



An
Coimisiún
Pleanála

Inspector's Report

ACP-323417-25

Development	Change of use to care home, construction of extension and all associated site works
Location	60, Knocknashee, Goatstown, Dublin 14, D14XV34
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0329/WEB
Applicant(s)	Davy Property Holdings Limited.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party Appeal
Appellant(s)	Niall Norton Knocknashee Residents Association Sheila Hillis
Observer(s)	Knocknashee Residents Association CRAVA

Date of Site Inspection

14th November 2025.

Inspector

Carol Smyth

1.0 Site Location and Description

- 1.1. The subject site, No. 60 Knocknashee, Goatstown is located within the administrative boundary of Dun Laoghaire Rathdown County Council. The subject property is located on the eastern side of Knocknashee, a cul-de-sac, accessed from Drummartin Road and Kilmacud Road Upper.
- 1.2. The subject property comprises a 2-storey detached dwelling with a private rear garden and off-street parking for 3 no. cars and is currently in use as a private residential house. The dwelling is located immediately adjacent to a large area of open green space to the south and fronts onto a public green to the northwest. To the north the site is bounded by No. 61 Knocknashee, a detached two storey house and to the east by the rear gardens of No's 25 and 27 Eden Park Drive.

2.0 Proposed Development

As outlined in the public notices the proposed development comprises:

- Change of use from residential dwelling to community dwelling home for persons with an intellectual or physical disability or mental illness and persons providing care for such persons;
- Works to dwelling including:
 - construction of single-storey extension to rear providing for a living room and kitchen/dining room;
 - extension to existing single storey annex; internal alterations at ground and first floor to provide for 9 no. bedrooms (7 no. ensuite), staff office and bedroom, and bathrooms;
 - provision of wheelchair ramp to front of building;
 - alterations to front garden to provide 3 no. car parking spaces;
 - provision of bicycle parking to rear;
 - provision of external terrace to rear and steps to bedroom 6;
 - increase in height of roof over existing single storey extension to side;

- provision of new windows to front, rear and southern elevations at ground and first floor;
- creation of new ope to facilitate ramp at front porch;
- closing of existing door ope and creation of new window ope on southern face at ground floor;
- landscaping, boundary treatments, SuDS and foul drainage and all ancillary works necessary to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire-Rathdown County Council issued a decision to grant permission on the 23rd July 2025.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners report recommendation is consistent with the notification decision issued.

3.2.2. Following a request for further information in relation to internal areas, storage and cycle parking the Planning Authority considered that the proposal would not adversely impact on the residential amenity of adjacent properties by overshadowing, overlooking or overbearing appearance or detract from the character of the surrounding area and would be in accordance with the proper planning and sustainable development of the area.

3.2.3. Other Technical Reports

- E.H.O.

No objection subject to a condition relating to operational waste disposal.

- Environmental Enforcement Report

No objection subject to conditions relating to noise impact, odours/air quality and operational waste management.

- Drainage Planning Division

No objection subject to conditions relating to surface water runoff and SuDs.

- Transportation Planning Division

I note 2 no. reports from the Transportation Planning Division. Following the submission of further information in relation to cycle parking the Division raised no objection to the development subject to conditions relating to vehicular entrance width and a standard condition relating to the public road.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

In total 58 no. observations were submitted to the Planning Authority in relation to the proposed development.

The issues raised in relation to the planning application also form the grounds of the third party appeal and are addressed below in Sections 6 and 7.

4.0 **Planning History**

4.1. There is no recent relevant planning history relating to the subject site.

4.2. **Relevant Adjoining Planning History**

DLRDCC Reg. Ref. D22A/0519 – No.88 Knocknashee

Planning Permission granted for the demolition of existing kitchen and boiler house to rear (20.8 sqm); construction of a single storey extension to rear (54.7 sqm additional area), construction of a new dormer window to south elevation; Alterations to front (west) elevation including provision of an attic window; alterations to the front porch area; provision of attic window to rear (east) elevation; provision of solar panels and rooflights; widening of existing vehicular entrance to 3.5 metres; and associated works.

5.0 Policy Context

5.1. National Policy and Guidance

5.1.1. National Standards for Children's Residential Centres

5.1.2. Standard 2.3

The residential centre is child centred and homely, and the environment promotes the safety and wellbeing of each child.

Features of a children's residential centre meeting this standard are likely to include:

2.3.1 The layout and design of the residential centre are suitable for providing safe and effective care for the number of children, and for meeting the needs of each child, in the centre.

