Inspector's Report
PL-501654-DN-26

Development	Retention of existing rooftop air conditioning units and air handling units. Decommissioning of older air conditioning units, ventilation risers and canopy in central area of roof terrace and associated rooftop plant and removal of same. Removal of existing screening and replacement with proposed acoustic screening and all associated site works.
Location	The Capel Building, Mary's Abbey, Dublin 7, The building fronts onto Mary's Abbey to the north and Strand Street Little to the south and southwest
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1405/26
Applicant(s)	Bureau Investment Group Ltd
Type of Application	Permission
Planning Authority Decision	Grant Retention with Conditions

Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	O'Connell & Clarke Solicitors LLP Debbie Kenny & Others
Observer(s)	None
Date of Site Inspection	15th October 2026
Inspector	Elaine Sullivan

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1.0 Site Location and Description

1.1. The subject site is located on the southern side of Mary's Abbey between Capel Street to the east and Arran Street East to the east. It is part of the Capel Building, which is a 22,000sq.m mixed use development comprising office accommodation over five floors and retail units, some office, a coffee shop and lobby at ground floor. The Red Line Luas runs along the front of the Capel Building. The subject site is located on the west facing terrace of the building.

1.2. The Capel Building extends a significant length of Mary's Abbey St and has frontage facing onto Capel Street, Mary's Abbey and Strand Street Little to the south. To the west the building faces on to the rear of residential properties on Arran Street East and Strand Street Little. The western elevation of the building forms the boundary wall to the shared open space to the rear of these properties. The north-eastern corner of the building is within the boundary of the Capel Street and Environs ACA.

2.0 Proposed Development

2.1. Planning permission is sought for the following,

- The retention of rooftop air conditioning units and air handling units and all associated and ancillary plant and Automatic opening vent (AOV) installed to the western elevation to comply with fire regulations, and,
- The decommissioning of older air conditioning units, ventilation risers and canopy in central area of roof terrace and associated rooftop plant and removal of same.
- The removal of existing screening and replacement with proposed acoustic screening.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) granted permission for the development subject to 9 no. planning conditions which are mostly standard in nature.

Condition No. 3 relates to noise and states that,

The LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant 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 order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by two reports from the Planning Officer (PO).

- The first report of the PO had no objection to the retention of an Automatic Opening Vent (AOV) on the western side of the building and to the decommissioning of redundant air handling units, ventilation risers and canopy in the central area of the roof terrace.
- The PO recommended that further information (FI) was requested in the form of a second acoustics report to ascertain the noise exposure to the offices located to the east of the mechanical plant and to provide mitigation measures if required.
- The second report of the PO assessed the information submitted by the applicant which included a technical note from noise consultants. The PO accepted the findings of the consultants, which concluded that no additional mitigation measures were required.

- A recommendation to grant permission with a standard planning condition relating to noise was issued.

3.2.2. Other Technical Reports

- Environmental Health – Further information requested to address concerns raised regarding the noise impact on neighbouring offices. Recommendation also included for standard planning conditions that relate to noise and odour.
- Drainage – No objection.

3.3. Prescribed Bodies

TII – No objection.

3.4. Third Party Observations

Two observations were received by the PA; one from the residents on Arran Street and one from offices in the Capel Building. The observations are summarised below,

- The air conditioning units proposed for retention directly contravenes guidance as set out in Section 9.5.8 of the Dublin City Development Plan 2022-2028.
- The proposed works do not consider the impact on office workers.
- Non-compliance with EPA Guidance Note for Noise Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4).
- The mitigation works are insufficient to suitably protect residential amenity.

4.0 Planning History

There is an extensive planning history for the subject site. The applications listed below contain the most recent planning history and do not represent a comprehensive planning history for the site.

WEB1853/25 – Planning permission **granted** for minor alterations to the fenestration to part of the existing front elevation (St. Marys Abbey elevation) of the Capel Building, for the erection of signage to a section of the front elevation of The Capel

Building and to replace existing door with automated sliding doors including associated works.

PA Ref. 3894/18 and 3894/18/X1 – Planning permission **granted** for the change of use from retail units to office accommodation with associated minor alterations; the provision of additional floor area such as a mezzanine and minor alterations to elevations to Marys Abbey & Strand Street Little.

