



An
Coimisiún
Pleanála

Inspector's Report PL-501328-DS-26

Development	PROTECTED STRUCTURE: Change of use from former Post Office to licensed bar restaurant with retail & gallery and all associated services and site works.
Location	Ballsbridge Post Office, Shelbourne Road, Dublin 4, D04 E038
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB2766/25
Applicant(s)	Telfer Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Catherine Butler
Observer(s)	Fergus Warner
Date of Site Inspection	

Inspector

Kathy Tuck

1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of c.0.049 is situated on the eastern side of Shelbourne Road, Ballsbridge, Dublin 4. Ballsbridge is situated c.3km to the south-east of Dublin City Centre and is well served by a number of Dublin Bus routes. Sandymount DART Station is situated within c.900m to the east of the subject site. The subject site is situated c.300m from the RDS and approximately c.750m from the Aviva Stadium.
- 1.2. The appeal site currently comprises the former Post Office, which is a part single storey part two storey detached red brick building which has been included in the Record of Protected Structures (RPS 7509). The northern boundary is formed with a laneway which provides access to the rear amenity spaces serving the dwellings situated in the Estate Cottages, the eastern boundary is formed with the River Dodder and the southern boundary is shared with the car parking area that currently serves the Ballsbridge College of Further Education.

2.0 Proposed Development

- 2.1. This application is seeking permission for the change of use of the existing building which is a Protected Structure from use as a former post office to provide for licensed bar restaurant with retail & gallery and all associated services and site works. The building is currently derelict.
- 2.2. The proposal will involve removal of a lean-to roof and demolition of external storage (19sqm); lowering of cills at both levels and breaking out of one opening to provide new door at first floor level; and building up of walls on southern boundary up to first floor level, all along the side passage/south elevation; provision of new external stairs and terrace to the south side and rear.
- 2.3. Permission is also sought for repair works to roof, rainwater goods, windows & doors, repointing of brickwork, minor interior alterations, fit out and provision of signage, and all associated services and site works.

3.0 Planning Authority Decision

3.1. Decision

Following a request for further information, the Planning Authority Issued a decision to grant planning permission on the 14th April 2026 subject to 11 no. conditions. Conditions of note are as follows:

Condition no. 2

Development contribution in the sum of €5, 025.58.

Condition no. 3

Submit revised plans indicating:

- a) existing modern stairs (off Hall 01) shall remain in its existing location at ground and first floor levels, omitting the proposed snug at ground floor level.
- b) Existing window GW11 to be retained, New glazed door in this location to be omitted.
- c) proposed kitchen at first floor level shall be relocated to the east end of the function room where the services can be stacked/coordinated with the proposed kitchen at ground floor level, using the existing chimney/flue for ventilation 2 no. new flues at the west end of the intact pitched roof shall be omitted.
- d) Additional WC indicated in WCs F5 shall be omitted.
- e) Proposed lowering of existing window FW07 shall be omitted.
- f) Proposed lowering of windows FW18 and FW19 shall be omitted.
- g) The proposed external balcony / terrace adjacent to windows FW18 and FW19 extending as far as the end of the lean-to adjacent to the new door opening to replace window FW15 shall be omitted.
- h) The proposed internal partition indicated adjacent to windows FW18 and FW19 shall be omitted.

Reason: In the interest of proper planning and sustainable development, adjoining residential amenity and protection of the Protected Structure.

Conditions 7

Sets out conditions from the Conservation Officer:

(a) An RIAI Grade 1 Conservation Architect with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) In advance of the respective packages of work commencing on site, and during construction works on site, the applicant shall submit the following to the Planning Authority, for their written agreement:

(i) Record drawing of historic decorative tiling in Ground Floor Entrance Hall 01

(ii) Marked-up drawings of the interior of the Protected Structure following determination of proposed structural repairs to be executed, indicating extent of repair of surviving plasterwork, joinery and the proposed finish of internal walls demonstrating best conservation practice.

(iii) Flat-roofed two-storey rear building - Revised drawings and details of finalised rainwater disposal arrangement from the rear flat roof - to ensure that rainwater run-off is properly discharged within the property boundary.

(iv) Making good of the masonry base – North Elevation (Crimmins Architects drawing no.P-24): Updated final detail and proposed elevation for the consolidation of the top of the coursed rubble stone wall at the base of the North Elevation (which is part of the shared boundary to the Estate Cottages), finishing with a robust lime flaunching on the top of the masonry wall clarifying whether the masonry base will be consolidated and completed up to a consistent horizontal line. A lead flashing would be preferred and shall be introduced.

(v) Pitched roof two-storey building parapet gutter (north elevation): Following detailed investigation at close quarters when scaffold is in place, 1:10 parapet detail section and 1:50 elevation and roof plan drawings shall be submitted, illustrating the satisfactory discharge of rainwater from the north elevation and location of internal/external downpipes.

(c) Revised drawings to be submitted for the written agreement of the Planning Authority for the following works in advance of their execution:

GROUND FLOOR

(i) New glazed door to replace window GW10 shall include a kick plate/base panel.

Lean-to building:

(ii) The upper band of rooflights only shall be installed, to be in-line conservation-style and not raised as indicated on Drawing GWA-P-123.

(iii) The depth of the roof construction shall be as slim as possible.

(iv) The existing and proposed section drawings shall indicate the build-up of the roof.

(v) Revised 1:20 section and roof plan drawings and 1:5 gutter/junction detail at the southern boundary and rainwater disposal strategy to be submitted, indicating in-line roof lights at the upper level only and omitting the proposed lower rooflight, to reflect the existing roof enclosure with natural Bangor Blue slate coverings to match existing, using salvaged sound slates from the existing roof where these survive.

(vi) The proposed removal of the existing window and unstable wall on the east elevation and replacement with a new glazed screen as indicated on Drawing GWA-P-123, GWA-P-09 Section FF is acceptable in principle, subject to refinement of the wide panels beneath the steel beams which currently indicate unsatisfactory subdivisions of the glazing above the glazed doors – a revised drawing shall be submitted.

(vii) The proposed lowering of GW29 to form a new door into the existing lean-to extension is acceptable in principle, subject to simplification of the door fenestration e.g. include a spandrel panel in the location of the handle (Drawing GWA-P-121) – a revised drawing shall be submitted.

FIRST FLOOR

(viii) 1:20 drawing of proposed new glazed door at FW15 shall be submitted. (Window FW15 will be relocated to new opening adjacent).

(ix) Revised drawings showing a reduced external balcony on the south side of the Protected Structure that would extend between the new door opening (that will replace window FW15) and the existing barn doors FD08 in front of windows FW07, FW08, FW09, FW10 shall be submitted. Revised 1:50 plans, long and short sections and elevations shall be submitted indicating the omission of the balcony above the lean-to and along front of the east elevation at first floor level, and a rationalised/simplified balcony arrangement to reduce the number of level changes.

