

DEPUTY PLANNING OFFICER

APPLICATION NO.	WEB2237/26
PROPOSAL	PROTECTED STRUCTURE / RETENTION: Protected Structure Retention permission for an existing outdoor dining structure at ground floor level and associated works including removal of advertising signage and commercial branding, refinishing of existing structure in a coordinated finish, replacement of canopy fabric with venue identification signage, and retention of projecting non-commercial national flags on both the Burgh Quay and D'Olier Street frontages pursuant to Condition 7 of Planning Permission Ref: 0090/00. Protected Structure (RPS Ref: 1014).
LOCATION	River Bar, 1 Burgh Quay/D'Olier Street, Dublin 2
APPLICANT	Thomas & Michael Meagher, Brooklyn Bars Limited
DATE LODGED	22-May-2026
ZONING	
APPLICATION TYPE	Retention Permission

08/07/2026**Site Notice Inspection**

The site notices were inspected the 11th of June 2026 and were in place and legible.

Description of Site and Surroundings

River Bar is situated at 1 Burgh Quay which wraps around Burgh Quay and D'Olier Street. The site occupies a prominent corner which is highly visible from O'Connell Bridge. The site comprises of a large building which is 10 storeys in height with a ground floor bar usage. The upper sections of the building are in white concrete finish with a Heineken logo and clock on the side elevation. The upper portion of the building is a protected structure.

Upon site inspection, it was noted that an outdoor dining structure is present along Burgh Quay with brand logo advertising displayed on the elevation and canopy of the structure at present.

Proposed Development

The proposed development comprises the retention of the following:

- Retention of existing outdoor dining structure at ground floor level and associated works including removal of advertising signage and commercial branding
- Refinishing of existing structure in a coordinated finish, replacement of canopy fabric with venue identification signage, and retention of projecting non-commercial national flags on both the Burgh Quay and D'Olier Street frontages pursuant to Condition 7 of Planning Permission Ref: 0090/00. Protected Structure (RPS Ref: 1014).

Zoning

Under the Dublin City Development Plan 2022 – 2028, the subject site is located on lands zoned Z5 (City Centre), with a land use zoning objective *'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.'*

The proposed development is permissible in this zoning as it relates to amendments ancillary to the existing use.

The site comprises of a Protected Structure registered under RPS Ref. 1014.

The site sits within a red-hatched conservation area and is situated within the O'Connell Street and Environs Scheme of Special Planning Control.

Pre-Planning Consultation

None indicated.

Relevant and Recent Planning History

The relevant planning history for the site is as below:

3474/22:

WITHDRAWN ARTICLE 33 (NO SUB)

Retention planning permission sought to retain a single storey covered outdoor dining area to the front.

0090/00

Permission granted by DCC for proposed development comprising of revised facades to north and west elevations to existing public house at ground floor only.

Relevant conditions are as follows:

2. Prior to commencement of development, the developer shall submit an integrated and balanced lighting plan for the canopies on Burgh Quay and D'Olier Street for the written agreement of the Planning Authority.

REASON: To ensure that there is no disparity in the lighting treatment of the canopy soffits on the two street frontages.

3. The exact details of the lighting systems for the two canopies shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

REASON: To ensure the provision of a proper and acceptable lighting system for the two canopies.

4. All stainless steel to be used in the shopfronts on D'Olier Street and Burgh Quay shall be brushed stainless steel.

REASON: In the interests of visual amenity in an important conservation area.

7. Notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations, 1994 as amended, no further signs including any illuminated signs (including neon lighting) exhibited as part of a window display affixed to the inside of the glazing, illuminations, advertising structures, banners, canopies, flags, external security shutters, lighting fixtures or other projecting elements shall be erected or fixed to the building without a prior grant of planning permission.

REASON: In the interests of visual amenity in a conservation area.

Relevant Enforcement History

The below represents the enforcement history of the site:

E0200/25: Alleged construction of extension and structure. Case live.

E0250/18: Flag and Flagpoles erected to front. Case closed as non-statutory barred.

Consultations

Internal Consultees:

- Drainage Division: Recommends grant subject to conditions.
- Transportation Planning Division: Recommends refusal.
- Conservation Division: Recommends refusal.
- Environmental Health Officer: Recommends grant subject to conditions.