2.3.2 Each child has their own bedroom and there are adequate and secure storage facilities for personal belongings.

2.3.3 The residential centre is stimulating and provides opportunities for rest, play, recreation and skills development including access to adequate communal space for both indoor and outdoor recreational facilities. Outdoor spaces, which are part of the premises, are safe, secure and well maintained.

2.3.7 The bathroom facilities are sufficient in number and ensure privacy. 2.3.8 The residential centre is adequately lit, heated and ventilated.

5.2. Development Plan

5.2.1. The site is governed by the policy and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities.

5.2.2. Chapter 4: Neighbourhood – People, Homes and Place, sets out policies and objectives on housing in Section 4.3: Homes.

5.2.3. Policy Objective PHP13: Equality, Social Inclusion and Participation

It is a Policy Objective to promote equality and progressively reduce all forms of social exclusion that can be experienced because of gender, gender identity, marital status, family status, age, race, religion, disability, sexual orientation, nationality,

homelessness and membership of the Traveller Community and promote active participation consistent with RPO 9.1 and RPO 9.2 of the RSES.

5.2.4. Policy Objective PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

- *Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF*
- *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.*

5.2.5. Policy Objective PHP20: Protection of Existing Residential Amenity.

It is a Policy Objective to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

5.2.6. Policy Objective PHP30: Housing for All

It is a Policy Objective to:

- *Support housing options for older people and persons with disabilities/mental health issues consistent with NPO 30 in the NPF, RPO 9.1 and 9.12 of the RSES.*
- *Support the provision of specific purpose-built accommodation, including assisted living units and lifetime housing, and adaptation of existing properties.*
- *Promote ‘aging in place’ opportunities for ‘downsizing’ or ‘right sizing’ within their community.*

5.2.7. Section 12.3.7 Additional Accommodation in Existing Built-up Areas, sets out criteria for extensions to dwellings and states that *‘Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.’*

5.2.8. Section 12.3.8.2 Nursing Homes/Assisted Living Accommodation, sets out criteria to be considered when assessing such proposals as follows:

- *Such facilities will be resisted in remote locations at a remove from urban areas. They should be located into established neighbourhoods / residential areas well served by community infrastructure, and amenities. Future residents should expect reasonable access to local services such as shops and community facilities.*
- *The potential impact on residential amenities of adjoining properties.*
- *Nursing Homes/Assisted Living Accommodation will provide at least 20% open space of the overall site area (Refer also to Section 12.8)*
- *Adequate provision of parking facilities (Refer also to Section 12.4.5).*
- *The design, proposed pallet of materials, and fenestration.*
- *The size and scale of the proposal must be appropriate to the area.*
- *Proximity of high-quality public transport links and provision of good footpath links.*

5.2.9. Section 12.4.5 Transport sets standards for car and cycle parking and access.

5.2.10. Section 12.8 Open Space and Recreation set standards for open space and separation distances.

5.3. **Natural Heritage Designations**

The site is situated approximately 3.2 km to the southwest of South Dublin Bay proposed NHA, South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC.

5.4. **EIA Screening**

See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

6.0 The Appeal

6.1. Grounds of Appeal

There are 3 no. third-party appeals against the Planning Authority's decision to grant permission for the extension and alterations at 60, Knocknashee, Goatstown, Dublin 14. The following provides a summary of the grounds of appeal.

- The planning application should be invalidated as it does not comply with mandatory requirements.
- Details of ownership, operator and management have not been provided.
- The nature of the intended use is unclear.
- The description of the proposed future residents is unclear.
- It is unclear if the applicant has sufficient legal interest in the site to apply for permission and there are restrictive covenants in relation to the deeds of the property that the dwelling be occupied as a single private residence and not a business.
- The proposal materially contravenes the zoning objective for the site.
- The applicant should be requested to provide further details of the nature and operation of the proposed development.
- An operational and management plan should be submitted for the proposed development.
- No evidence has been submitted that the operator is registered with Tusla.
- The application should be referred to Tusla/HIQA for comments.
- The applicant has not demonstrated that the proposal can accommodate 8 no. teenagers.
- The proposed use is inappropriate for the suburban housing estate.
- The intensity, scale and nature of the proposed development will negatively impact upon adjoining residential amenity and character of the area.
- The proposal represents overdevelopment and overcrowding of the site

- The proposed development will negatively impact on adjoining residential amenity in terms of noise.
- The proposal for 10 no. residents significantly exceeds the capacity of the site.
- Concerns regarding the future multi-occupancy of bedrooms. Bedrooms should be for single occupancy only.
- The proposed development fails to provide adequate residential amenity for future occupants in terms of private open space.
- Inadequate provision of communal living areas
- Inadequate bedrooms have been provided for carers.
- Concerns regarding vehicular access and car parking on the site.
- Should ACP grant permission the dwelling should be restricted to cater for no more than 4 no. children to align with the general size of residential care centres in residential settings and cater for persons with intellectual or physical disabilities or mental illnesses and carers.
- A temporary permission should be issued to allow for an assessment of the impacts of the development on the neighbourhood.