(x) Detailed structural drawings shall be submitted for the written agreement of the Planning Authority when all investigative and opening-up works have been completed, and all areas have been inspected at close quarters and definitive structural repairs have been identified.

(d) Following provision of a scaffold to the elevations

(i) the CO shall be given the opportunity to inspect the brickwork at close quarters to assess its condition. A detailed schedule/marked-up drawing of shall be submitted for the written agreement of the CO following the inspection.

(ii) The applicant shall submit recent examples of specialist re-pointing works carried out by the proposed specialist contractor on protected structures of similar architectural significance in Dublin and associated references to ensure that the contractor has the requisite expertise for these works.

(iii) Site samples/exemplars for the raking out of pointing, cleaning, patch repairs, re-facing and repointing of damaged bricks to be agreed on site with the CO prior to these works commencing. The proposed pointing finish shall be based on surviving remnants of historic pointing and analysis of historic lime mortar on the building etc.

(e) Existing and proposed basement arrangement - The applicant shall submit 1:50 updated plan and section drawings of the basement enclosure between the staircase Hall 03 and the sewer; indicating if it is intended to use this space and create a conventional door opening between staircase Hall 03 and the adjoining basement room. 1:50 record plan of the existing floor hatch in ground floor room G3, and proposed floor arrangement in the new restaurant shall be submitted.

(f) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

(g) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

(h) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

(i) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report of the Planning Officer sets out a description of the site and its surrounding area, the proposed development, the land use zoning objective pertaining to the site, a summary of all internal and external consultee reports, a summary of observations received and sets out relevant planning policies.

The assessment notes that the reuse of this Protected Structure is welcomed in such a central location within the Ballsbridge commercial area and further considers that the reuse as a bar/restaurant/gallery is considered acceptable in principle however there are concerns regarding the level of detail provided by the applicants for the proposal and use of this Protected Structure directly adjacent to sensitive residential units. As such the following further information was requested:-

1. address the following:

(a) provide indicative floor layout plans and associated documentation including furniture arrangements for each room and also for any proposed outdoor seating area. Outdoor seating areas should include details of proposed boundary treatments or canopies.

(b) Drawings indicating all key services routes and strategy, risers and plant rooms, and revised kitchen / servery layouts (following thorough assessment) including bin stores.

(c) provide details of the proposed signage and associated external lighting.

(d) The Applicant is requested to clarify the proposed operating hours of the premises, including proposed operating hours of all outdoor seating areas proposed.

2. Address following concerns of EHO

(a) provide details of what the contribution of the specific noise (any plant associated with the development) will be to the ambient noise level at the nearest noise sensitive premises.

(b) Outline the impact the noise levels from plant and the proposed outdoor terrace area will have on occupants at the nearest noise sensitive premises. Audibility must be considered in this regard.

(c) Provide details of what noise mitigation measures, if any, are proposed to abate such findings. If it is deemed that no mitigation measures are needed, provide an explanation why.

(d) Detail what odour abatement/ filtration system, if any, is proposed to neutralise odours associated with the restaurant prior to their discharge. If it is deemed that no mitigation measures are needed, provide an explanation why.

3. Address following concerns of Transportation Planning Division:

(a) Details of anticipated staff numbers to be provided along with revised plans and details of long term bicycle parking spaces for staff use in line with the Dublin City Development Plan 2022-2028 standards. It is noted that space is

available within the red line boundary within the internal yard to the side of the site. Long-term bicycle parking spaces should be covered, secure and well lit.

(b) Revised plans that provide for a minimum of 4no. short term / visitor spaces in the form of Sheffield style parking stands.

(c) The Applicant is requested to submit revised plans identifying a suitable location for bin storage within the development. The Applicant should note that refuse storage shall not be stored on the public footpath.

4. Address following concerns of Conservation Officer:

(a) Revised section and elevation drawings that indicate the extent of proposed demolitions (in the same contrasting colour as indicated on the plans) to differentiate between original and later 20th century partitions.

(b) Revised section and elevation drawings that indicate proposed new works including the making of good around new openings and removals, in a contrasting-coloured hatch.

(c) Revised drawings to include corrections to inaccuracies on the drawings.

(d) Roof plan to the same scale as the Ground and First Floor Plans, indicating key defects and proposed repairs.

(e) Detailed window and door schedule, cross-referenced to individual reference numbers indicated on plan and elevation drawings. 1:20 drawings shall be provided of each window and door type, and the construction of each window/door shall be indicated (timber / steel / other), its provenance, surviving historic glass / ironmongery / and other special features, and proposed repairs / works.

(f) 1:50 elevation drawings of the boundary walls cross referenced to photographs, that indicate where conservation repairs are required to the historic fabric.

(g) Revised drawings that reduce significantly the extent of demolition of historic fabric and features within the proposal, including the retention and adaptation of the lean-to rear extension rather than its demolition.

(h) 1:20 Plan & Section Drawings of the existing back staircase and the proposed interventions including a refuge at first floor level and background information on the means of escape strategy relating to the proposed alteration. The Applicant should clarify if discussions with the Fire Officer have generated the proposed alterations to the back staircase and advise whether they have considered the use of a misting system. Provide a written explanation for the existing double doors and moveable metal staircase indicated in photograph on p.16 CR.

(i) Fire Safety Strategy and Means of Escape for the proposed development and interventions required, include a written explanation for the existing double doors at first floor level and moveable external metal staircase indicated in photograph on p.16 CR.

(j) Revised photographic survey with all photos are numbered, (correctly) annotated, and cross referenced to legible key-plan drawings indicating the location of all photographs submitted.

(k) No further opening-up investigative works, brick repairs etc. shall be carried out in the Protected Structure without demonstrating to the Conservation Officer that the works will not give rise to any further loss of historic fabric.

(l) The Applicant is requested to contact the Conservation Section to facilitate an inspection of the Protected Structure by the CO to review such investigative works that have already taken place.

(m) Written description by the Conservation Architect on the existing cement pointing and whether any original pointing survives within the Protected Structure.

(n) The Applicant is requested to consider reducing the levels of demolition, including omitting the proposed upper circulation balcony and external terrace at first floor level, omission of the demolition of rear of the flat roofed extension to form an outdoor area and proposed fully glazed screen, omission of the proposed demolition of the lean-to rear extension and submission of an alternative proposal including its retention, repair and adaptive modification if required.

(o) Structural drawings for all proposed interventions to the Protected Structure, including a strategy to address the serious subsidence that has been identified to the rear of the building (cracking on the east wall).

A response was submitted to the Planning Authority on the 23rd of March 2026. The second assessment of the Planning Officer concluded that having regard to the response received to the Further Information request and taking into consideration the policies and objectives of the 2022-2028 City Development Plan, it can be considered that the proposed development, subject to conditions, would be keeping with the civic character of the area and would not detract from the existing amenities of the area. The reuse of the difficult proportions within this Protected Structure is welcomed, and its continued use into the future is something to be supported.