EXPP: 0126/17 – A declaration of **Exempted Development** was issued for the amalgamation unit RU6, Part of Cafe/Restaurant at the Capel Building at ground floor dining areas and basement level.

Enforcement History –

Enforcement History is taken from the report of the Planning Officer as there is no public access to the PA's enforcement files.

PA Ref: E0084/24 – Enforcement file opened relating to alleged breach of conditions 5(b), 6(a) and 6(b) of Planning Permission 3894/18. (Condition 5(b) relates to the position of Overhead Conductor Poles for the Luas, Conditions 6(a) and 6(b) relate to cycle parking and building access arrangements respectively). The report of the PO states that this file is still open.

PA Ref: E0837/25 – Enforcement file opened regarding works carried out not as per plans granted under PP 3894/18 (window to rear wall). The report of the PO states that this file is closed as the works are Exempted Development and also subject to the current retention application.

5.0 Policy Context

5.1 Development Plan

5.1.1. The **Dublin City Development Plan 2022 - 2028** (DCDP) is the current statutory plan for Dublin City, including the subject site.

5.1.2. The main policies/objectives that relate to the development proposal are set out below. This is not an exhaustive list and should not be read as such.

5.1.3. Policies and objectives denoted with an asterisk (*) are referenced in the grounds of appeal.

The Commission should consider inter alia the following:

Zoning – The site is zoned objective Z5 – City Centre, which seeks *'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.'*

Section 14.7.5 – City Centre – Z5 – states that, *'As a balance, and in recognition of the growing residential communities in the city centre, adequate noise reduction measures must be incorporated into development, especially mixed-use development, and regard should be given to the hours of operation.'*

Chapter 9, Sustainable Environmental Infrastructure and Flood Risk - *Section 9.5.8 – Noise Pollution - Dublin City Council is actively engaged in the strategic management of noise in compliance with requirements under the EU Environmental Noise Directive and the Environmental Noise Regulations.

Capel Street & Environs ACA – The north-eastern corner of the Capel Building is located within the boundary of the Capel Street & Environs Architectural Conservation Area. The building is not listed on the Record of Protected Structures.

Policies –

***SI35** - Ambient Noise Quality - To seek to preserve and maintain noise quality in the City in accordance with good practice and relevant legislation.

***SI36** - Noise Management - To support pro-active management of noise in the City through measures such as appropriate road surfaces to avoid, mitigate, minimise noise in accordance with good practice, relevant legislation and in line with the Dublin Agglomeration Environmental Noise Action Plan 2018-2023 (and subsequent plans).

***S137** - Noise Sensitive Development – To give careful consideration to the location, design and construction of noise sensitive developments, including the horizontal and vertical layout of apartment schemes, so as to ensure they are protected from major noise sources, where practical, and to minimise the potential for noise disturbance.

Objective –

***S1024** - Noise Monitoring and Enforcement - To support and facilitate the monitoring and enforcement by the environmental health department of noise reduction measures in areas experiencing excess noise.

Chapter 15 – Development Management Standards

15.9.16.3 – Noise – This section relates mainly to minimising disruption from noise in dwellings and recommends (inter alia) to, *'Utilise the site and building layout to maximise acoustic privacy by providing good building separation within the development and appropriate noise insulation measures to reduce noise transfer and vibration to neighbouring buildings and noise sources.'*

15.18.6 – Plant Machinery - Where required, the scale of plant at roof level should be minimised and have a suitable finish or screening so that it is discreet and unobtrusive. Plant, flues and lift overruns should not be included in the height of the building, as long as they are set back and properly screened and do not significantly add to the shadowing or otherwise of natural light beyond that of the main structure. Where plant rooms are highly visible, and occupy the majority of roof space, the impact of such will be assessed similar to an additional floor.

