



An
Bord
Pleanála

Board Order ABP-321582-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4328/24

Application for Leave to Appeal against the decision of the planning authority by Carmel Kelly of 62 Saint Agnes Road, Crumlin, Dublin having an interest in land adjoining the land in respect of which Dublin City Council decided on the 29th day of November 2024, to grant, subject to conditions, a permission to JNS Property Management Limited care of S-architecture Design Studio of Apartment 53, The Strand, North Strand Road, Dublin in accordance with the plans and particulars submitted to the said Council:

Proposed Development: The development will consist of (1) retention permission for the partition wall erected in the waiting room of original ground floor GP medical practice; and, (2) Retention permission for the change of use of the original ground floor GP medical practice, incorporating the existing ground floor including four residential bedrooms, one Kitchen, one Dining/Living room with the four bedrooms on the first floor to form a single-use dwelling unit, at 60, Saint Agnes Road, Walkinstown, Dublin.

Decision

REFUSE leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission by reason of condition 3(b) imposed by the planning authority to which the grant is subject.

In reaching its decision the Board had regard to the conditions attached to the grant of planning permission by the planning authority and the documentation submitted by the applicant seeking leave to appeal. The Board noted that the requirement imposed by condition 3(b), which would reduce the number of proposed bedrooms from eight to six, would not require any works or changes external to the existing building and would result in a reduction in the number of habitable rooms. The Board considered therefore that the changes to the internal layout of the dwelling as a result of the granting of permission with condition 3(b) attached would not be materially different from the application and, having regard to the expressed concerns of the applicant for leave, would not materially affect the applicant's enjoyment of the property or reduce the value of the property.

The Board further noted in relation to Point 1 of the application for leave to appeal that the Planning Authority's Report of 21st November 2024 confirms that the site notice was in order on 18th day of 2024.

As such, the Board considered the matters raised by the applicant do not meet the criteria for leave to appeal as set out under section 37(6) of the Planning and Development Act, as amended, and on this basis the Board decided to refuse the appeal.

Mary Gurrie

Mary Gurrie

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *29* day of *January* 2025