



An  
Bord  
Pleanála

## Inspector's Report ABP-321989-25

<b>Development</b>	<i>Continuation of use as a single dwelling</i>		
<b>Location</b>	<i>54 (formally 53 and 54) Saint David's Park, Dublin 5 D05C2X6</i>		
<b>Planning Authority Ref.</b>	<i>4290/24</i>		
<b>Applicant(s)</b>	<i>Brother Michael Fintan Heffernan</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Grant Permission subject to conditions</i>
<b>Type of Appeal</b>	<i>Third</i>	<b>Appellant</b>	<i>Jim Murphy</i>
<b>Observer(s)</b>	<i>Luis Faustino and Sara Simoes Bernie &amp; Philip May Joan Gatum Mairin &amp; Frank Dunne Aimee Flynn &amp; David Fagan John &amp; Chris Purcell</i>		
<b>Date of Site Inspection</b>	<i>11<sup>th</sup> April 2025</i>	<b>Inspector</b>	<i>Andrew Hersey</i>

### **1. Site Location/ and Description.**

The site is located in a residential area in Beaumont, north of Dublin City. The site is located at the end of a cul-de-sac and comprises of two semidetached dwellings with front and rear gardens.

St Davids CBS Secondary School is located to the west and south west of the proposed development site. There is a detached garage to the rear of the site with access door to the same from the proposed development site.

**2. Proposed development.** The proposed development comprises of permission to :

- Continuation of use as a single dwelling (formally 53 and 54 St Davids Park)
- Reception Room, Dining Room, Kitchen, Oratory and Study at Ground Floor and 8 bedrooms, one ensuite and bathroom at first floor
- Vehicular entrance off street and parking for one car
- The stated floorspace associated with the proposal is a stated 325.1sq.m. and the site area is 0.0889ha.

**3. PA's Decision** Grant Permission subject to 5 conditions. Conditions of note include:

- Condition 2 – that the dwelling shall only be occupied as a single family dwelling
- Condition 3 (i) – the vehicular entrance hereby approved shall not have outward opening gates and the 2 No. off street car parking spaces hereby approved shall be in place and read for use within 3 months of the date of this permission

**3.1 Submissions:** There are 14 submissions on file which raise the following:

- That it is more appropriate to have two dwellings than a single dwelling for up to 16 occupiers
- Potential for institutional use
- The proposal does not meet housing demand in the area – 2 houses would facilitate two families

- That the condition of the previous application should be honoured and it should be restored to 2 family homes
- Out of character with the area
- Parking problems on the cul-de-sac and a potentially the house could have up to 14 persons living therein. There is no parking to facilitate this number of persons. This will also add to traffic volumes into the cul-de-sac

### **3.2 Internal Reports.**

- Drainage Division Report received 30<sup>th</sup> January 2025 – no objection

## **4. Planning History**

- 0973/93 (parent permission of the estate) granted for 31 dwellings comprising 6 no. 2 storey four bedroomed semi- detached houses 20 no. 2 storey three bedroom semi-detached houses, 1 no. 2 storey three bedroom detached house, 2 no. bedroom detached bungalows, 2 no. 2 storey four bedroom semi-detached houses joined to form single new residence for the Christian Brothers, demolition of existing monastery building.....
- 0194/97 granted retention permission of a conservatory to the rear of 53 and 54 St Davids Park subject to two conditions. Condition 1 states:  
*The original two dwellinghouses to which the conservatories are attached and which have been connected internally shall be used as one communal living area only by the group of religious presently occupying the premises or by a similar group. On ceasing to be so used the houses shall be re- converted to use as two separate single-family residences*

## **5. National/Regional/Local Planning Policy**

### **5.1 The Dublin City Development Plan 2022-2028**

- The site is zoned 'Z1' the objective of which is *'To protect, provide and improve residential amenities'*
- The site is also partially zoned as Z9 but it is noted that there is no development proposed within the same. The zoning objective for Z9 is

*‘To preserve, provide and improve recreational amenity, open space and ecosystem services’*

- Policy SC11 Compact Growth in part states that *‘ In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands’*
- Policy QHSN6 Urban Consolidation seeks to; *promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation*
- Policy QHSNO4 Densification of Suburbs *‘To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing*
- *housing stock and best practice for attic conversion’*
- Policy QHSN10 Urban Density *‘To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area’*

## **5.2 Sustainable Residential Development and Compact Settlements (SRDCS)**

- Table 3.1 Density in ‘Suburban/Urban Extension areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork’

## 5.2 Natural Heritage Designations

The nearest designated site is;

- North Bull Island SPA (Site Code 004006) is located 4km to the east
- North Dublin Bay SAC (Site Code 000206) is located 4km to the east