3.2.2. Other Technical Reports

Drainage Division

No objection subject to conditions.

Transportation Planning Division

Report dated 2nd September 2025 requested further information as per item 3 of the request for further information.

Report dated 8th April 2026 – recommended the permission be granted.

EHO

Report dated the 28th August 2025 requested further information as per item 2 of the request for further information issues.

Report dated the 7th April 2026 – recommended the permission be granted.

Conservation

Report dated the 11th September 2025 requested further information as per item 4 of the request for further information issues.

Report dated the 13th April 2026 – recommended the permission be granted.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received a number of submissions the concerns of which align with the grounds of the 3rd party appeal. I note that the planning officer within their report dated the 22nd September 2025 provides for a summary of concerns raised.

4.0 Planning History

There is no planning history pertaining to the appeal site.

Within the Vicinity

ACP-323763-25 Permission refused for internal and external alterations to walls at basement and ground floor level, construction of new floor level at basement level, provision of a outdoor terrace, construction of a five storey extension to include amenity roof terrace with swimming pool, a bar/café, a restaurant and a 24 no. bedroom boutique hotel and all ancillary works necessary to facilitate the development.

Reason for refusal was as follows:

1. Having regard to the constrained nature of the subject site, its location at the prominent junction of Shelbourne Road and Pembroke Road within Ballsbridge, and being situated within the River Dodder Conservation area proximate to the bridge which is a protected structure and listed in the Record of Monuments and Places (RMP) under the National Monuments Acts, the proposed development would have a detrimental impact on the established historic character of this area of Ballsbridge in terms of visual dominance and overdevelopment, contrary to the requirements of Policy BHA9 of the Dublin City Development Plan 2022 2028 The quantum of development being proposed significantly exceeds the established height of the surrounding area and does not meet the performance criteria as set out within Table 3 of appendix 3 of the Dublin City Development Plan 2022-2028. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located on a heavily trafficked road, where several roads converge, and there is limited on-street carparking and set down availability. As a result, it is considered that the proposed development would generate excessive drop-offs, servicing activity and overspill parking on the adjacent streets. The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Dublin City Development Plan 2022-2028 in this regard and would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

The appeal site is zoned under Zone Z4 - Key Urban Villages/Urban Villages' which seeks 'To provide for and improve mixed-services facilities'.

The building also fronts on to a Red Hatched Conservation Area and is a Protected Structure (Record of Protected Structures Ref. No. 7509). The description within the RPS is 'Post Office: *façade to Shelbourne Road, including single-storey structure and main gable with two storey projecting bay*'.

Relevant Sections:

Chapter 4 – Shape and Structure of the City

- Policy SC19 – High Quality Architecture
- Policy SC20 – Urban Design
- Policy SC21 – Architectural Design
- Policy SC22 – Historical Architectural Character

Chapter 11 '*Built Heritage and Archaeology*'.

Section 11.5.1 The Record of Protected Structure

Historic Use - on occasion a change of use will be the best way to secure the long-term conservation of a structure. Where a change of use is proposed, the building should be capable of being converted into the new use without harmful extensions or modifications, such as the insertion of new openings, staircases, the substantial subdivision of historic floor plans and/or serious loss of historic fabric. Issues such as fire protection, sound proofing, servicing and access will also require careful consideration. In finding the optimum viable use for protected structures, other land-use policies and site development standards may be relaxed to achieve long-term conservation. In some circumstances, short-term uses may be deemed appropriate in order to ensure a building remains weather-tight and in use pending long-term solutions.

The following policy is relevant to the proposed development.

- Policy BHA2 - Development of Protected Structures.
- Policy BHA3- Loss of Protected Structures.
- Policy BHA9 – Conservation Areas.

Chapter 14 – Land Use Zoning

Section 14.6 Transitional Zone Areas

While zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.

For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties

5.2. Regional Policy

5.2.1. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES), 2019.

The RSES supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. It advocates sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development.

5.3. National Policy

- National Planning Framework: First Revision (NPF).
- Climate Action Plan, 2024

5.4. Planning Guidelines

- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).

5.5. Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c1.5km to the west of the South Dublin Bay SAC (site code 000210) and the South Dublin Bay and Tolka Estuary Spa (Site Code 004024) and the South Dublin Bay pNHA. The site is also situated c.5.1km to the south-west of the North Dublin Bay SAC (Site Code 000206), North-West Irish Sea SPA (004236) and the North Bull Island SPA (Site Code 004006).

6.0 EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The Commission received a 3rd Party Appeal against the decision of the Planning Authority to grant planning permission. The grounds can be summarised as follows:

A. Outline

- Anxiety over noise and nuisance – negative impact on enjoyment of home and reducing property price.
- Planning Authority downplayed issues raised.
- Rigour not given by Planning Authority.
 - Applicant not put to task.
 - Conditions seeking design amendments which not open to public to comment on.

B. Site Context

- Estate cottages were built c.1890, in most sought-after area of Dublin.
- Purpose built post office
 - Both operated harmoniously without issue other than overshadowing.
 - Confined to daytime activities.
 - Uses complemented each other.

C. Proposed Development

- Proposed represents very different use.
- Likely draw customers at evening and weekends
- Radical change and impact on residents.
- Increased demand for car parking.
- Alcohol consumption leads to nuisance and disturbance to neighbours.
 - Sharp contrast to current quiet night.

- Manner of business offer and time of opening and management style highly significant.
- Need to ensure balanced consideration of neighbouring residential amenity such that proposal operates and runs in a manner respectful for such
 - Interest of common good.
- Operation of use and hours of opening needs to be carefully prescribed.
- Presence of function room (independent space) leaves prospect open for a permission to be sought for late occupation.
 - Potential for music/strobe lighting/colour lights.
 - Night club facility possibility needs to be addressed by Planning process.

D. Noise and Nuisance

- Most critical issue – mitigation.
- Recognised by layout of building patrons will enter and exit on south side of building.
 - General building will therefore mitigate noise.
 - However, sound will reverberate
 - Holes in wall and roof heightens such.
 - Single breach in building envelope can't happen.
 - Tightly sealed building envelope is required to mitigate noise.
 - Sound transmission is a core focus area.

E. Types of Premises

- Nature of proposed can vary
 - Applicant owns a number of premises which generate increased noise in area.
- Noise in bar and function room at close range – can present considerable issues and compromise to residential amenity.

- Particularly if opes on northern elevation remains openable.

F. Current Position

- Currently permission requires all opes on north elevation remains openable.
 - However RFI response to item 2A and Item 3 seeks to assert no issue with sound/mechanical ventilation because no cooling/vent system proposed – building is best served by natural ventilation.
 - Fails to consider impact of noise from open windows
 - Consider noise generated from open windows could be intolerable.
 - Windows most likely will be open at times when fully occupied.

