC Planning Reports notes the following:

- The site is located within the Z2 zoning objective and also falls within a red hatch special conservation area. The site is within proximity of St Mathews Church (a protected structure RPS Ref 4007).
- While Policy CCUV32 within the Dublin City Development Plan 2022-28 supports the development of outdoor dining/trading areas, the proposed seating area and canopies were considered to have material impacts to the premises of a protected structure and the character of the area.
- The Conservation Office considered the proposed works to contravene Policy BHA2 of the Dublin City Development Plan 2022-28 regarding items b, d and e.
- Submissions received at planning stage, regarding possible noise nuisance disturbances, were considered to be mitigatable through appropriate conditions.

- A refusal was considered necessary by the Planning Officer, given the sensitive character of the site and serious concerns raised by the Conservation Officer in their report.
- AA and EIA was screened out.

3.2.2. Other Technical Reports

- Conservation Officers Report: recommends refusal as the works would continue to have a significant adverse visual impact on the special architectural character and setting of the Protected Structure. The report also states that the proposed seating area has encroached the public footpath on the corner of Barrack Lane. The Conservation Officer's report also deems the proposed traditional awnings to be not in line with the DCC Shopfront Design Guidelines and thereby is deemed to contravene Policy Objective BHA2 (b,d and e) of the Dublin City Development Plan 2022-28.
- Transport Planning Division: Considered the proposal to be acceptable and unlikely to impact existing pedestrian arrangements in the locality. Standard conditions were recommended to be attached if a grant of permission was considered.
- Drainage Division: Recommends no objection subject to standard drainage conditions.
- Environmental Health: Recommends no objection subject to standard conditions that would restrict music played externally.

3.3. Prescribed Bodies

None.

DCC had notified An Taisce and Uisce Eireann at the application stage. No response was received.

3.4. Third Party Observations

None.

Two observations were received by DCC at Planning Application stage.

4.0 Planning History

- 4.1. The following planning decisions are relevant to this site:
- 4.2. ABP. 313566 (PA. Ref. 0098/22) S5 Declaration – **Is not exempt development** (Dated 02.11.2023) for the placing of 2 no. free standing detachable steel framed and roofed structures, including barrels, benches and planters on private landholding to the front of the Merry Cobbler, 78-82 Irishtown Road, Dublin 4. The proposed works were considered to materially affect the character of the protected structure and to constitute an increase in floor area of the existing building.
- 4.3. ABP.303282 (PA. Ref. SF/552) S254 Licence Application - **Permission refused** (dated 02.05.2019) for a licence to the placement of street furniture outside of Gastropub at the Merry Cobbler, 78-82 Irishtown Road, Dublin 4. Refusal Reason cites that the proposed work would injure existing residential amenities and would be contrary to the proper planning and sustainable development of the area.
- 4.4. PA Ref. 4585/17 – **Refuse retention permission** (dated 22.02.2018) – for 2 no. horizontal sliding sash windows installed in the front ground floor façade. Refusal reason cites negative impact on the character and setting of the protected structure and contravention of Policies CHC2 and CHC4 of the Development Plan.
- 4.5. ABP. 29A.LC2067 (PA. Ref. SF552) S254 Licence Application – **Permission refused** (dated 13.12.2017)– for Screens/5 Tables/20 chairs/Plant boxes – Refusal reason cites that the works would impact on the adjoining residential amenity in terms of noise and disturbance.
- 4.6. ABP. 29S.246669 (PA. Ref. 2485/16) - **Split decision** (dated 03.10.2016) with revised conditions. The commission amended condition no. 3 relating to opening hours allowing for an increase in opening hours by 30 minutes (restricted under Reg. Ref. No 2379/98) and refused to remove the restrictions in condition no. 4 of Reg. Ref. No 2379/98, relating to in house events as they would seriously injure the residential amenities of properties in the vicinity.
- 4.7. PA Ref. 2379/98- **Permission granted** (dated 07.12.1998)- to serve food in the new bar. Condition no. 3 restricted the use of premises to 00.30 and condition no. 4 restricted the use of nightclubs or large organised functions.