## 6. The Appeal

**6.1** A third party appeal was lodged by James Murphy on the 3<sup>rd</sup> March 2025.

The appeal in summary raises the following issues;

- That Castlethorn Construction were given permission to building two by two storey four bedroomed semi detached houses joined to form a single residence under 0973/93.
- These plans were not built at per the permitted development and this came to light when the Christian Brothers applied for permission for a conservatory at the rear of the two houses under -194/97
- The council inserted a planning condition under this application that the the building be reverted back to two separate family residences in the case where the property was vacated.
- There is currently a housing shortage and restoring this building back into two residences would give two families a chance to purchase them.
- Inserting a condition that the building may be only occupied as a single family residence is a mistake

**6.2 P.A. Response** Dublin County Council responded to this appeal by letter dated the 24<sup>th</sup> March 2024. The following issues were raised;

- That regard should be made to the previous planners report
- It is considered that the grounds of the appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change in attitude to the proposed development

**6.3 Observations** 6 No. Observations were received as follows:

- Luis Faustino and Sara Simoes of 57 St Davids Park (received 18<sup>th</sup> March 2025) states that the condition of planning which related to the

parent permission which stipulated that the building revert back to use as 2 dwellings should be enforced. That the conditions imposed under this application fail to provide any level of assurance for the residents.

- Bernie & Philip May of 58 St Davids Park(received 11<sup>th</sup> March 2025)  
That the building subject of this dwelling was to be reverted back to 2 houses as stipulated by way of condition under Planning Reg. Ref. 0194/97 and that this condition should be enforced.
- Joan Gatcum of 63 St Davids Park(received 8<sup>th</sup> March 2025) again raises the issue that the house was required to revert back to two residences in the instance that it was sold. If it is sold then it will be purchased not as a family home but as a commercial residence. The proposed development will also result in increased traffic volumes on the road
- Mairin & Frank Dunne of 62 St Davids Park (received 8<sup>th</sup> March 2025) that the original planning allowed for the use of 53 and 54 St David's Park to be used as a single residence and a condition was imposed that the property be reverted back to two residences when no longer used by the Christian Brothers. The current application is to maintain it as a single residence even though the Christian Brothers are no longer using it. They further state that if this condition was not imposed at the time they would have strongly objected to the then proposal. Furthermore they do not trust that the council will police the condition imposed under the current permission that the house will be used as a single family residence only.
- Aimee Flynn & David Fagan of 66 St Davids Park (received 8<sup>th</sup> March 2025) state that the permitted house will be very big for a single family and that the proposed development will result in traffic congestion from construction vehicles.
- John & Chris Purcell of 55 St Davids Park (received 5<sup>th</sup> March 2025) states that when the Christian Brothers vacated the property the building was to revert back to 2 houses. The now permitted development has

been conditioned that it be used for a single family dwelling and that this is at odds with the former permission.

**6.4 First Party Response to Appeal:** A first party response by Delahunty and Harley Architects obo the applicant was received by the Board on the 28<sup>th</sup> March 2025 which raises the following issues:

- That the use of the unit as a single house has been in existence for 30 years
- That there is a demand for larger houses
- The decision does not preclude a potential buyer from subdividing the house subject to necessary consents.
- That the proposal is compliant with the current statutory development plan serving the area

## **7. EIA Screening**

The proposed development does not come within the definition of a project for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

## **8. AA Screening**

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 4km to the east of North Bull Island SPA (Site Code 004006) and 4km to the east of North Dublin Bay SAC (Site Code 000206)

The proposed development comprises of the retention of an existing structure and no works are proposed other than works to the exterior. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, and its location in a suburban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site

The reason for this conclusion is as follows:

- The relatively small scale nature of the works proposed
- The extensive distances to the nearest Natura 2000 sites and the absence of any hydrological connect from the site to the same and
- Having regard to the screening report/determination carried out by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required

## **9.0 Assessment**

### **9.1 Introduction**

9.1.1 I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

9.1.2 I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters

- Principle of Development/Planning History
- Traffic Safety

### **9.2 Principle of Development**

9.2.1 The site and the building subject to this appeal is located on lands zoned as 'Z1' in the Dublin City Development Plan 2022-2028, the objective of which is 'To protect, provide and improve residential amenities' While it is noted that part of the site is also zoned as 'Z9' no element of the proposed development is located on this part of the site.



9.2.2 There is an existing building on site which to all intensive purposes looks like a pair of semi-detached houses having two front doors although the private amenity space to the front and the rear which is extensive is not subdivided. There is also a detached shed to the rear which forms part of the application site.

9.2.3 I understand from the file and from planning history that this building which was in fact two semidetached units which was allowed to be occupied as single unit as permitted under the parent file Planning Reg. Ref. 0973/93. It is understood from submissions that it has been occupied by the Christian Brothers.

