An Coimisiún Pleanála

Direction
ACP-324210-26

The submissions on this file and the Inspector's report were considered at a meeting held on 10/11/2026.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether the reinstatement of the property to the previously granted/permitted layout of two self-contained residential units, as granted under Ministerial Permission Ref: 529/74, is or is not development and is or is not exempted development.

AND WHEREAS Deirdre McMahon requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 31st day of March, 2026 stating that the matter was development and was not exempted development:

AND WHEREAS Deirdre McMahon referred this declaration for review to An Coimisiún Pleanála on the 14th day of April, 2026:

AND WHEREAS An Coimisiún 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)(a) of the Planning and Development Act, 2000, as amended,

(d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,

(e) Parts 1 and 3 of Schedule 2 of 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) The proposal is development within the meaning of the Planning and Development Act 2000 (as amended) as it represents a material change to the permitted use of the property as a single dwelling unit,

(b) The Applicant has not provided evidence that the 1974 permission was implemented in accordance with the permission,

(c) The proposal to reinstate the property to the previously granted/ permitted layout of two self-constated residential units, as granted under Ministerial Permission Ref: 529/74, conflicts with the terms of Condition no. 3 of planning reg. ref. no. WEB1902/26.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the Planning and Development Act, 2000 Act, as amended, hereby decides that the reinstatement of the property to the previously granted/permitted layout of two self-contained residential units, as granted under Ministerial Permission Ref: 529/74, is development and is not exempted development.

Note:

The Commission considered the question posed referred specifically to permission ref 529/74 and that therefore Class 1A was not pertinent in this case.

Planning Commissioner:

Date: 11/11/2026

Mary Henchy