6.2. Applicant Response

- The applicant, Davy Property Holdings Unlimited Company, is the owner of the site. The application form contained an error in naming Aiden O'Carroll as a director. The directors of the company are Cathal O'Connor and Cathal Sheridan.
- The proposed development will be managed by Mc Care Limited which provides social care homes for use by approved bodies such as the HSE and Tusla
- Operational management plans are agreed upon with Tusla prior to final contracts/agreements. The applicant is willing to accept a condition in this regard prior to the commencement of the development.
- The purpose of the development is to provide a community dwelling to house persons between the ages of 16 to 18 with intellectual or physical disability and

/or mental illness along with the provision of care for such persons , undertaken by trained professionals.

- The proposed development is specifically designed for persons between the age of 16-18 falls within the statutory definition of child as set out in Section 5 of the Child Care Act 1991. The Act imposes a duty on Tusla to make suitable accommodation where a child is homeless.
- The community dwelling model provides suitable accommodation where needs are met by trained professionals. It is a community based, inclusive environment consistent with modern child-protection and disability rights standards.
- The community dwelling is residential setting for individuals who require some care while remaining independent and connected to the community offering a sense of normalcy and dignity without the institutional feel of hospitals or children's homes.
- The proposed development accords with 'sustainable communities and neighbourhood infrastructure' Section 4.2.1 and Policy PHP13 of the Development Plan which seeks to promote equality and reduce social exclusion.
- The development accords with the provisions of Chapter 4 of the Plan in relation to housing persons with disabilities in terms of location of the development.
- Assisted living accommodation and residential development is permitted in principle within the land use zoning objective for the site.
- The proposed development is completely appropriate under the policy guidance of the Development Plan.
- Any noise levels associated with the development are comparable in intensity to the noise levels associated with a residential family dwelling that accommodates children or teenagers.
- It is in the applicant's interest to provide a cohesive and safe environment for persons with disabilities therefore trained professionals will be in charge of providing support and care as needed to the residents. The wellbeing of adjoining residents will not be impacted upon.
- The living areas and garden areas are suitably sized for the proposed use.

- The proposed development is also in close proximity to areas of public open space.
- There is sufficient car and bicycle parking on site for all residents.
- The development is in accordance with Part M of the Building Regulations in terms of accessibility.

6.3. **Planning Authority Response**

The grounds of 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.

6.4. **Observations**

In total 2 no. observations were received from Knocknashee Residents' Association (KRA) and Children's Residential and Aftercare Voluntary Association (CRAVA) in relation to the proposed development. The following provides a summary of the observations.

- It is unclear if the applicant has sufficient legal interest in the site to apply for permission
- There are restrictive covenants in relation to the deeds of the property that the dwelling be occupied as a single private residence and not a business.
- Bedrooms should be for single occupancy only by way of condition.
- Should ACP grant permission the dwelling should be restricted to cater for no more than 4 no. children with a study room, an additional living room and 2 no. carers bedrooms.
- Each child should have their own bedroom
- Care should be focused on the individual needs of the child
- Children should have a safe space and a right to privacy
- The residential centre should be a homely and supportive environment
- Opportunities should be given for children to personalize the space.

6.5. Further Responses

None.

7.0 Assessment

Having examined the applications details and all other documentation on file, including all the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle and Nature of the Development.
- Scale of the Proposal and Intensity of the Development.
- Future Residential Amenity
- Vehicular Access and Car Parking
- Operation and Management
- Other Matters

7.1. Principle and Nature of Development.

- 7.1.1. The proposed development comprises the change of use from a residential dwelling to community dwelling home for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. The proposed development also includes the construction of a single storey extension to the rear of the dwelling and an extension to the rear of an existing single storey annex. Internal alterations are proposed to provide 9 no. bedrooms (7 no. ensuite), staff office and bedroom, and bathrooms. I note that the number of bedrooms was reduced by one following a further information request. The proposed development also includes a wheelchair ramp to front of building, 3 no. car parking spaces to the front and bicycle parking in the rear garden along with works to the facades including alterations to the fenestration and door openings.
- 7.1.2. Third-Party grounds of appeal contend that the nature of the intended use is unclear and the description of future residents is vague. The grounds of appeal raise

concerns that the development may not be restricted to children with intellectual or physical disability or mental illness and that Section 5 of the Child Care Act 1991 allows for the development to cater for all young persons who are homeless. Given the lack of clarity regarding the future residents and the intensity of the use proposed, the Appellants contend that the proposed development is inappropriate for the suburban nature of the area and materially contravenes the land use zoning objective 'A' for the site.

