

An
Coimisiún
Pleanála

Commission Order
ACP-323790-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Authority Reference Number: 0359/25

WHEREAS a question has arisen as to whether the continued use of a residential building, where care is not provided, to house homeless persons at 97 North Circular Road, Drumcondra, Dublin (a protected structure) is or is not development or is or is not exempted development,

AND WHEREAS JMA Ventures Limited care of Hughes Planning and Development Consultants requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 4th day of September, 2025 stating that the matter is development and is not exempted development,

AND WHEREAS JMA Ventures Limited referred the question to An Coimisiún Pleanála on the 1st day of October, 2025,

AND WHEREAS in considering the referral the Commission had regard to:

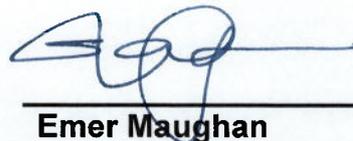
- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) relevant case law,
- (d) the planning history of the site,
- (e) previous referrals to the Commission, including the referral determined under reference number ABP-320031-24
- (f) the submissions of the referrer,
- (g) the number of people to be accommodated on the site and the nature of the accommodation, and,
- (h) the number of staff and the nature of supports proposed,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the established use as nine number studio apartments, which are defined as small units with a combined living/sleeping area generally provided for a single person in the Design Standards for New Apartments (2025), the proposed use as accommodation for up to four persons per studio unit constitutes a material change of use by reason of the intensification of use, as the number of persons residing in the property and associated impacts raises planning considerations that are materially different to the permitted use in relation to residential amenity for the occupants. The intensification of use would be a material change of use and would, therefore, constitute 'development' and would not be exempted development, and

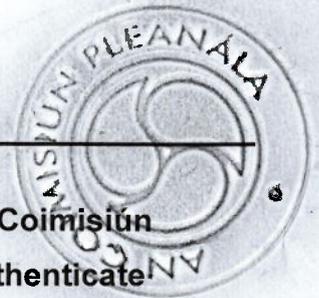
- (b) the material change of use would be contrary to condition number 2 of appeal reference number ABP-308189-20, which is the relevant permission under the Planning and Development Act 2000, as amended,

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, as amended, hereby decides that the continued use of a residential building, where care is not provided, to house homeless persons at 97 North Circular Road, Drumcondra, Dublin (a protected structure) is development and is not exempted development.



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 5th day of February 2026.