

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3256/21

APPEAL by Drumcondra Residents care of Keenan Lynch Architects of 4 Herbert Place, Dublin against the decision made on the 9th day of December, 2021 by Dublin City Council to grant subject to conditions a permission to Brimwood Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin.

Proposed Development: Retention of change of use from residential dwelling to residential accommodation for homeless persons. The building will comprise 13 number bedrooms, kitchen, dining room, shower room, WCs, office and utility room. Outdoor amenity space is provided to rear of the property for use by residents. The building can accommodate up to 33 number persons. No internal or external physical works are proposed for the building, all at 15/17 Drumcondra Road Lower, Dublin.

Decision

REFUSE permission for the above development for the reasons and considerations set out below.

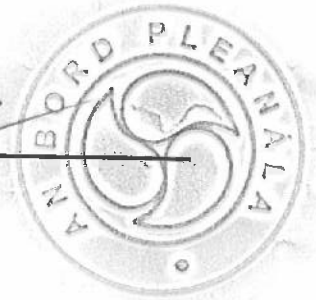
Reasons and Considerations

Having regard to the nature, layout, and operation of the property, the Board is not satisfied that the development proposed to be retained 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. Having regard to the fact that 'buildings for the health, safety and welfare of the public' is a 'Permissible Use' in the Z2 Zoning (Residential Neighbourhoods (Conservation Areas)) which pertains to the site, and, furthermore, that section 1.0 of Appendix 15 of the Dublin City Development Plan 2022-2028 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)', and having regard to the fact that 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 development proposed to be retained would contravene the zoning provisions of the Dublin City Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.


Stephen Brophy

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



Dated this 19th day of June 2023.