Prescribed Bodies:

- Transport Infrastructure Ireland (TII): Recommendation for Section 49 Luas Levy to be applied if applicable to the development.

Submissions/Observations /Representations

A third-party submission was received on file, of which the contents can be summarised as follows:

- Concern regarding application applying for retention and not a street furniture license
- Applicant has not sufficiently addressed legal ownership
- Applicant needs to clearly clarify and demonstrate that the development does not infringe on the public realm.

The contents of the third-party submission have been taken into account in the assessment of the planning application.

Relevant Policies, Objectives and Standards Dublin City Development Plan 2022 – 2028

Dublin City Council's policy regarding such developments is set down in the Dublin City Development Plan 2022-2028. The following sections of the Development Plan, amongst others apply:

Chapter 8: Sustainable Movement and Transport

And associated Appendix 5: Transport and Mobility: Technical Requirements

Chapter 11: Built Heritage and Archaeology

Chapter 15: Development Standards

15.17.5 Shopfront and Façade Design

Appendix 17: Advertising

Shopfront Design Guide - Dublin Corporation Planning Department (2001).

Scheme of Special Planning Control O'Connell Street and Environs (2022).

3.6 Canopies, Flags and Security

Planning Assessment

Having reviewed the documentation submitted, and inspected the site, and having regard to the relevant local/regional and national policies and guidance, it is considered that the main issues for assessment relate to planning, conservation and transport.

It must be noted that the applicant has made reference to works to be carried out involving the removal of inappropriate advertising associated with the development. However, retention permission has been indicated on the application form and associated statutory notices, and permission has not been indicated. Therefore, in the interest of clarity, this application will be assessed as a retention application only with what is present on site.

As the proposal comprises of the retention of a number of items, these will be assessed individually.

Outdoor Seating Area

It is noted that retention was previously sought under 3472/22 for similar development in which no response was received regarding the further information items requested. This is an application for the retention of an outdoor dining area to serve the existing bar / restaurant. It is noted that all works are located outside the front building line of the application and on the public footpath as per the commentary provided by the Transportation Planning Division (TPD).

No letter of consent has been submitted to permit the use of public lands for the purposes of the application. The applicant is therefore advised to address this concern and provide a letter of consent.

Given that this is an outdoor seating area for a bar use which caters to the night economy, the hours of operation must be clearly indicated in order to assess potential impacts on the amenities of the area. The applicant must clarify the hours of operation of the terrace area in addition to how it will be appropriately managed.

There are serious concerns over the visual impact of the outdoor terrace and the use of 'branded' canopies. It is noted that the canopies are branded with 'Heineken' and the screens are also branded with 'Heineken' in addition to 'live sports', 'food served' and 'craft beer' printed along the base of the outdoor terrace structure along with Guinness present on the glazing. This is deemed unacceptable given the location of this outdoor terrace within the O'Connell Street Architectural Conservation Area and the Liffey Quays conservation area. If this terrace was to be considered acceptable, the applicant must confirm all aspects of the outdoor terrace will be plain in colour with no branding or advertising. Similar concerns have been expressed by the Conservation Officer regarding the visual impact of the proposed development. While the applicant in the submitted photomontages has referred to the removal of such branding and advertising associated with the structure, given this is an application for retention, it is therefore recommended retention is refused, and the applicant is advised that such structures will need to be removed.

The Transportation Planning Division (TPD) assessed the application, noting that the outdoor seating structure occupies a prominent city centre location with exceptionally high levels of pedestrian activity adjacent to O'Connell Bridge. TPD advises that the structure is located on an area that forms part of the public footpath and is managed and maintained by Dublin City Council's Roads Maintenance Services Division, notwithstanding the applicant's assertion of ownership of the lands beneath. TPD considers that retention of the structure would represent an encroachment into the public realm and could set an undesirable precedent for similar development by adjoining hospitality premises, resulting in a cumulative reduction in available pedestrian space contrary to the pedestrian priority objectives of the Dublin City Development Plan 2022-2028.

TPD also raises concerns regarding the retention of the projecting flags, flagpoles and associated fixtures, considering these elements to be an inappropriate encroachment into the public realm that may interfere with the operation and maintenance of the public footpath.

