An Coimisiún Pleanála

Commission Order

ACP-324210-26

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Authority Reference Number: 0044/26

WHEREAS a question has arisen as to whether the internal reinstatement of the property to the previously granted/permitted layout of two self-contained residential units, as granted under Ministerial Permission Reference 529/74 at 93 Church Avenue, Drumcondra, Dublin is or is not development and is or is not exempted development:

AND WHEREAS Deirdre McMahon requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 31st day of March, 2026 stating that the matter was development and was not exempted development:

AND WHEREAS Deirdre McMahon referred this declaration for review to An Coimisiún Pleanála on the 14th day of April, 2026:

AND WHEREAS An Coimisiún 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)(a) of the Planning and Development Act, 2000, as amended,

(d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,

(e) Parts 1 and 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

(f) the planning history of the site, and

(g) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the proposal is development within the meaning of the Planning and Development Act 2000, as amended, as it represents a material change to the permitted use of the property as a single dwelling unit,

(b) the referrer has not provided evidence that the 1974 permission was implemented in accordance with the permission, and

(c) the proposal to reinstate the property to the previously granted/permitted layout of two self-constated residential units, as granted under Ministerial Permission Reference 529/74, conflicts with the terms of condition number 3 of planning register reference number WEB1902/26:

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 Act, as amended, hereby decides that the internal reinstatement of the property to the previously granted/permitted layout of two self-contained residential units, as granted under Ministerial Permission Reference 529/74 at 93 Church Avenue, Drumcondra, Dublin is development and is not exempted development.

AN COIMISIÚN PLEANÁLA

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

Dated this 11th **day of** November **2026.**