G. RFI

- Page 3 of the RFI Matrix – identified a mechanical extract would cause negative impact on dwellings and natural ventilation (cross) available in most rooms:
 - Indicates opes on northern elevation will be open.
 - Situated within meters of bedroom windows.
 - Noisy revellers not compatible with residential amenity.
- RFI identified that no. 7 Estate cottages closest noise sensitivity
 - Not the case and important fact.
 - No. 7 in the control of the applicant.
 - Bigger impact to nos. 8-12 from 1st floor function room.
 - Reference made to appendix B of appeal – images included.
- Noted Hogans does not have natural ventilation and a mechanical ventilation has been installed.
- Application therefore has unresolved/conflicting ventilation issues – requires further design consideration.
- Prospect of mechanical vent – required to be addressed and assessed with input from members of the public.

- Absence of resolution of sound issues – attests the Planning Authority absence to duly request firm proposal to mitigate impacts on those most impacted.

H. Privacy

- Estate Cottages subject to invasion of privacy –
 - Overlooking via unobscured 1st floor opes.
 - Not addressed in application/decision

I. Substantive Issues

- Correspondence between Planning Authority and 1st Party not led to definite outcome on major issue – Noise.
 - 3rd party involvement frustrated due to weak RFI response submitted on the last day to respond.
 - Late response obliged Planning Authority to review documents in a tight 4 week period
 - No opportunity to seek further clarification.
 - Should have resulted in further request from Planning Authority given paucity of content of response.
 - Time constraint Planning Authority elected to address matters by condition.
 - Planning Authority should of refused permission
 - Did not adequately protect public interest.
 - No balanced and equitable participation given compliance conditions.

J. DCC as a Planning Authority

- Has not given sufficient weight to boundary – demarks 2 separate zoned areas
 - Z4 v Z2

- Decision focused on protecting building and not protecting residential amenity.
- Not established substantive nature of the business and propensity to cause nuisance.
- Has not prescribe use must be maintained.
- Not challenged function room becoming dance area/prospect for function room.
- Not differentiated between live performance music and music delivered by speakers – both cause nuisance.
- No date sought to demonstrate compliance with the requirements of Conservation Officer.
- No involvement by 3rd Parties dealing with noise nuisance – condition no. 10c.
- 3rd Parties denied equitable, fair and constructive participation.
- No consideration of impact of function room on residential amenity/no condition mitigating privacy/overlooking of private amenity space.
- Not been firm in requiring substantive/meaningful/definite proposal to mitigate sound and nuisance in the interest of protecting the proper planning and sustainable development of the area.
- Not considered impact of parking both from patrons and staff.

K. Applicant

- Did not respond to RFI properly to address issue.

L. The Issues

- Core of development – repurposing use of a Protected Structure adopting it to become licenced premises.
- Planning process demonstrates applicant has not been put to task – hasn't ensured sufficient consideration and mitigation put in place to protect residential amenity.

- Planning Authority not acted with sufficient efficiency to protect public interest.
- Therefore, request the commission consider:
 1. Use and operation
 - More detail required on business offer/operation/management of premises – to ensure existing residential amenities aren't compromised.
 2. Bins and Palette Goods
 - Need more information on:
 - Areas to store goods and running of bar/restaurant.
 - Bin and bottle store.
 - Ensure bins are within building/building yard/bin store.
 - Avoid lining up of bins on pavement.
 3. Restricted Deliveries and Removals
 - Restriction of good deliveries or waste collection no later than 10pm
 - Avoid noise and disturbance at unsociable hours.
 4. Metal Windows – Historic Fabric
 - All opes on northern elevation be non-openable/permanently fixed and obscure.
 - Require expanding foam tape to the interface between window and frame.
 - Mitigate against noise transmission/overlooking to protect residential amenity.
 5. Secondary Glazing
 - Provide permanently fixed secondary glazing to the inner reveals of all windows on northern boundary wall.
 - Mitigate noise transmission.
 6. Roof
 - Roof lights on northern roof pitch as non openable.

- Prohibit location of extract fans, condensers or any mechanical plant on north pitch of roof or adjacent to northern boundary.
 - Mitigate noise transmission.

7. Masonry Walls

- Block up any existing opening in the masonry of the north wall.
- Prohibit wall penetrations for ventilation
 - Mitigate noise/nuisance transmission.

8. Burglar Alarm Box and Fire

- Locate away from northern boundary wall.
 - Protect residential amenity

9. Car parking

- Request mitigation to reduce impact of vehicles associated with premises i.e. car parking.
 - Avoid potential conflicts.

7.2. Applicant Response

A response from the applicant was received from the Commission on the 9th June 2026 and can be summarised as follows:

- Section 59 of the Planning and Development Act, 2000 (as amended) – allows to undertake emergency works to a Protected Structure.
 - Proceeding this – notified Local Authority.
- Site located in an area undergoing change
 - Permitted ACP under Bus Connects.
- Property vacant and rapidly deteriorating
 - Aim of application to rescue Protected Structure and give it viability.
- Class 12 of Part 4 Schedule 2 of the Planning and Development Regulations 2001 - Use as a Public House, meaning a premises which has been licensed

for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

- Therefore, intention to acquire a liquor licence triggers the need for a change of use
- Use is permissible in the Z4 zoning objective.
- No. of observers made were mostly positive and in support
 - All considered by the Planning Officer.
 - Planning Officer detailed assessment included RFI
 - Applicant engaged at all stages.
 - Reference made to Planning Officer comment that not all requirements of the Conservation Officer are enforceable.
- Ground of appeal wish to control nature and extent of development to appellants satisfaction.
 - Invites ACP to micro manage development.
 - Submitted that applicant hasn't been put to task by Planning Officer and ACP should do so.
- Applicant put to rigorous assessment
 - Decision subject to onerous conditions.
 - No conditions appealed by 1st party.
- Effect of this appeal is decision put aside and development considered de novo by ACP
 - Conditions also set aside.
 - Matters for Commission to compose conditions if permission is granted.
- Ballsbridge – commercial district in Dublin Metropolitan area
 - Vibrant bustling daytime economy.
 - Photo evidence included.
- Estate Cottages exist in a rapidly growing/changing context

- Will only change further with bus connects.
- Appellant states no objection to principle of development – but wants applicant to be put to task.
 - Abuse of planning system.
- Not representing a number of residents
- Given length of time appellant has resided in area appeal failed to acknowledge the change in the area.
 - Commercial activity and scale of development.
- Public house permitted in principle
 - Nuisance is a civil matter.
 - Control of premises – licencing court.
- Appellant demanding ACP engage in management controls in areas controlled under a separate legislative code.
- Significant heritage and social gain from rescuing building-
 - Designed by a professional team
 - Public in support.

7.3. Planning Authority Response

A response from the Planning Authority was received on the 9th June 2026 and requests that the commission uphold the decision of the Planning Authority. In the event that the decision is upheld that a condition requiring payment of a Section 48 contribution be included.

