

An  
Coimisiún  
Pleanála

**Direction**  
**ACP-324026**

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The submissions on this file and the Inspector's report were considered at a meeting held on 21/5/2026.

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

Commission Order as follows:-

**WHEREAS** a question has arisen as to whether the provision of five number residential apartments at 129 Tyrconnell Road (comprising of two number existing buildings), Inchicore, Dublin is or is not development and is or is not exempted development:

**AND WHEREAS** Pathway Homes Limited requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 13<sup>th</sup> day of January, 2026 stating that the matter was development and was not exempted development:

**AND WHEREAS** Pathway Homes Limited referred this declaration for review to An Coimisiún Pleanála on the 16<sup>th</sup> day of January, 2026:

**AND WHEREAS**, in arriving at its decision, the Commission had regard 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,

- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 10 of the Planning and Development Regulations, 2001, as amended,
- (e) Part 4 to Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

**AND WHEREAS** An Coimisiún Pleanála has concluded that:

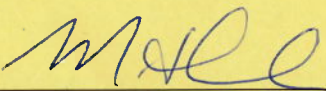
- (a) Article 10(6)(c)(ii) of the Planning and Development Regulations 2001 (as amended) requires that the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12,
- (b) Uses other than a shop use were contemporarily in use within the structure at 127 Tyrconnell Road, uses that included an air raid shelter and sports hall, these uses do not fall within Classes 1, 2, 3, 6 or 12
- (c) Therefore, the structure does not accord with the requirements of Article 10(6)(c)(ii) of the Planning and Development Regulations (as amended)

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3) (a) of the 2000 Act, hereby decides that the provision of five number residential apartments at 129 Tyrconnell Road (comprising of two number existing buildings), Inchicore, Dublin is development and is not exempted development.

**Planning**

**Commissioner:**

**Date:** 21/05/26

  
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Mary Henchy