- 7.1.3. In response to the Third-Party grounds of appeal, the Applicant states that the purpose of the proposed development is to provide accommodation for 16 to 18-year-olds with intellectual or physical disability and /or mental illness, supported by trained professionals. It is designed to provide suitable accommodation for children who are homeless as set out under Section 5 of the Child Care Act 1991 which places a duty on Tusla to provide such accommodation.
- 7.1.4. The Applicant contends that the development offers community-based, inclusive housing that meets modern child-protection and disability-rights standards and allows young people to live independently within the community, maintaining dignity and normalcy rather than residing in institutional settings. The Applicant further states that the proposal aligns with the land use zoning objective and the relevant Development Plan policies including provisions for housing persons with disabilities and reducing social exclusion.
- 7.1.5. The Planning Authority considered that the proposed use to be classed as assisted living accommodation and considered the proposal to be permitted in principle with the land use zoning objective.
- 7.1.6. The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities. Assisted Living Accommodation, Residential and Residential Institution are permitted in principle under this zoning objective.
- 7.1.7. Section 13.2 - Definition of Use Classes, of the Development Plan defines assisted living accommodation, as being *'for those that require assisted living in specifically designed units in which dining, recreation, hygiene and health care facilities can be shared on a communal basis.'*

- 7.1.8. I note that the development description as submitted to the Planning Authority does not state that the development is for children. However, I further note that the application documentation as submitted to the Planning authority outlines that the proposal is for 9 no. children (reduced to 8 no. following a further information request). Having regard to the development description as submitted to the Planning Authority, the documentation submitted with the planning application and the Applicants response to the grounds of appeal, I am satisfied that the nature of the development and future occupants are clearly outlined. In addition, I consider the proposed development to fall within the definition of assisted living accommodation as set out in Section 13.2- Definition of Use Classes of the Development Plan, which is permitted in principle under the 'A' land use zoning objective for the site.
- 7.1.9. Section 12.3.8.2 - Nursing Homes / Assisted Living Accommodation of the Development Plan, requires that such facilities should be located in established neighbourhoods / residential areas and will be resisted in remote locations at a remove from urban areas. I am therefore satisfied that the change of use of the dwelling to an assisted living accommodation unit within an existing residential estate in a suburban location is acceptable.
- 7.1.10. Furthermore, I note Development Plan policy regarding persons with disabilities/mental health issues including Policy Objective PHP13 - Equality, Social Inclusion and Participation, which promotes equality and seeks to reduce all forms of social exclusion including inter alia family status, age, race, religion and disability and Policy Objective PHP30 - Housing for All, which supports housing options for persons with disabilities/mental health issues including assisted living units and the adaptation of existing properties. I therefore consider the change of use of an existing detached dwelling within an existing residential community setting to an assisted living accommodation facility to be acceptable.
- 7.1.11. Having regard to the nature the proposed assisted living accommodation facility as set out in Section 13.2-Definition of Use Classes of the Development Plan, the location of the site in an existing residential area in accordance with the criteria outlined in Section 12.3.8.2-Nursing Homes/Assisted Living Accommodation of the Plan, the 'A' land use zoning objective for the site, and the provisions of Policy Objective PHP13- Equality, Social Inclusion and Participation and PHP30- Housing for All of the Plan, I consider the principle of the development to be acceptable.

Having regard to the grounds of appeal in relation to the material contravention of the zoning objective, I do not consider that the proposed development materially contravenes the 'A' land use zoning objective for the site, subject to the protection of existing residential amenities which is assessed in Section 7.2 below.

7.2. Scale of the Proposal and Intensity of the Development

- 7.2.1. Third Party grounds of appeal consider that the proposal exceeds the sites capacity and constitutes overdevelopment and overcrowding. It is further contended that the intensity, scale and nature of the proposed development would adversely affect the character of the surrounding area and the residential amenity of adjoining property in terms of noise. The appellants and observers request that should the Commission be mindful to grant permission that a temporary permission should be issued to allow for an assessment of the impacts of the development on the neighbourhood. In addition, the appellants and observers consider that the facility be restricted to cater for no more than 4 no. children to align with the general size of residential care centres in residential settings.
- 7.2.2. In response to the grounds of appeal the Applicant states that the development is not overcrowded and has been designed to provide a high quality residential and communal amenity that supports the intended use. The applicant further states that the noise levels from the development will be similar to that of a typical family home and that trained professionals will provide support to residents with disabilities ensuring a safe environment, the wellbeing of adjoining residents will therefore not be impacted upon.
- 7.2.3. The Planning Authority raised some concerns regarding the scale of the proposed facility and the resultant intensity of use of the dwelling and the impact on the character of the area but did not address or assess this issue any further in the Planning Report. Notwithstanding, permission was granted following a further information request which related to the provision of communal living space, internal storage and bicycle parking.
- 7.2.4. Section 12.3.7.1 – Extensions to Dwellings, of the Development Plan states that ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

