

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2333/24

Appeal by The Bone Marrow for Leukaemia Trust and Islandbridge Property Limited care of Michele Barrett of 61 Lighthouse way, Dunmore East, County Waterford against the decision made on the 13th day of December 2024 by Dublin City Council to grant permission, subject to conditions for the proposed development

Proposed Development: Change of use of two existing apartments on the first and second floor from residential apartments to short-term accommodation for patients of the National Adult Bone Marrow transplant unit of Saint James hospital and their carers and for short-term letting to visitors at 633 South Circular Road, Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the

f. l.

Planning and Development Act, 2000 to ATTACH condition number 3 and the reasons therefor.

Reasons and Considerations

Having regard to the nature of the development, including the change of use of two apartments for the provision of short-stay letting to visitors, and for short-term accommodation for patients of the National Adult Bone Marrow transplant unit of Saint James hospital and their carers, both categories as set out on the public notice, and to the provisions of the Dublin City Development Plan 2022-2028, including Section 15.14.3 (Short Term Tourist Rental Accommodation) which sets out that there is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact arising on the availability of housing stock, and Policy QHS52 that sets out support for the provision of appropriate healthcare facilities on suitably zoned land, it is considered reasonable to attach a condition specifying that the accommodation may be used as a short-term accommodation solely for the use of patients of the National Adult Bone Marrow transplant unit of St James hospital and their family or carers. This condition would serve to regulate the use of the development to a use that is consistent with local policy expressed in the development plan.

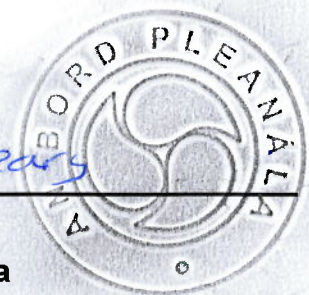
In disagreeing with the inspector to, in effect, amend this condition to allow for both uses for a ten-year period, as set out in the Inspector's recommended condition number 2, the Board noted the letter sent from Bone Marrow for Leukaemia Trust CLG to the Board of Islandbridge Property Limited (dated 21st November 2023) requesting the provision of dedicated short-term accommodation. The Board also noted the response from Islandbridge Property Limited to Bone Marrow for Leukaemia Trust CLG (dated 4th June 2024) referred to making the apartments available for a period of 90 days (or as may be extended to 180 days) on a rent-free short let allocation for a 10-year period (or as may be renewed for a further 10 years) with a stated option

of terminating the agreement without prejudice with a two-month notice period. The Board was not satisfied, on the basis of the information received with the application, and in the grounds of the appeal and noting in particular the development description set out on the public notice, that the proposed change of use sought under this application, would not result in the two apartments being used for short-term letting accommodation not related to the National Adult Bone Marrow transplant unit of Saint James hospital, as their primary use. Such a use would be contrary to policy set out in Section 15.14.3 (Short Term Tourist Rental Accommodation) of the development plan. The Board was satisfied that the use of the apartments for patients of the National Adult Bone Marrow transplant unit of Saint James hospital and their carers (and patients family members) would align with Policy QHS52, and would not be contrary to Section 15.14.3 of the plan and overall would be entirely appropriate. Accordingly, the Board agreed with the planning authority that it is considered reasonable to attach a condition, specifying that the accommodation may be used on a short-term accommodation solely for the use of patients of the National Adult Bone Marrow transplant unit of St James hospital and their family or carers.



Patricia Calleary

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



Dated this 22 day of April 2025.