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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0110/18**

**WHEREAS** a question has arisen as to whether conversion of the premises to a supported homeless accommodation facility at numbers 57, 59 and 61 Cabra Road (Protected Structures), Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** Kevin O’Sullivan for and on behalf of the Cabra Road Residents Association of 27 Cabra Road, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 1<sup>st</sup> day of May, 2018 stating that the matter is development and is exempted development:

**AND WHEREAS** Kevin O’Sullivan for and on behalf of the Cabra Road Residents Association referred the declaration for review to An Bord Pleanála on the 22<sup>nd</sup> day of May, 2018:

**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) Article 5 of the Planning and Development Regulations, 2001, as amended,
- (e) Article 10 of the Planning and Development Regulations, 2001, as amended,
- (f) Class 9 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site,
- (h) the nature of the uses previously and currently on site, and
- (i) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the permitted use of the premises is as a nursing home,
- (b) the proposed use, as a supported homeless accommodation facility, would be a change of use from use as a nursing home, and this change would be material in planning terms because the supported homeless accommodation facility would provide a different service to a different user group, including a population with a broader age profile and is, therefore, a material change of use and is development,
- (c) nursing home use and homeless accommodation in the manner described by the owner both fall within the scope of the classes of use as described in Class 9 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (d) this material change of use would come within the scope of Article 10(1) of the Planning and Development Regulations, 2001, as amended, being a change of use within Class 9 of Part 4 of Schedule 2 of these Regulations, from Class 9(b) to Class 9(a) and would, therefore, be exempted development:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that conversion of the premises to a supported homeless accommodation facility at numbers 57, 59 and 61 Cabra Road (Protected Structures), Dublin is development and is exempted development.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**