Having regard to the observations of the Transportation Planning Division, it is considered that the development would result in an inappropriate encroachment onto lands forming part of the public realm and would prejudice the safe and efficient movement of pedestrians in this highly sensitive city centre location. The concerns raised

by TPD are accepted, and it is therefore recommended that retention permission be refused.

National Flags

The applicant is seeking for the retention of projecting non-commercial national flags on both the Burgh Quay and D'Olier Street frontages. The applicant has put forth that retention is being sought in regard to Condition 7 attached to 0090/00. The condition restricts any further addition of further signage or affixed objects. Section 3.6 of the *Scheme of Special Planning Control O'Connell Street and Environs (2022)* outlines that *'Flags and flagpoles shall not generally be permitted as a profusion of such items in a confined area can lead to visual clutter in the streetscape.'* The retention of the flag and flagpoles erected would not be supported and leads to visual clutter in a highly visible location. It is therefore considered that the retention of the flags and flagpoles would be contrary to the proper planning and sustainable development of the area by way of injury to visual amenities of an Architectural Conservation Area and Conservation Area in the proximity to a protected structure, and it is recommended retention is refused.

The Conservation Division have recommended a refusal for the retention of the outdoor seating area and associated development. The CO has highlighted that the proposal would have a negative impact on the historical streetscape situated within the O'Connell Street and Environs ACA.

In light of the concerns raised by the Conservation Division and the Transportation Division regarding retention sought for works, it is considered that taking into account holistically all the works proposed and the planning history of the site, the proposal would have a negative impact on the area. It is therefore recommended that retention is refused for the outdoor seating area.

12.0 Screening for Appropriate Assessment

Having regard to the nature and scale of the proposed development, and the distance to the nearest European site, it is considered that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

13.0 Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

14.0 Conclusion

Having regard to the zoning of the site, the provisions of the 2022-2028 City Development Plan, it is considered that the proposed development would not accord with the zoning designation of the subject site and has had a significant impact on the character and setting of the protected structure. The retention of the works would set an undesirable precedent of further encroachment of lands in the control of Dublin City Council which would not be supported. The proposed works would contravene the provisions of the Dublin City Development Plan 2022 -2028 in which no encroachment of the public realm area is to occur from development.

The proposed development would therefore materially contravene the policies and objectives of the Dublin City Development Plan 2022-2028, would not accord with the proper planning and sustainable development of the area, and it is therefore recommended that retention be refused.

15.0 Recommendation

1. The retention of the outdoor seating area, screened enclosure, extendable canopies, flags and associated branding and advertising would be injurious to the character and appearance of this sensitive streetscape within the O'Connell Street and Environs Architectural Conservation Area. By reason of their scale, extent, design and visual prominence, the structures and associated signage would detract from the special interest and character of the Architectural Conservation Area and would adversely affect the setting of the adjoining Protected Structure. The proposed development would contravene Policies BHA2(a) and (d), BHA7(a) and (b), and BHA9 of the Dublin City Development Plan 2022-2028, would create an undesirable precedent for similar development, and would undermine the Z5 zoning objective, which seeks to consolidate and facilitate the development of the central area and to preserve and enhance its civic identity. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

2. The retention of the flags and flagholders would be injurious to the character and amenities of this sensitive streetscape, would create visual clutter within the O'Connell Street and Environs Architectural Conservation Area, and would adversely affect the setting of a Protected Structure. The proposed development does not comply with Section 3.6 (Canopies, Flags and Security) of the O'Connell Street and Environs Scheme of Special Planning Control (2022). Accordingly, the development, if retained, would adversely affect the character and appearance of the Architectural Conservation Area, would set an undesirable precedent for similar development, and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the outdoor dining structure on footpath lands under the control, management and maintenance of Dublin City Council, and in the absence of the consent of the relevant landowner, the retention of the structure would result in the permanent loss of public realm and pedestrian space in an area of high pedestrian activity. The development would diminish pedestrian amenity, impede pedestrian movement, and set an undesirable precedent for similar encroachments onto the public realm. The proposed development would therefore be contrary to the proper planning and sustainable development of the area and the objectives of the Dublin City Development Plan 2022-2028 relating to pedestrian movement and the enhancement of the public realm.