



An
Bord
Pleanála

Board Direction
ABP-304612-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/02/2020.

The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether the change of use of a nursing home to a residential rehabilitation care centre at Glencarrig Nursing Home, Glencarrig Court, Firhouse Road, Tallaght, Dublin 24 is or is not exempted development.

AND WHEREAS Councillor Brian Lawlor requested a declaration on this question from South Dublin Co. Council and the Council issued a declaration on the 8th day of May 2019 stating that the matter was exempted development

AND WHEREAS Councillor Brian Lawlor referred this declaration for review to An Bord Pleanála, on the 4th day of June 2019.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,

- (d) Section 4(4) of the Planning and Development Act, 2000, as amended,
- (e) Article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Part 4 of Schedule 2 (Class 9) to the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site and the nature of the subject use, and
- (h) the report of the Inspector on this file,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) Modification of the nursing home for use as a residential rehabilitation care centre would involve the carrying out of works (of a minor nature) to the interior of the property.
- (b) The change of use of the existing premises from use as a nursing home to a residential rehabilitation care centre for women and children would represent a change of use, and such change of use would raise issues relevant to the proper planning and development of the area, and would, therefore, constitute a material change of use.
- (c) The proposed works and material change of use constitute development,
- (d) The proposed works being minor in nature and being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, and are therefore exempted development.
- (e) The proposed material change of use comprises a change of use that falls within the scope of Class 9, Part 4, Schedule 2 of the Planning and Development Regulations, 2001, as amended, being a change of use from a nursing home (Class 9(b)) to the provision of residential accommodation and care to people in need of care (Class 9(a)) and is therefore exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the change of use from a nursing home to a residential rehabilitation care centre at Glencarrig Nursing Home, Glencarrig Court, Firhouse Road, Dublin 24 is development and is exempted development.

COSTS

The Board decided not to direct the payment of expenses under Section 145 of the Planning and Development Act 2000, as amended, for the following Reasons and Considerations.

Reasons and Considerations.

Having regard to the nature of the appeal and the submissions made on file, the Board considered that no particular circumstances apply that would justify the award of costs in this instance.

Board Member:

Chris McGarry

Date: 26/02/2020