- 4.8. PA Ref. 0498/98 - **Permission granted** (dated 15.06.1998) - for alterations to resident's bar and lounge. Condition no. 2 restricted any nightclub use on the premises.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-28

The subject site is identified as Z2 Residential Neighbourhoods (Conservation Area) on the Zoning Map of the Development Plan with an objective 'to protect and/or improve the amenities of residential conservation areas'. The subject building is a listed building under the Record of Protected Structures (RPS No. 4006) of the Development Plan as a Licensed Premises. The subject site is also designated with red line hatching indicating special conservation status on the zoning maps. The following policies of the Dublin City Development Plan 2022-28 are relevant to subject site.

Policy CEE27 (Tourism Initiatives) - To work with Fáilte Ireland and other stakeholders to deliver on significant tourism development initiatives for the city including: (one of 6 sub-items listed below) Outdoor Dining Enhancement Scheme

Policy CCUV32 (Outdoor Dining) - Proposals for outdoor dining / trading from premises extending into the street will be supported where they would not harm local amenity or compromise pedestrian movement, accessibility needs or traffic conditions.

Policies BHA2 (Development of Protected Structures) - That development will conserve and enhance protected structures and their curtilage and will: (inter alia)

(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.

(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

Policy BHA9 (Conservation Areas) - To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include: (inter alia)

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.

3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.

4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.

5. The repair and retention of shop and pub fronts of architectural interest.

6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.

Policy GI18 (Minimise Impact – Light and Noise) To minimise the environmental impact of external lighting and noise at sensitive locations to achieve a sustainable balance between the needs of an area, the safety of walking and cycling routes and the protection of sensitive species such as bats (see also Section 9.5.9 Public & External Lighting).

Section 9.5.8 Noise Pollution - seeks to preserve and maintain noise quality according to relevant legislation such as Dublin Agglomeration Environmental Noise Action Plan 2018-2023.

Section 14.5 Non-Conforming Uses – allows for extensions to non-confirming uses

Development Standards

Section 15.9.16.3 Noise – Noise impact assessment where needed to identify potential noise impact from a development.

Section 15.14.7.4 Noise, Odour, Ventilation for Restaurant – Noise and odour associated with restaurants should be minimised to ensure no impact at street level.

Section 15.14.12 Night Clubs/Licensed Premises/Casinos/ Private Member Clubs - Noise insulation and reduction measures to be submitted at planning stage.

Section 15.15.2.3 Protected Structures – Works to Protected Structures should provide an Architectural Heritage Impact Assessment.

Section 15.17.4 Outdoor Seating and Street Furniture – applicants are required to submit details of the location, design, specification and quality of the proposed elements of street furniture.

Section 15.17.5 Shopfront and Façade Design

Design Guidelines

DCC Shopfront Design Guide, 2001, Section 5- Canopies- 'If the shopfront requires protection from the sun, a traditional-style, open-ended blind should be incorporated into the design of the shopfront with the blind box recessed... Shop names or advertising on the blind are not permitted'.

5.2. Ministerial Guidelines

Section 12.4 of the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, states the following regarding Awnings and Blinds to shopfronts: 'Proposals to install new awnings or blinds to the shopfront of a protected structure should be treated with caution. Some modern awnings require large blind boxes that can be difficult to integrate successfully with an existing shopfront without damaging its special character. Blind boxes should not be allowed to mask or cut through any detailing which contributes to the interest and quality of the façade or shopfront. Where the fitting of a new awning or blind is considered acceptable, the design and materials should be appropriate to the character and quality of the building and its setting and, where relevant, to the character of an ACA'.

5.3. Natural Heritage Designations

South Dublin Bay and River Tolka SPA (code 004024) c.750m to southeast and
South Dublin Bay SAC (code 000210) c. 700m to southeast

6.0 EIA Screening

- 6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

- This is a first party appeal submitted by the applicant against the decision to refuse issued by DCC. The grounds of appeal, submitted by Simon Clear Associates on behalf of the applicant, can be summarised as follows:
- Applicant wasn't given the opportunity to address any concerns via FI:
Development was deemed to be acceptable in principle by the Planning Officer

subject to appropriate mitigation measures. The Conservation Officer did not suggest any mitigation measures to improve the proposal in accordance with the proactive approach proposed within the Development Management Guidelines.