5.4 Natural Heritage Designations

5.1.4. No designations apply to the subject site.

6.0 EIA Screening

6.1.1. 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

Residents appeal

- The works proposed for retention do not adequately consider the amenity of neighbouring residents on Strand Street Little and Arran Street East.
- The development contravenes the Z5 – City Centre zoning objective that seeks to facilitate an appropriate mix of development and to ensure that adequate noise reduction measures are incorporated into development.
- Reference is made to Section 9.5.8 – Noise Pollution, of the Development Plan and with policies SI35 – Ambient Noise Quality, SI36 - Noise Management, S137 — Noise Sensitive Development and, objective S1024 — Noise Monitoring and Enforcement. (These policies and objectives are listed in full in Section 5.0 above).
- Adjoining residents submit that the air conditioning unit and associated plant are in close proximity to the houses and generate significant noise throughout the day and late into the evening. They do not consider the mitigation measures proposed (acoustic screening) to be sufficient to.
- Residents engaged a noise consultant to assess the noise impact on existing houses. A Noise Assessment was prepared using noise levels from an adjoining house and concluded that the noise level in a bedroom approached 47dB(A), which is too loud for a bedroom.

Office Appeal

- The replacement of the units has resulted in the high levels of noise at the offices adjoining the terrace where the units and plant are located.
- Whilst mitigation measures have been proposed for the houses adjoining the site, no measures are proposed to mitigate the noise to the offices, which are c. 11.8m from the source. The applicant's iAcoustics report notes that the sound pressure levels for existing conditions breech the guidance thresholds

for the EPA's NG4 guidance document, yet no mitigation measures are proposed for the office.

- The appellant submits that the use of the terrace as an amenity by office workers has been diminished due to the noise. Views from the offices across the terrace have been impacted by the air handling units and associated plant and will be impacted further by the acoustic screening to the houses.
- The technical note submitted with FI, concludes that the operation of the plant does not give rise to adverse noise conditions within the offices and that it does not prohibit the offices from achieving acceptable acoustic conditions. The appellant does not agree with this conclusion as they find the plant to generate significant levels of noise throughout the day.

7.2. **Applicant Response**

A response was received from the applicant.

- The applicant notes that the proposal was subject to an independent noise assessment that confirmed the proposal complies with relevant noise standards. The proposed mitigation measures are appropriate to ensure the protection of existing residential amenity.
- Although it is not considered necessary, the applicant is happy to accept any condition necessary in respect of the proposed development.
- Contrary to the assertion the units and plant generate significant noise during the day and late into the evening, the applicant notes that the noise monitoring and noise report confirms that the plant is within the appropriate noise limits.
- The independent noise assessment, noise monitoring and technical response to FI found that the proposed development does not have any significant impact on the office staff. However, the applicant is happy to accept any conditions in respect of the amenity of the office staff should the Commission deem this necessary.
- With regard to visual impact, the applicant states that the additional screening will shield the units from the adjoining houses and that there is no entitlement

to a view from offices. The original view from the office was of trellis screening along the terrace boundary as well as the old plant room, which was considerably closer to the offices than the current proposal.

- In response to the lack of mitigation provided for the office workers, the applicant states that this was not provided as the noise assessment determined that there was no significant impact in respect of the offices.

7.3. Planning Authority Response

- No additional comments received.

8.0 Assessment

- Principle of Development
- Noise Impact
- Visual Impact

8.1. Principle of Development

8.1.1. The proposed development relates to the replacement of air handling units and plant on the roof of an office building in an area Zoned Z5 – City Centre. The plant is ancillary to the office use, which is existing use and listed as a 'Permissible Use' under the Z5 zoning objective. Therefore, the proposal is acceptable in principle subject to the policies and objectives of the Dublin City Development Plan 2022-2028 (DCDP).

8.2. Noise Impact

8.2.1. Two appeals were lodged against the decision of the PA. One from the residents on Arran Street East and Strand Street Little and the second from the owner of offices in the Capel Building. The residential properties flank the development area to the west and south and the office is directly to the east and faces onto the subject site. Both appellants raise concerns about noise from the plant and equipment and visual impact. Residents acknowledge that mitigation measures are proposed and will be

put in place, but there is a concern that they will be insufficient to prevent noise. The appellant's in the adjacent office, note that no mitigation measures are proposed to reduce noise to the offices and consider this to be necessary.