9.2.4 In 1997, retention permission was granted for a conservatory to the rear of the building under Planning Reg. Ref. 0194/97 and the then council imposed a condition which stated:

*The original two dwellinghouses to which the conservatories are attached and which have been connected internally shall be used as one communal living area only by the group of religious presently occupying the premises or by a similar group. On ceasing to be so used the houses shall be re- converted to use as two separate single-family residences*

9.2.5 The current application therefore subject of this appeal is to continue its use as a single dwelling. The case officers report has justified the proposal on the basis of a long established use (circa 30 years as stated in the planners report), although it is also stated in the same report that two no. detached houses would be welcome on the site and that the conversion of the unit into two houses would comply with development plan policy with respect to urban consolidation and compact growth. However, a decision to grant permission was made and the order included a condition that the *dwelling shall only be occupied as a single family dwelling.*

9.2.6 I do not consider that the long established use justifies the continued use of this building as a single residence. I understand from submission on file that it was occupied by the Christian Brothers but that is not the case anymore and the condition as applied under Planning Reg. Ref. 0194/97 expressly states that the use of the building should revert back to that of two semi-detached units. I see no reason as to

why the Planning Authority would not enforce this condition to allow conversion back to two units.

- 9.2.7 The building is readily adaptable to conversion back to two units. Two units on such a site is still low density when you consider that the SRCDS seeks densities of 40-80dph in such locations (Suburban/Urban Extension Areas). Policies within the statutory development plan serving the area and in particular Policy QHSN6 Urban Consolidation, Policy QHSNO4 Densification to Suburbs, Policy QHSN10 Urban Density and Policy SC11 Compact Growth also seek to increase densities in suburban areas. If this were treated as a greenfield site or brownfield infill development site, then considering a site size of 0.0889 it could accommodate in theory at least 3.5 units at the lower rate of 40 units/ha and 7 units at the higher 80 units/ha rate.
- 9.2.8 On this basis I see not justifiable reason as to why the unit should not be converted back to 2 semi-detached units as conditioned under Planning Reg Ref. 1094/97 and in this regard I do not consider that the proposal for the use of the building as a single residence complies with development plan policy with respect to the densification of suburbs and increased urban densities or policy with respect to compact growth as set out in the SRCDS.
- 9.2.9 With respect to concerns raised in submissions on the file with respect to the commercial/institutional use of the building as a multi occupancy unit I would consider that the condition of planning, Condition No. 2 which states that 'the dwelling shall only be occupied as a single family dwelling' would potentially be difficult for the Planning Authority to enforce as the word 'family' could have multiple interpretations.
- 9.2.10 Having regard to the foregoing I do not consider it appropriate in this context to allow its use as single unit to continue. If permission is refused then the applicant/owner will be required to convert it back to two houses as conditioned under Planning Reg. Ref. 0194/97.

### 9.3 **Traffic Safety**

- 9.3.1 Issues with respect to traffic safety have been raised in observations submitted to the appeal on the basis that the house could accommodate up to 16 persons. I note that

the applicant has formed off street car parking for two cars on site after a response to a further information request.

9.3.2 Standards with respect to car parking are set out under Table 2 of Appendix 5 of the Dublin City Development Plan 2022-2028 and within car parking zone 3 where the proposed development is located only 1 space is required to serve the single dwelling proposed.

9.3.3 The proposed development includes for two spaces within the curtilage of the development site and therefore parking provision is deemed acceptable.

9.3.4 A condition has been imposed stipulating the house be a single residential unit and on this basis I do not consider that the house would generate significant parking requirements certainly not more than the house would currently generate.

## **10. Recommendation**

10.1 I recommend that permission be refused for the following reason:

- 1 The proposed development site is in a location described as a 'Suburban/Urban Extension Area' in the Sustainable Residential Development and Compact Settlements (SRDCS) where densities of 40-80 dwellings per hectare are prescribed. The proposed development comprises of one house on a site area of 0.0889ha representing a density of just over 11 units per hectare. The proposed development would therefore represent underdevelopment of the site would be contrary to policies with respect to density provision in the SRCDS would be contrary to Policy QHSN6 Urban Consolidation Policy QHSNO4 Densification to Suburbs and Policy SC11 Compact Growth of the Dublin City Development Plan 2022-2028. The proposal would therefore represent an inefficient use of land in an area where there is a shortage of housing and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Name: Andrew Hersey

Planning Inspector

Date: 4<sup>th</sup> June 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP321989-25		
<b>Proposed Development Summary</b>	Continuation of Use as single dwelling		
<b>Development Address</b>	54 (formally 53 and 54) Saint David's Park, Dublin 5 D05C2X6		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	√
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	
<b>No</b>	Tick or leave blank		√
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>		Screening determination remains as above (Q1 to Q4)	

<b>Yes</b>		<b>Screening Determination required</b>
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**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_