- Compliance with Policy BHA2: The appellant contends that the proposed development does not breach the Dublin City Development Plan Policy BHA2 as cited within the refusal reason.
- Incorrect assessment: The Conservation Officers comments on the encroachment of the proposed seating area onto public footpath is factually incorrect as the proposal only utilizes private landholdings. It is also contended that the conservation assessment was carried out for the existing canopies erected on site and not for the proposed retractable canopies.
- Abundance of examples where outdoor seating areas were permitted within premises of Protected Structures in DCC. The proposed design, prepared by Conservation Architects – Cathal O’Neill and Co., is stated to have been prepared in full compliance with the Development Plan, Failte Ireland – Outdoor Dining Enhancement Scheme and DCC Shopfront Design Guide. Any design issues could have been addressed via further information or through conditions.
- Impact to residential amenities could be addressed via conditions or other licencing laws: No evidence of any professional sound recording to support the nuisance claims made within the submissions. The EHO has no objection to the proposed development.
- The applicant is amenable to conditions limiting the hours of outdoor dining to last service orders at 9:00pm, restricted outdoor music and any conditions with regard to the design of the proposed awning.

7.2. Planning Authority Response

The Planning Authority requests that the Commission uphold the decision to refuse the proposed works. If permission is granted, the Planning Authority request to include condition requiring the payment of a Section 48 Development Contribution.

7.3. Observations

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Residential Amenity
- Built Heritage

8.2. Residential Amenity:

- 8.2.1. Land use: The subject site is zoned under objective Z2 for Residential Neighbourhoods (Conservation Areas) with an objective to 'protect and/or improve the amenities of residential conservation areas'. Public house is not listed as a permitted use or open for consideration use under the Z2 zoning. Considering the establishment of use of the main structure prior to the year 1935 as spirit merchants, the Public House use can be considered as a non-conforming use under Section 14.5 of the Development Plan. The proposed development is acceptable in principle under this category, where the proposed works are established to be in alignment with the Zoning objective and are in accordance with proper planning and sustainable development of the area.
- 8.2.2. Existing setting: The appeal grounds states that the proposed works will improve and mitigate the existing unauthorised use. However, the Commission shall note that the existing unauthorised seating area has no planning weight in the assessment as it does not benefit planning permission. The public house building is located adjacent to two residential properties with large front gardens. The front façade of the public house is setback from the existing front boundary of these dwellings allowing for the proposed outdoor seating area to directly address the residential front gardens of these units. The extent of the proposed seating area is aligned with the front garden of No.84 and 86 Irishtown Road.

- 8.2.3. Noise and Disturbance: Observations received at the planning stage raise noise and disturbance impacts on adjoining residential amenities. Under the proposed arrangement, the seating area (c.40sqm) will accommodate 5 no. conventional tables and chairs with additional seating provided along Barrack Lane. I consider, the placing of additional seating area outside the public house would result in the intensification of existing use on site and result in additional noise/disturbance to its surroundings. Such impacts may require additional mitigation measures if a permission to grant permission is being considered for the proposed development.
- 8.2.4. The grounds of appeal rely on the report from Environmental Health Section (EHO) of DCC who does not raise any objection to the proposed development subject to the inclusion of conditions restricting broadcast of any external music on the premises. The applicant has requested the Commission to consider a similar approach and apply suitable mitigation measures, such as conditions to limit the outdoor dining use (up to 9:00pm) and/or restriction to external noise broadcasting within the premises.
- 8.2.5. Even with a restriction to broadcasting music externally on subject premises, I consider the outdoor seating area has the potential to generate considerable noise and disturbance from people sitting within a confined space through talking, laughing or shouting. Therefore, a condition restricting the operational hours of the outdoor dining use is also recommended if retention permission is being considered for the outdoor seating area. The applicant has suggested a 9pm cut off time to last service orders for outdoor dining. I would recommend a 9pm cut off time for the use of any outdoor space for the consumption of all food and drinks.
- 8.2.6. The issue regarding possible negative impact on surrounding residential amenities was also raised previously in the other applications on subject site (Appeal Ref 29A.LC2067, S254 License Ref ABP.303282, S5 Declaration ABP. 313566, Appeal Ref. 29S.246669). This is a potential new issue within the current application as it was not cited as a refusal reason by the Planning Authority. The Commission may wish to seek the views of the applicant to address any possible negative impact. In the proposed arrangement, tables are located, at less than c.1m from the shared boundary, thereby, directly addressing the front garden of No. 84 Irishtown Road. On my site visit, I noted that a low boundary wall with cast-iron railings (max c.1m tall) borders the front gardens of the adjoining dwellings and along the shared section of

the boundary. The application drawings do not show any additional design mitigation measures along this shared boundary. It is recommended that if a permission is considered for the proposed development that no seating be provided between the main entrance doorway and the shared boundary. This can be done by condition.