8.2.2. The application was accompanied with a noise assessment which was prepared in accordance with the *EPA Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)* and *BSI Standard BS 4142:2014 + A1:2019, Methods for rating and assessing industrial and commercial sound*. The report notes that there are currently no statutory noise control limits for commercial or industrial noise. Although the EPA Guidance Note for Noise (NG4) is intended to assist licensed sites with noise control, NG4 thresholds are widely adopted by planning authorities in setting noise conditions for planning permissions. NG4 thresholds are outlined below,

- Daytime (07:00 to 19:00hrs): 55 dB $L_{Ar,T}$
- Evening (19:00 to 23:00hrs): 50 dB $L_{Ar,T}$
- Night-time (23:00 to 07:00hrs): 45 dB $L_{Aeq,T}$ & no tonality
- $L_{Ar,T}$ is the rating level as defined in BS 4142:2014.

8.2.3. BS 4142:2014 + A1:2019 is a British Standard used to assess the potential impact of commercial noise on nearby residential receptors by comparing the noise level from a specific source, such as machinery or plant equipment, against the existing background noise level.

8.2.4. The applicant's noise assessment focused on the EPA thresholds as these are stated as the most commonly used by local authorities. The nearest noise sensitive receptors were identified as 5A–5B, 6B –6D, 7B –7D Aaran Street East and 20B Strand Street Little. The residential units were not accessed as part of the assessment. Instead, noise monitoring was carried out on the terrace at a location approximately 4m from the air handling units (AHU) and 6m from the condensers. As the AHUs are in place and operational, the noise measured was that of the subject proposal in place and operating with no mitigation measures in place.

8.2.5. The assessment states that the air conditioning equipment was generally in operation from 7am to 7pm, i.e. during office hours. This is disputed by third parties who submit that the operating hours vary and sometimes start at 6am. Noise

measurements for the assessment found the continuous nature of the noise to be distinguishable above the prevailing background sound that would otherwise occur in its absence. As noise measurements were taken at locations in closer proximity to the equipment than the residential units, the sound levels recorded were expected to be higher than those experienced at the residences. Results found that the A-weighted (adjustment made to reflect the sensitivity of the human ear), sound pressure levels, were found to breech the guideline thresholds of NG4.

8.2.6. Two locations at the rear of the residential units were determined to have a noise level of 56dB with the plant on and without mitigation measures. This is above the 55dB daytime threshold in the NG4 guidance. The locations are not referenced in accordance with the unit numbers, but the 56dB levels appear to relate to units 7B and 7D. The elevations of these units are approximately 5m from the location of the plant. The baseline drawing used to illustrate the noise results in Appendix A.1 – A.4 does not have a correct layout as the rear return of units 7A / 7C is not shown. The rear return of No's 7A/ 7C is in close proximity to the condenser units on the north-western corner of the terrace (approximately 5m from the condenser units). The remaining receptors on the rear elevations of the residential units facing onto the Capel building were found to range from 51 – 55 dB and range in distance from c. 5 – 9.6m from the wall of the Capel Building.

8.2.7. With the plant off and no mitigation measures in place, the assessment determined the noise levels at the points on the rear elevation of the residential units to range from 46 – 50dB, which is within the NG4 evening threshold. The post-mitigation model found the noise levels to be broadly similar with the highest noise level at 50dB at a point on the rear elevation. Mitigation measures proposed include the installation of acoustic -rated louvres/screening around the plant items and the provision of visual screening along the terrace facing onto the existing houses.

8.2.8. To test the impact of the mitigation measures, (300mm deep louvre screening, extending 2.5m above terrace floor level (1.5m above existing parapet) an acoustic model was prepared using proprietary software CadnaA. The post-mitigation modelling scenario has demonstrated a reduction in sound pressure levels of approximately 6–8 dB(A). On this basis the report anticipated that operational noise emissions can be managed such that the relevant EPA NG4 daytime rating level criterion of LAr ≤ 55 dB, inclusive of a 5 dB rating penalty, will be satisfied.