The response also included for a response form the Executive Architectural Conservation Officer which stated the following:

- Primary concern raised by Appellant relates to potential noise and nuisance and makes reference to the applicant being an owner of no. 7 Estate Cottages and frustrations they have had engaging in the planning process.

- Conservation Officer has concerns of recommendations made by the appellant within their appeal which it is considered would not be best practice in conservation terms and include:-
 - Permanent closures of openings on the northern elevation – would interfere with the natural ventilation strategy.
 - Application of expanding foam tape – considered inappropriate intervention from a built heritage form.
 - Obscuring windows – result in causing injury to the fabric and special architectural character of the Protected Structure.
- The use of sensitive designed secondary glazing could be considered –it would interfere with functionality of the primary windows from a ventilation aspect.
- Request that roof lights on the north pitch are non-openable – again would interfere with ventilation strategy. Acknowledged that these are situated on a later addition to the building should be possible to ensure that new vents are sensitively positioned to avoid disruption to the adjoining owners.

7.4. Observations

The Commission received 1 no. observation which can be summarised as follows:

- Issues of direct overlooking – closest window 5m from bedroom window.
- Direct invasion of privacy – in previous years this part of the post office hosted the automatic telephone exchange with no people access or noise.
- All noise and activities associated with the proposed use will have a profound detrimental effect on enjoyment of home.
- Inevitable negative effect on property value.
- Area is already well served by bars and restaurants – another is not needed nor warranted.
- A more resident friendly use should be found for this property.

7.5. Further Responses

None received.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the appeal, having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Procedural Issue.
- Principle of Development.
- Impact on Residential Amenity
- Built heritage/Conservation
- Condition.

8.2. Procedural Issues

8.2.1. From the onset I consider it necessary to clarify 2 points raised, one within the 3rd party appeal and one within the response to same. The appellant makes reference to the tight time frame in which the Planning Authority were restricted to in terms of their assessment of the further information submission. It is contended that the applicant caused this pressure due to their late lodgement of their response documentation on the last day of the further information response period leaving only 4 weeks for assessment.

8.2.2. Article 33 of the Planning and Development Regulations 2001 (as amended) prescribes that a Planning Authority must issue a decision within 4 weeks of receipt of a response to a further information request. Therefore, I do not accept that the Planning Authority was put under pressure to issue a decision. Had the applicant submitted a response within the middle of the further information request period a decision would have still been required to have been issued within a 4 week period.

- 8.2.3. The conditions attached to the permission do require some post consent agreement, mostly relating to the conservation approach to ensure adequate protection of the retained and historic fabric of the building during the works. I will discuss the conditions further in section 8.6 of my report below
- 8.2.4. The second issues which was raised by the applicant in response to the 3rd Party appeal, states that the applicant did not lodge a 1st party appeal against the conditions of the permission and that the lodgement of the 3rd party appeal has meant that the decision of the Planning Authority is now put aside and that the development now has to be considered by the Commission de novo. It is also stipulated by the applicant that the Commission will also set aside the conditions attached.
- 8.2.5. While I note that in some instances a de novo assessment is warranted, I do not consider it to be necessary in this case. Given that the 3rd party appellant has not requested that the decision of the planning authority be overturned but rather that consideration is given to some alterations to the building and that the substantive concern relates to issued on residential amenity, I consider that a de-novo assessment is therefore not warranted. I will address all concerns raise by the 3rd Party Appellant.

8.3. Principle of Development

- 8.3.1. The subject site is zoned under objective Z4- Key Urban Villages /Urban Villages which seeks *"To provide for and improve mixed-services facilities"*. The applicant is seeking permission for a change of use from the former Post Office use to provide for a licensed bar restaurant with retail & gallery and all associated services and all associated site works. The building, situated at 63 Shelbourne Road, Dublin 6, is a Protected Structure and is described on the Record of Protected Structures as being *'Post Office: façade to Shelbourne Road, including single-storey structure and main gable with two storey projecting bay'*.
- 8.3.2. Section 11.5 of the Dublin City Plan sets out Policies and Objectives pertaining to protected structures and states under the heading of 'historic use' that *'...on occasion a change of use will be the best way to secure the long-term conservation of a structure. Where a change of use is proposed, the building should be capable of being converted into the new use without harmful extensions or modifications, such as the insertion of new openings, staircases, the substantial subdivision of historic floor plans*

and/or serious loss of historic fabric.’ I note that the Conservation Report from the Local Authority also makes reference to this and states *that ‘while the loss of the post office use is highly regrettable ... the subsequent deterioration of the fabric of the disused and vacant Protected Structure is of concern’*. The Conservation Officer further considered that the proposed adaptive reuse of the Protected Structure to be acceptable in principle.

- 8.3.3. I note that a restaurant, a public house and a craft shop/shop are all deemed to be permissible uses under the Z4- Key Urban Villages /Urban Villages land use zoning objective. Therefore, I consider that the uses proposed which will revitalise a vacant Protected Structure, is therefore acceptable in principle.
- 8.3.4. The 3rd party appellant to this appeal has made reference to the location of the appeal site which is on the boundary of the Z4- Key Urban Villages /Urban Villages and Z2 - Residential Neighbourhoods (Conservation Areas) zoning boundary. The Estate Cottages which are situated to the north of the appeal site are zoned under the Z2 - Residential Neighbourhoods (Conservation Areas) zoning objective. It is contended that the Planning Officer failed to give due consideration to the position of the appeal site on the boundary of separate zoned areas.
- 8.3.5. From a review of the zoning maps (map set E) of the City Plan, I note that there are a number of zoning objectives pertaining to Shelbourne Road including the Estate Cottages under zoning Objective Z2 and the appeal site and a number of sites directly opposing the Estate Cottages on the western side of Shelbourne Road zoned under objective Z4. In addition, lands further north are zoned under objective Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses and objective Z6- Employment Enterprise.
- 8.3.6. Section 14.6 of the City Plan sets out details relating to transitional zones and states that it is important to avoid abrupt transitions in scale and land-use between zones and that in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties.
- 8.3.7. I consider that having regard to the numerous land use zoning objectives pertaining to this section of Shelbourne Road and the ongoing development and change being

undertaken within the Ballsbridge Area and the location of the appeal site within a strategic location proximate to the city centre, a number of stadiums and event spaces and a number of suburban areas which are connected via bus routes and the dart, that the proposed use would be acceptable at this location.

- 8.3.8. I do however consider that residential amenity of the residents of the Estate Cottages does require further consideration. I have addressed this with section 8.4 of my assessment below.