8.2.7. Policy CCUV32 (Outdoor Dining) of the Development Plan supports the provision of Outdoor Dining areas in locations where they would not harm local amenity or compromise pedestrian movement, accessibility needs or traffic conditions. I do not consider the outdoor seating area, with the suggested amendments and mitigation measures, to result in any undue negative impact on the surrounding residential amenities. The existing footpath along the eastern side of Irishtown Road will retain a clear width of 8.7m with the inclusion of the proposed outdoor seating area. The proposals are therefore unlikely to interfere with pedestrian movement or other accessibility conditions of the locality. Therefore, should the Commission be minded in granting permission for the proposed development, I suggest that conditions be included for restricting broadcast of any external music on premises; enforcing 9pm cut off time for the use of the outdoor space for all consumption of food and drinks; and the omission of any seating area between the main entrance doorway and the shared boundary.

8.3. **Built Heritage:**

- 8.3.1. The existing building on site is a Protected Structure (RPS 4006) and is located within a designated Z2 conservation area within the Development Plan maps. I note the quality of the proposed materials to be significantly higher than the existing. Within the appeal grounds, the applicant contends that the proposed new retractable canopies have been sensitively designed by a conservation architect, in full compliance with the conservation policies in the Development Plan and DCC Shopfront Design Guide.
- 8.3.2. Planning Authority's approach: The Planning Authority considered a refusal to be necessary for the proposed works given the serious concerns raised by the Conservation Officer in their assessment of the proposed development. The report by DCC conservation office considered the proposed works to be wholly unsympathetic, inappropriate and result in continued significant adverse visual effects on the special character of the area, contravening Policies BHA2 (b, d, and e). Since this is a de-

novo assessment of the proposed works, any concerns raised by the applicant with regard to the Planning Authorities assessment is no longer relevant.

- 8.3.3. Impact of glazed screens: The Commission shall note that the submitted drawings indicate glazed screens (c.1m tall) as being proposed along the boundary of the external seating area, although the statutory description cites canvas windbreaks along the boundary of the outdoor seating area. This is a minor issue and thereby is not presented as a topic of concern in the assessment. If permission is being considered, standard condition no. 1 will cover any inconsistencies with regard to the details of the proposal. The proposed glazed screens are unlikely to materially alter the character of the shopfront, are reversible in nature and is unlikely to contribute to visual clutter along the street. I therefore do not consider the proposed free standing glazed screens to result in any significant impact on the special character or appearance of the subject building. It is recommended that a condition be included if permission is considered, clarifying the glazed nature of the screens and to agree in writing the details of the screens, tables, and chairs with the Planning Authority in accordance with Section 15.17.4 of the Development Plan on Outdoor Seating Area.
- 8.3.4. Impact of retractable canopies: The proposed canopies are to be of simple design, plain in colour, unbranded, open ended, with a maximum height of c.2.5m and width of c.1.9m when extended. The canopies are shown as affixed to the shopfronts along the Protected Structure. The applicant has provided drawings showing the proposed canopies in retracted and extended positions. However, very little details regarding the proposed installation of the canopies are provided within the application.
- 8.3.5. The Conservation Method Statement provided at the application stage states that a 150x150(probably mm) recessed box would have to be inserted on the non-original areas of the shopfront, just below the fascia for the installation of the canopies. The report states that the blind boxes will remain flush with the fascia and is anticipated to be accommodated without damage to the historic fabric. The report goes further to state that – ‘if however, on opening up the finishes it is found that the box cannot be accommodated an alternative solution is to have three smaller canopies in the right-hand part of the shop’. The applicant’s response therefore does not provide a conclusive answer on whether the proposed canopies would impact the historic fabric of the Protected Structure. I also note that the applicant’s Conservation Method

Statement provided is silent on the possible impact of the proposed works on the character of the area or building.