8.2.9. Whilst the mitigation measures would reduce the daytime noise levels to within NG4 threshold level, the noise assessment also states that, '*There remains a risk that noise emissions may approach or marginally exceed the EPA NG4 nighttime criterion of LAr 45 dB. This uncertainty is primarily attributable to whether the post-mitigation noise environment would be assessed as warranting the application of a rating penalty, noting that the reduction in overall sound level may also diminish the audibility or prominence of any distinctive acoustic characteristics. At this preliminary stage, the proposed mitigation measures are considered, in principle, sufficient to enable compliance with the relevant EPA NG4 threshold levels, subject to further refinement, approvals and coordination with other disciplines.'*

8.2.10. The report does not expand on what the 'other disciplines' may be or what 'further refinement' may be required. Appellants are concerned that uncertainty still exists as to whether the noise levels will be within threshold post-mitigation. A technical document comprising a preliminary briefing note and noise assessment of one particular bedroom in the adjoining units was submitted by third parties as part of their original submission to the PA. Noise monitoring found an in-bedroom noise level approaching 47dB (A) in the morning hours, which the author considers to be 'way too high' for a bedroom.

8.2.11. I note to the Commission that the Dublin Agglomeration Noise Action Plan 2021-2028 refers to the guidance document *BS 8233:2014: Guidance on Sound Insulation and Noise Reduction for Buildings*, which suggests appropriate criteria and limits for different situations. This guidance document is due to be updated in 2026. At the time of writing, it is unclear from the publicly available information if the update has occurred. However, in the absence of a national guidance document on noise ranges, I consider the reference to the dB range limits in BS 8233: 2014 to be a useful guide for providing a benchmark for noise levels. Although the limits and criteria are primarily intended to guide the design of new or refurbished buildings undergoing a change of use rather than to assess the effect of external noise sources, the standard suggests suitable internal noise levels within different types of buildings including residential dwellings for steady external noise sources. These are contained in Table 20 of the Dublin Agglomeration Noise Action Plan and recommend that bedrooms should have a target level of 35 dB $L_{Aeq,16hr}$ (0700-2300hrs) and 30 dB $L_{Aeq,\ 8hr}$ (2300-0700 hrs).

8.2.12. In terms of mitigation for residents, the provision of screening, a moderate set-back together with attractive and concealing acoustic surround is suggested in the appellant's technical note. The third-party report states that based on the preliminary findings, a serious intrusion is being generated by the operation of the plant and '*The reduction of the breakout level, together with the complete eradication of tones associated with these fans is possible, but it will require focused and professional intervention.'*

8.2.13. Both the applicant and appellants acoustic reports/technical notes found the existing operational noise levels to be above EPA NG4 thresholds for daytime noise, (i.e. 55 dB $L_{Ar,T}$). As the applicant's noise assessment concludes with confidence that the daytime thresholds can be met through mitigation, uncertainty exists as to whether the nighttime thresholds will be met. Although the noise assessment states that the plant and equipment will be operational during office hours which are generally taken to be between 7am and 7pm, this is disputed by third parties.

8.2.14. Whilst mitigation measures have been proposed and have been theoretically found to be effective, the applicants acoustic report notes that they may be 'subject to further refinement approvals and coordination with other disciplines.' This would indicate that a comprehensive solution would require an iterative approach with additional testing to reach a noise level within threshold.

8.2.15. Given the proximity of the residential and commercial developments and the city centre zoning, conflicts of this nature are not unexpected. The zoning objective for the site notes that appropriate noise measures should be taken and states that, *'As a balance, and in recognition of the growing residential communities in the city centre, adequate noise reduction measures must be incorporated into development, especially mixed-use development, and regard should be given to the hours of operation.'* The DCDP also contains polices and objectives (Policies SI35- Ambient Noise Quality, SI36- Noise Management and S137-Noise Sensitive Development) to address and minimise disturbance from noise in the city.

8.2.16. Condition No. 3 of the PA's decision was attached to restrict the noise disturbance from the plant and equipment. It requires the following,

The LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant 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.

8.2.17. In terms of noise monitoring LAeq provides an "average" noise level expressed in decibels (dB) that accounts for the varying noise intensity over time. It is a metric that provides a standardized way to compare noise levels that vary over time. Instead of listing a range of fluctuating values, LAeq offers a single value representing cumulative noise exposure. LA90 is a value used to describe the background noise level over a period of time. It represents the noise level exceeded for 90% of the measurement time period and indicates the quieter more consistent background noise level when louder more intermittent sounds are excluded.