8.4. Impact on Residential Amenity

- 8.4.1. The principal concern raised by the appellant relates to the impact the proposed development will have upon the current level of residential amenities enjoyed in the Estate Cottages by way of increased noise, nuisance and car parking. It is contended that the Planning Authority failed to give this concern enough weight and did not put the applicant to task. It was considered by the appellant that a heavier weight was placed upon protecting the building as opposed to the amenities of the existing residents.
- 8.4.2. The assessment of the Planning Authority set out concerns of the impact the proposal many have in terms of noise and hours of operation. As such the applicant was requested to address these issues.
- 8.4.3. In response to these concerns the applicant noted that the main cause of noise from the proposal would be mechanical extract and ambient noise from patrons. However, no cooling or ventilation system is proposed as the building is old and best served with natural ventilation. The applicant considered that the most sensitive noise receptor would be 7 Estate Cottages, which shares party wall with the north east wall of the applicant building.
- 8.4.4. This point is contended by the appellant who notes that this property is in the control of the applicant and that units 8 -12 Estate Cottages would experience a greater impact due to the proximity to the window opes serving the function room.
- 8.4.5. From assessment of the plans submitted I note that the opes serving the function room do not run the entire length of the building and are set c.7.5 m from the rear elevation of no. 12 Estate Cottages with the nearest roof light serving the proposed function room being situated c.6m from the rear elevation of no. 12.

- 8.4.6. The main restaurant and bar area is situated at ground floor level. The appellant contends that the end use of the function room has remained unclear through the planning process and raises a concern over the space becoming in use as a dance area/nightclub.
- 8.4.7. In the first instance, I note by the nature a 'function room' it will not be an area which would be in constant use but rather would be used intermittently on the basis of being required for a function or event and therefore noise generated would not be at a constant that would undermine the level of amenity enjoyed by the adjoining residential units. Permission was not sought for a dance hall/nightclub and as such no such use would therefore be permitted under this application for such.
- 8.4.8. Furthermore, given the distance of the opes serving the function room from the rear elevation of no. 12 Estate Cottages, I do not consider the level of noise generated would be to a level that exceeds the noise that is already generated by a number of restaurants and take away facilities which operated directly opposite the appellants property. I consider that the condition included by the Planning Authority, with a particular reference to condition no. 8 and condition 10 (c) which set out noise control measures including restricting the hours of usage of the outdoor terrace areas, to be adequate to further protect the amenities of the adjoining property and should be retained in the instance that the Commission decide to uphold the decision and grant permission.
- 8.4.9. The appellant to this appeal has requested that more detail be requested with regards to the business offering, operation and management of the proposed development in order to ensure that the existing residential amenities are not compromised.
- 8.4.10. The applicant has clearly set out the intended hours of operation within their response to further information which I consider to be acceptable in terms of the uses proposed. The Planning Officer made reference to these hours of operation being subject to a condition of planning however no condition was included. I consider that a condition should be included to ensure the hours of operation identified by the applicant should be adhered to.
- 8.4.11. I consider that the information provided and the inclusion of this condition provides for a clear and concise explanation of how the business proposed will operate and will offer a protection of the existing level of residential amenities enjoyed.

8.4.12. Overall, in conclusion, while I note that the proposed use is a significant change from the existing post office use, having regard to the pattern of development within the vicinity, the land use zoning and the inclusion of a condition limiting the hours of operation and the noise level, I consider that the proposed development will not give rise to any undue levels of negative impact upon the current levels of residential amenities enjoyed by the residents of Estate Cottages.

8.5. Built heritage/Conservation

8.5.1. As noted previously, the appeal site comprises a Protected Structure – RPS 7509 and as such the application was subject to the assessment of the Conservation Officer within the Local Authority. Concerns were raised by the Conservation Officer at further information stage which were responded to. The second report of the Conservation Officer recommended that permission be granted subject to condition.

8.5.2. The appellant considers that the decision of the Planning Authority was focused on protecting the building as opposed to protecting the residential amenity of the adjoining building. The main issue raised relates to the positioning of a number of opes which are situated along the northern elevation and the impact these opes may have upon their residential amenities in terms of noise. As such, the appellant has made a number of requests with regard to the treatment of these opes, in addition to roof lights situated along the northern roof slope and the masonry walls.

8.5.3. Primarily the appellant has requested that the opes and roof lights situated on the northern elevation be made non-openable in order to mitigate against noise traveling from the building. In addition, it is requested that any existing opening on the northern elevation masonry be blocked up.

8.5.4. The applicant in response to the further information request stated that no cooling or ventilation system is proposed and the only plant will be 'extract from the kitchens' and that natural cross ventilation would be best practice in terms of protecting the fabric of the building.

8.5.5. This was supported by the Conservation Officer who reiterated this within a submission made to the Commission on the 9th of June 2026 and clearly stated that the recommendations made by the appellant would not be best practice in conservation terms and while secondary glazing of the opes on the northern elevation

may be considered the inclusion of such would interfere with functionality of the primary windows from a ventilation aspect.

- 8.5.6. Policy BHA2 of the City Plan relates to the development of Protected Structures. Point (a) and point (c) of this policy seek to ensure that any work undertaken to protected structures have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and is undertaken in line with best conservation practice.
- 8.5.7. Therefore, in line with the comments made by the Conservation Officer of the Planning Authority at both RFI response stage and in response to the 3rd party appeal, I consider that the request to have all opes on the non-openable and provide for secondary glazing in same, would not be in keeping with best conservation practices and as such would not accord with Policy BHA2 of the City Plan
- 8.5.8. Furthermore, as stated above in section 8.4 of my report, I do not consider that the development as proposed will give rise to any undue levels of negative impact upon the current levels of residential amenities enjoyed by the residents of Estate Cottages given the location of the appeal site within an area with an established mix of uses operating at various hours.

8.6. **Conditions of Planning**

- 8.6.1. The Planning Authority, when granting planning permission, included a number of conditions which would require post consent agreement to be reached. The appellant within their appeal considers that this approach precludes 3rd parties from participating in the process.
- 8.6.2. Condition no. 3 requires a number of amendments which have been prescribed by the Planning Officer while Condition no. 7 requires compliance with the requirements of the Consecration Officer. I note that the 3rd Party make a particular reference to condition no. 10C. Condition 10(c) which states '*Before the use hereby permitted commences, a scheme shall be submitted to and approved in writing, by the planning authority for the effective control of noise from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained.*'
- 8.6.3. I consider that the requirements of condition no. 10 (c) are require as a point of detail to ensure that all relevant noise control measures to ameliorate for noise impact are undertaken by the applicant. I note that condition no. 8 (e) of the grant of permission

sets out a LAeq level of LA90 which must not be exceeded during the operation hours of the proposed development. Therefore, it is considered that condition no. 10 (c) has been included to ensure that the requirements of condition no. 8(e) are adhered to.

8.6.4. I note that compliance conditions are a common practice which Planning Authorities and the Commission use on a regular basis. While I accept that compliance conditions do not have a 3rd party participation, in the event that the appellant considers conditions of planning are not being adhered to and issues of annoyance occur it would become a matter for enforcement which is a function of the Local Authority.

