

An
Bord
Pleanála

Board Direction
BD-012443-23
ABP-312477-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/06/2023.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

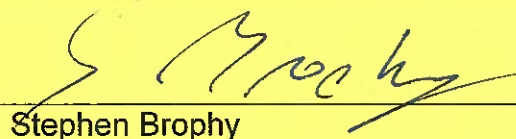
Reasons and Considerations

1. Having regard to the nature, layout, and operation of the property, the Board is not satisfied that the development involves a typical residential use, or that it would provide an acceptable standard of long-term residential accommodation given the inadequate bedroom accommodation provided, the absence of living room areas, and the inadequate provision of natural light and ventilation. The Board noted that 'Buildings for the health, safety and welfare of the public' is a 'permissible use' in the Z2 zone, and further that section 1.0 of Appendix 15 of the Development Plan defines this as including the use of a building for 'The provision of residential accommodation and care to people in need of care (but not the use of a dwelling house for that purpose)'. However, as the applicant has made explicitly clear that the proposed use does not fall under this category, the Board did not consider that the proposed use fell within any of the categories listed as permissible or open for consideration in the Z2 Zone in accordance with the provisions of section 14.7.2 of the Dublin City Development Plan 2022-2028. The board noted that there is no definition that applies to the provision of short term

accommodation for homeless persons set out in Appendix 15 of the Development Plan, nor is such a definition set out in the planning acts and regulations. In accordance with section 14.3.1 of the Development Plan, there is to be a presumption against uses not listed under the 'permissible' or 'open for consideration' categories in Z2 zones. The Board considered that this development would therefore contravene the zoning provisions of the Development Plan and would thus be contrary to the proper planning and sustainable development of the area.

The board also noted that under the Dublin City Development Plan 2022-2028, a map of all homeless services within a 750m radius would be required to accompany the application, instead of the 500m radius supplied as required under the previous development plan. However in light of the substantive reason for refusal as set out above, this was not a material consideration in this instance.

Board Member


Stephen Brophy

Date: 13/06/2023