8.2.18. I consider this condition to be reasonable as it acknowledges existing noise levels, which take into account the city centre location, restricts the level of noise from the plant and equipment whilst also allowing some flexibility for additional mitigation measures to be employed if necessary. It also contains measurable metrics that make it enforceable. I am satisfied that the issue of noise can be addressed through the attachment of a planning condition that restricts the level of noise from the plant and equipment. Should the Commission grant permission for the development, I recommend that a condition of this nature be attached.

Office noise –

8.2.19. In terms of amenity in the offices adjacent to the plant, the grounds of appeal consider that noise mitigation measures to reduce the operational noise and subsequent disturbance to those working in the offices are also warranted. This issue was raised by the PA who requested further information regarding the impact of noise on the offices and any mitigation measures required. In response to FI the applicant carried out additional noise surveys, that included both internal and external measurements and found that the operation of the plant does not give rise to adverse noise conditions in the offices. This is reiterated in the applicant's response to the appeal and the applicant states that they are satisfied that the proposed development does not have any significant impact on the office staff.

8.2.20. The second noise survey notes that commercial buildings including offices are generally not regarded as 'noise-sensitive' in the context of national and local

planning policy and guidance. This is true of the Dublin Agglomeration Noise Action Plan 2024-2028 where office or commercial use is note listed as a Noise Sensitive Location (NSL). Reference is also made to BS 8233:2014 in this context which provides design criteria for offices (internally). The recommended range for an 'executive office' is 35-40 dB LAeq, T. The results of the noise monitoring found that external measurements indicate daytime LAeq levels generally in the range of 48–56 dB, reducing to approximately 38–46 dB during evening and night-time periods. Assuming open window conditions and applying a façade reduction of 10–15 dB, the estimated internal LAeq levels would be approximately 33–46 dB during the daytime, reducing to around 23–36 dB during quieter evening and night-time periods. Internal noise measurements (L_{A90} values) were typically found to be in the range of 28-32dB during the day, dropping down to the low 20dB range in the evening. The applicant argues that these levels are in line with the recommended ranges in BS 8233 guidance and as such no additional mitigation measures are required for the office use.

8.2.21. I accept the results of the noise survey and that office use is not listed as a noise sensitive use. However, I also acknowledge that the nature of the work carried out in the offices involves the preparation of reports and documents that require quiet conditions. Whilst the provision of additional screening to the plant may not be technically required, it would help to mitigate the noise from the plant in general and provide some visual screening from the offices which was also raised as a concern. It would also help to provide 'good neighbour' development. I recommend that, should permission be granted for the development, that a condition is attached that requires the applicant to provide appropriate acoustic screening to the plant and equipment on the elevations facing the offices as well as the elevations facing the houses.

8.3. **Visual Impact**

8.3.1. Concerns were raised in both appeals regarding the visual impact of the proposed development and screening. The western elevation of the Capel Building forms the boundary wall of the communal open space to the rear of the houses on Arran Street East and Strand Street Little. There is currently a wooden fence/trellis in place

around the terrace of the building. It extends to a height of approximately 1.2m above the terrace and is clearly visible from the rear of the properties on Arran Street East and from the open space to the rear of the units. The air condenser units and new air handling unit are also visible from the rear of the houses and the open space to the rear. The adjacent offices face directly onto the air condenser units and associated plant.

8.3.2. Whilst the plant is visible from the adjoining properties and is in close proximity, the proposed screening for noise mitigation will substantially shield it from view for the residential properties. The current fencing along the terrace is dilapidated and unsightly. New, good quality screening would be an improvement on the existing poor quality boundary treatment. The 'General Arrangement Drawing' submitted with the application contains views of the area without screening and with the proposed treatment. Both the CGI and the plan drawing show planting along the terrace boundary which would help to soften the visual impact of the screening. I recommend that planters along with the screening should be installed to soften the visual impact of the plant and screens.