8.6.5. Having reviewed condition no.3 I consider the amendments are minor in nature and relate to the window layout on the southern and eastern elevation and therefore will not have an impact upon the dwellings situated to the north. In addition, condition no. 7 of the grant of permission relates to the requirement of the Conservation Officer which seek to ensure best practice is employed by the developer during the construction phase in term of the conservation of the Protected Structure. Having reviewed both conditions I recommend that the Commission retain condition no. 3 and 7 in the event the permission is successful.

8.7. Other Issues

8.7.1. General operation

The appellant has set out a number of issues within their appeal which they consider requires further consideration by the Commission. One of these issued relates to bin storage/collection. It is requested that the Commission ensure that bins are stored within the proximity of the building and not stored on the public pavement in a linear manner. It is also requested that information be sought on where goods are to be stored ie bottle store to serve the restaurant.

I note that item 3(c) of the request for further information issued by the planning authority requested that the applicant shall identifying a suitable location for bin storage within the development and it further stated that the applicant should note that refuse storage shall not be stored on the public footpath. In repone the applicant stated that the bin store will be located in the existing sheds along the south wall. I consider this to be acceptable and clarifies the concern raised. Furthermore, I note that there

are no doors proposed to be provided along the northern elevation and as such all deliveries will be required to be undertaken to the south of the building.

8.7.2. Car Parking

The appellant has requested that applicant consider mitigation to reduce the impact of vehicles associated with the premises. I note that the applicant is not proposing any parking to serve the proposed development which was considered to be acceptable to the Transportation Planning Section of the Local Authority given the location of the site proximate to the approved Belfield/Blackrock to City Centre Core Bus Corridor as part of the Bus Connects scheme and the on-street parking in front of the site. I do not consider it therefore necessary for the applicant to be requested to address such.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The site is situated 1.5km west of South Dublin Bay SAC as well as South Dublin Bay and River Tolka Estuary SPA and c.5.1km to the south-west of the North Dublin Bay SAC (Site Code 000206), North-West Irish Sea SPA (004236) and the North Bull Island SPA (Site Code 004006).
- 9.2. The proposed development comprises of the change of use of the post office situated on Shelbourne Road to provide for a licensed bar restaurant with retail and gallery space with all associated site works.
- 9.3. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.
- 9.4. The reason for this conclusion is as follows:
 - The small scale and domestic nature of the works in a serviced urban area,
 - The distance from the nearest European site and lack of connections, and
 - Taking into account screening report/determination by Dublin City Council.
- 9.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in

combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The appeal site shares its eastern boundary with the Dodder River which has a moderate status. The appeal site is also situated within the Grand Canal Main Line (Liffey and Dublin Bay) groundwater body which has a monitoring status.
- 10.2. The proposed development comprises of the change of use of the post office situated on Shelbourne Road to provide for a licensed bar restaurant with retail and gallery space with all associated site works. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4. The reason for this conclusion is as follows:
- The nature of the development in an urban environment.
 - There are no waterbodies within the site.
- 10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that decision of the Planning Authority is upheld and permission be granted.

12.0 Reasons and Considerations

Having regard to the land use zoning of the subject site, the provision of the Dublin City Development Plan 2022-2028, and the design, intended use of the proposed development, and the pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, would provide for an appropriate form of development and would not adversely impact upon the built heritage of the area or established level of residential amenity, and therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the day of the 29th July 2025 and the 23rd March 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The applicant shall comply with the following requirements of the Planning Authority:
 - a. The facility shall only operate between the hours of:
 - 10.30am to 12.30pm Mon-Fri;
 - 10:30 AM – 1:30 AM (following day) Fri-Sat; and

- 12:30 PM – 12:00 PM Sundays and Bank Holidays.
- b. There shall be no speakers located in the outdoor terrace or in such a way that music played on the premises is audible outside the premises.
 - c. The external seating area shall only be used between the hours of 08:00 and 22:00, Monday to Sunday.
 - d. The LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant associated with the development is operating, shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

REASON: In the Interest of protecting residential amenity.

3. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'
- (b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.
- (c) Before the use hereby permitted commences, a scheme shall be submitted to and approved in writing, by the planning authority for the effective control of noise from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

4. Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by the Planning Authority:

- (a) The existing modern stairs (off Hall 01) shall remain in its existing location at ground and first floor levels, omitting the proposed snug at ground floor level.
- (b) Existing window GW11 to be retained, New glazed door in this location to be omitted.
- (c) The proposed kitchen at first floor level shall be relocated to the east end of the function room where the services can be stacked/coordinated with the proposed kitchen at ground floor level, using the existing chimney/flue for ventilation 2no. new flues at the west end of the intact pitched roof shall be omitted.
- (d) Additional WC indicated in WCs F5 shall be omitted.
- (e) Proposed lowering of existing window FW07 shall be omitted.
- (f) Proposed lowering of windows FW18 and FW19 shall be omitted.
- (g) The proposed external balcony / terrace adjacent to windows FW18 and FW19 extending as far as the end of the lean-to adjacent to the new door opening to replace window FW15 shall be omitted.
- (h) The proposed internal partition indicated adjacent to windows FW18 and FW19 shall be omitted.

Reason: In the interest of proper planning and sustainable development, adjoining residential amenity and protection of the Protected Structure.

5. The hours of operation during any site development works shall be restricted to 7.00am to 6pm, Monday to Friday, and 8.00am to 2.00pm on Saturdays. Permission to work outside of these hours must be subject to the approval of Dublin City Council. A Construction Management Plan shall be developed with reference to the 'Good Practice Guide for Construction and Demolition'

produced by the Air Quality Monitoring and Noise Control Unit of Dublin City Council.

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

6. Prior to occupation of the premises the applicant shall submit proposed signage and lighting details for the premises to be agreed in writing by the Planning Authority.

Reason: In the interest of proper planning and sustainable development.

7. The applicant shall comply with the following conditions of the Drainage Division:

- a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- b) The development shall incorporate Sustainable Drainage Systems in the management of surface water.
- c) The developer shall ensure that an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Dublin City Development Plan 2022-2028 Strategic Flood Risk Assessment, is carried out for the proposed development.

Reason: In the interest of sustainable development.