- 8.3.6. Section 12.4 of the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, maintains that all proposals for canopies be approached with caution, as some awnings require large blind boxes that can be difficult to be integrated into an existing shopfront. The Guidelines as well as Section 15.15.2.3 of the Development Plan require that applications for works to Protected Structures be accompanied by an Architectural Heritage Impact Assessment. This is not provided by the applicant. By virtue of its scale, location and visibility from the street, the proposed canopies are unlikely to result in any undue visual impacts on the special character of the shopfront. However, given to the lack of clarity on the extent of impacts to the historic fabric of the Protected Structure from the proposed installations, I consider the proposal to erect retractable canopies to be not sufficiently robust to comply with Policy BHA2 of the Development Plan.
- 8.3.7. Conclusion: The subject building is a listed building (RPS 4006) located along Irishtown Road, that also falls within a designated special conservation area as per the Dublin City Development Plan 2022-28. I recommend that permission be granted for the erection of proposed free-standing glazed screens as they are reversible measures that are unlikely to result in any undue negative impacts on the historic fabric of the building or the existing street character. The application documentation was unable to rule out, with certainty, any possible irreversible damage or negative impacts to the historic fabric of the subject building, from the proposed installation of retractable canopies. I therefore recommend that a split decision be issued, where permission is refused - for the installation of retractable canopies; and permission is granted - for the retention of outdoor seating areas, subject to minor modifications, and for the erection of removable glazed screens around the proposed seating areas.

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 (code 000210) c. 700m to southeast

- 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 no 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. The subject site is located in the urban area of Irishtown in Dublin city. The nearest waterbody is the DODDER -050, IE_EA_09D010900 IE_EA_09D010620 (moderate status), c. 270m west of subject site. The proposed development will consist of an extension to an existing public house and all associated site works. No third-party concerns were raised in relation to water deterioration.
- 10.2. 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.
- 10.3. 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.
- 10.4. 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.

10.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that a split decision be issued as follows:

1. It is recommended that retention permission be granted for the outdoor seating area and permission be granted for the erection of proposed glazed windbreak screens on subject site premises for the reasons and considerations marked (1) under and subject to conditions set below under section 13.
2. It is recommended that permission be refused for the proposed installation of retractable canopies for the reasons and considerations marked (2) below.

12.0 Reasons and Considerations

Grant

1. Having regard to the established use on subject site, the scale of the proposed outdoor seating area to be retained, the existing character of developments in the area, the Z2 Residential Conservation Area land use zoning objective and policies concerning the same under the Dublin City Development Plan 2022-28, it is considered that the proposed retention of outdoor seating area, and the proposed erection of freestanding tables, chairs and glazed screens within its premises, subject to compliance with conditions set out below, will not seriously injure the surrounding amenities, the special architectural character of the area or the setting of the Protected Structure.

Refusal

2. Having regard to the Protected Structure status of this building, special conservation status of the area as per the Dublin City Development Plan 2022-28 and provisions set out under the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, the Commission is not satisfied that the proposed works would, by virtue of their extent/nature/level of intervention, not have a detrimental and

irreversible impact on the historic fabric of this structure, thereby materially affecting its character and quality. The proposed development would therefore be contrary to Policy BHA2 (Development of Protected Structures) of the Dublin City Development Plan 2022-29 and the provisions of Section 12.4 of the Architectural Heritage Protection Guidelines for Planning Authorities, 2011.

13.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission [Reg Ref. 0498/98, Reg Ref. 2379/98 and 29A.LC2067 (Reg. Ref. 2485/16)] unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. The proposed development shall be amended as follows:
 - (a) The applicant shall omit and remove all proposed/existing canopies/awnings/roof structures from the curtilage of the Protected Structure.
 - (b) No outdoor seating areas shall be provided between the main entrance door and shared boundary with unit No. 84 Irishtown Road.

(c) The consumption of food or drinks within the outdoor seating area shall be strictly prohibited after 21:00.

(d) Details of the finishes of the proposed freestanding glazed screens, tables, and chairs to be agreed with the Planning Authority in compliance with Section 15.17.4 Outdoor Seating and Street Furniture

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

4. No broadcasting of amplified music or other specific entertainment noise emissions shall be permitted within the outdoor seating area.

Reason: To protect the residential amenities of property in the vicinity.

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.”

Sandra Eapen

Planning Inspector

29.4.2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	500772
Proposed Development Summary	Retention of existing outdoor seating area and modifications to existing shopfront for a public house.
Development Address	The Merry Cobbler, 78, 80, 82 Irishtown Road, Dublin 4
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	

<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><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.</p>	<p>The proposed works does not constitute a class specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended).</p>
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><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. No Screening required.</p>	<p>The proposed works does not constitute a class specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended).</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	

<p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: Sandra Eapen

Date: 29/4/2026