8.3.3. The owners of the office use also raised the issue of visual impact as the plant is highly visible from the workspaces. The applicant is correct in their assertion that the Planning Acts do not provide for a 'right' to a view. However, the outlook from these spaces has been significantly altered and become more utilitarian with the installation of the large-scale equipment. As noted previously, I consider that additional screening should be applied to the plant on the elevations facing the offices to mitigation noise. These screens would also act as a visual screen to the plant. Drawings submitted with the application also show the provision of planters to the front of the equipment, which would also soften the visual impact.

8.4. **Conclusion**

8.4.1. The sensitivity of the existing residential development is acknowledged. The separation distances between commercial and residential development are minimal on this constrained city centre site with bedrooms facing directly onto a commercial noise source. Whilst the upgrading of plant and equipment may be needed, no justification was given as to why it was necessary to position the equipment so close to existing residences. I note the previous equipment was positioned towards the

centre of the terrace and away from the boundary. Notwithstanding the justified concerns of the appellants, I am satisfied that an effectively worded planning condition would be sufficient to address the issue of noise from the plant. The provision of acoustic screening and planting would also address the visual impact of the proposal.

8.4.2. Concerns were also raised about the window on the lower elevation with regard to its position and potential impact regarding overlooking. The applicant has states that the window is an automatic opening vent (AOV) which was installed to comply with fire regulations. The AOV is not transparent and there is no view outward from inside the building. As the AOV is alarmed and linked to the fire alarm, the applicant states that the only time the vents can open is in the event of a fire. It is not possible for an individual to see in or our or to open the panels. I am satisfied that, due to the nature of the AOV, it will not result in overlooking of adjoining property or result in a loss of privacy or amenity. Whilst the installation of the AOV had an unfinished appearance with rough brickwork this is a matter for building regulations.

9.0 **AA Screening**

9.1.1. The site is in a serviced urban area, approximately 3km to the South Dublin Bay and River Tolka Estuary SPA, which is the closest European site. The proposed development is for the provision of air handling units and plant on the terrace of an existing building in the city centre.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The urban location and modest scale of the works,
- The distance between the site and the closest European site.

9.3. 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.

9.4. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. 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.

10.2. 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. Accordingly, the proposed development is compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that planning permission and retention permission is granted for the development.

12.0 Reasons and Considerations

1. Having regard to the nature of the proposed development for existing rooftop air conditioning units and air handling units, associated plant, automatic opening vent and the decommissioning and removal of old air conditioning units and air handling units and associated plant, on a commercial building within an area zoned objective Z5 City Centre, it is considered that subject to the conditions below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would not be detrimental to the quality of the public realm. The proposed development would therefore be in accordance with the policies and objectives of the

Dublin City Development Plan 2022-2028 and 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 8th day of April 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 proposed development shall be amended to provide additional screening to the air condenser units, ducting and air handling units on the elevations facing towards the offices that face onto the terrace. The screens shall match the colour, height and material of the screens to be installed along the terrace boundary, facing onto the adjacent residential properties.
   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 amenity and to reduce the impact of noise from the development.

3. All mitigation measures shown in the drawings shall be installed in full, including the planting scheme shown on the General Arrangement Drawing.
   Reason: In the interests of visual and residential amenity.

4. (a) Where the noise in question does not contain acoustic features that enhance its impact such as tones or impulsive elements the LAeq level

measured over 15 mins (daytime) or 5 minutes (night-time) at a noise sensitive premises when plant is operating shall not exceed LA90 (15 minutes day to 5 mins night) by 5 dB or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

(b) Where the noise in question does not contain acoustic features that enhance its impact such a tone or impulsive elements the rating noise level, LAr, T shall be compliant with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sounds.

Reason: In order to protect adjoining residential amenity.

5. Site development and building works shall be carried out between the hours of 7.00am to 6.00pm Mondays to Fridays inclusive, between 8.00am and 2.00pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

   Reason: To safeguard the amenity 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."

Elaine Sullivan
Senior Planning Inspector

27th of October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	501654-26
Proposed Development Summary	The retention of rooftop air conditioning units and air handling units and all associated and ancillary plant and Automatic opening vent (AOV) installed to the western elevation to comply with fire regulations.
Development Address	The Capel Building, Mary's Abbey, Dublin
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.	**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**	
☐ Yes, the proposed development is of a Class but is sub-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 ☐	
No ☒	

Inspector: _____ **Date:** _____