8. The applicant shall comply with the following conditions from the Transportation Planning Division:

- a. Cycle parking provision for the overall development shall comply with the minimum cycle parking standards outlined in Table 1 of Appendix 5 Dublin City Development Plan 2022-2028 for café/restaurant. Cycle Parking shall be covered, sheltered and well-lit. Cycle parking dimensions shall comply with the minimum requirements of Section 6.5.1 of the Cycle Design Manual,

2023. Cycle parking shall be in place and ready for use prior to the opening of the development.

- b. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

9. The applicant shall comply with the following requirements of the Planning Authority:

- a. An RIAI Grade 1 Conservation Architect with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- b. In advance of the respective packages of work commencing on site, and during construction works on site, the applicant shall submit the following to the Planning Authority, for their written agreement:
 - i. Record drawing of historic decorative tiling in Ground Floor Entrance Hall 01
 - ii. Marked-up drawings of the interior of the Protected Structure following determination of proposed structural repairs to be executed, indicating extent of repair of surviving plasterwork, joinery and the proposed finish of internal walls demonstrating best conservation practice.
 - iii. Flat-roofed two-storey rear building - Revised drawings and details of finalised rainwater disposal arrangement from the rear flat roof - to ensure that rainwater run-off is properly discharged within the property boundary.
 - iv. Making good of the masonry base – North Elevation (Crimmins Architects drawing no.P-24): Updated final detail and proposed elevation

for the consolidation of the top of the coursed rubble stone wall at the base of the North Elevation (which is part of the shared boundary to the Estate Cottages), finishing with a robust lime flaunching on the top of the masonry wall clarifying whether the masonry base will be consolidated and completed up to a consistent horizontal line. A lead flashing would be preferred and shall be introduced.

- v. Pitched roof two-storey building parapet gutter (north elevation): Following detailed investigation at close quarters when scaffold is in place, 1:10 parapet detail section and 1:50 elevation and roof plan drawings shall be submitted, illustrating the satisfactory discharge of rainwater from the north elevation and location of internal/external downpipes.
- c. Revised drawings to be submitted for the written agreement of the Planning Authority for the following works in advance of their execution:

GROUND FLOOR

- i. New glazed door to replace window GW10 shall include a kick plate/base panel.

Lean-to building:

- ii. The upper band of rooflights only shall be installed, to be in-line conservation-style and not raised as indicated on Drawing GWA-P-123.
- iii. The depth of the roof construction shall be as slim as possible.
- iv. The existing and proposed section drawings shall indicate the build-up of the roof.
- v. Revised 1:20 section and roof plan drawings and 1:5 gutter/junction detail at the southern boundary and rainwater disposal strategy to be submitted, indicating in-line roof lights at the upper level only and omitting the proposed lower rooflight, to reflect the existing roof enclosure with natural Bangor Blue slate coverings to match existing, using salvaged sound slates from the existing roof where these survive.
- vi. The proposed removal of the existing window and unstable wall on the east elevation and replacement with a new glazed screen as indicated

on Drawing GWA-P-123, GWA-P-09 Section FF is acceptable in principle, subject to refinement of the wide panels beneath the steel beams which currently indicate unsatisfactory subdivisions of the glazing above the glazed doors – a revised drawing shall be submitted.

- vii. The proposed lowering of GW29 to form a new door into the existing lean-to extension is acceptable in principle, subject to simplification of the door fenestration e.g. include a spandrel panel in the location of the handle (Drawing GWA-P-121) – a revised drawing shall be submitted.

FIRST FLOOR

- viii. 1:20 drawing of proposed new glazed door at FW15 shall be submitted. (Window FW15 will be relocated to new opening adjacent).
 - ix. Revised drawings showing a reduced external balcony on the south side of the Protected Structure that would extend between the new door opening (that will replace window FW15) and the existing barn doors FD08 in front of windows FW07, FW08, FW09, FW10 shall be submitted. Revised 1:50 plans, long and short sections and elevations shall be submitted indicating the omission of the balcony above the lean-to and along front of the east elevation at first floor level, and a rationalised/simplified balcony arrangement to reduce the number of level changes.
 - x. Detailed structural drawings shall be submitted for the written agreement of the Planning Authority when all investigative and opening-up works have been completed, and all areas have been inspected at close quarters and definitive structural repairs have been identified.
- d. Following provision of a scaffold to the elevations
- i. the Conservation Officer shall be given the opportunity to inspect the brickwork at close quarters to assess its condition. A detailed schedule/marked-up drawing of shall be submitted for the written agreement of the Conservation Officer following the inspection.
 - ii. The applicant shall submit recent examples of specialist re-pointing works carried out by the proposed specialist contractor on protected

structures of similar architectural significance in Dublin and associated references to ensure that the contractor has the requisite expertise for these works.

- iii. Site samples/exemplars for the raking out of pointing, cleaning, patch repairs, re-facing and repointing of damaged bricks to be agreed on site with the Conservation Officer prior to these works commencing. The proposed pointing finish shall be based on surviving remnants of historic pointing and analysis of historic lime mortar on the building etc.
- e. Existing and proposed basement arrangement - The applicant shall submit 1:50 updated plan and section drawings of the basement enclosure between the staircase Hall 03 and the sewer; indicating if it is intended to use this space and create a conventional door opening between staircase Hall 03 and the adjoining basement room. 1:50 record plan of the existing floor hatch in ground floor room G3, and proposed floor arrangement in the new restaurant shall be submitted.
- f. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- g. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- h. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.
- i. All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best

conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

10. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

11. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

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

Kathy Tuck
Planning Inspector

5th August 2026

Appendix 1

EIA Pre-Screening

Case Reference	PL-501328-DS-26
Proposed Development Summary	PROTECTED STRUCTURE: Change of use from former Post Office, a two storey protected structure (625sqm), to licensed bar restaurant with retail & gallery (606sqm). The proposal will involve removal of a lean-to roof and demolition of external storage (19sqm); lowering of cills at both levels and breaking out of one opening to provide new door at first floor level; and building up of walls on southern boundary up to first floor level, all along the side passage/south elevation; provision of new external stairs and terrace to the south side and rear. Repair works to roof, rainwater goods, windows & doors, repointing of brickwork, minor interior alterations, fit out and provision of signage, and all associated services and site works.
Development Address	Ballsbridge Post Office, Shelbourne Road, Dublin 4, D04 E038.
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?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold

☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2

AA Screening Determination

Appropriate Assessment :Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises the demolition of existing commercial and residential structures and construction of 20 no. apartments and all associated site works.

The Planning Authority, within their assessment, noted that no appropriate assessment screening report was submitted as part of the application documentation and that this should have accompanied the application. From assessment of the Planning Officers report I note that the Planning Authority did not undertake a screening determination for Appropriate Assessment.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 5 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- South Dublin Bay and River Tolka Estuary SPA (004024)
- South Dublin Bay SAC (000210)

- North Dublin Bay SAC (000206)
- North-West Irish Sea SPA (004236)
- North Bull Island SPA (004006).

There are no direct natural hydrological connections from the subject site to Dublin Bay.

Likely impacts of the project (alone or in combination)

It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development.

All wastewater generated from the new development site is to discharge to the Irish water local wastewater drainage network. I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP.

Having regard to the distance separating the site to the nearby Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natura 2000 sites located within the zone of influence.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development;
- The location of the subject site within the urban context of Dublin City Centre;
- The lack of any direct connections to the nearest Nature 2000 site; and
- Taking into account appropriate assessment screening report submitted with the application.