- 7.2.5. The development comprises a large ground floor extension and a minor single storey extension to an existing annex which aligns with the rear wall of the annex. The extensions have combined floor areas of 53sqm. The main ground floor extension projects circa 9.2 metres from the primary rear elevation of the dwelling and is offset 6.6 metres from the mutual side boundary wall with the adjoining property to the north No. 61 Knocknashee and 1.9 metres from the side boundary wall to an area of public open space to the south of the site. The proposed extension is situated 8.1 metres from the rear boundary of the site and comprises a flat roof with an overall height of 3.2 metres. As previously noted in my assessment above, approximately 180sqm of private rear open space remains for future occupants.
- 7.2.6. Having visited the site and having regard to the scale of the proposal and the detached nature of the dwelling, I am satisfied that the extensions are of a scale, height and design in line with what might be expected in an established residential area such as this and I do not consider that the proposal represents overdevelopment of the site. I am satisfied with the proximity to boundaries proposed and I note that the extensions will not be visible from the front of the dwelling. I therefore consider that the proposed development is in accordance with Section 12.3.7.1 - Extensions to Dwellings, of the Development Plan and would not have an adverse impact of the character of the area.
- 7.2.7. In terms of the intensity of the development, having regard to the proposed layout, I consider that the dwelling and proposed extensions are capable of accommodating the proposed use and number of residents without any overcrowding impacts. Given the detached nature of the dwelling, the separation distances to mutual boundaries and the supervision of the residents by trained staff day and night, I do not consider that the proposed use would significantly impact upon adjoining residential amenity in terms of noise. Overall, I am satisfied that any impacts on adjoining properties are in line with what might be expected in a residential area. I do not consider that the proposed development would seriously injure the amenities of property in the vicinity of the site and in this regard, I do not consider that the proposal materially contravenes the land use zoning objective 'A' in terms of the protection of existing residential amenity. Therefore, I do not consider it necessary to issue a temporary permission or restrict the number of residential occupants to four.

7.3. Future Residential Amenity

- 7.3.1. Third party grounds of appeal contend that the development fails to provide adequate residential amenity for future occupants in terms of private open space. It is further contended that the communal living areas are inadequate to accommodate the future residents. Concerns are also raised by both the appellants and observers regarding the future multi-occupancy of bedrooms.
- 7.3.2. In response to the grounds of appeal the Applicant states that the living areas and garden areas are suitably sized for the proposed use. The Applicant further notes that the proposed development is in close proximity to areas of public open space and that there is sufficient car and bicycle parking on site for all residents.
- 7.3.3. The Planning Authority considered the provision of private open space to be acceptable but raised concerns regarding the level of communal living areas in the scheme and requested further information to address the floorspace of communal living areas. In response to the further information request the Applicant amended the scheme increasing the living area to 49sqm by the omission of 1 no. ground floor bedroom. The amended scheme provides a total of 9 no. bedspaces, 8 no. for residents and 1 no. for carers and was considered acceptable by the Planning Authority.
- 7.3.4. Section 12.3.8.2 - Nursing Homes/Assisted Living Accommodation, requires that least 20% open space of the overall site area is reserved as private open space. I further note that Section 12.8.4 - Open Space Quantity for Mixed Use, Non-Residential and Commercial, of the Development Plan states that at least 15sqm open space per resident (unless otherwise agreed with the Planning Authority) is required.
- 7.3.5. The subject site has an overall stated area of 0.062 hectares which would require at least 124sqm of open space to comply with the 20% open space requirement of Section 12.3.8.2 - Nursing Homes/Assisted Living Accommodation. In addition, I note that following the reduction of 1 no. bedroom as a result of the further information request the development caters for 8 no. residents therefore requiring 120sqm of private open space in order to comply with the 15sqm open space per resident as set out in Section 12.8.4 - Open Space Quantity for Mixed Use, Non-Residential and Commercial. The development provides approximately 180 sqm of

private rear open space. I am therefore satisfied that the development accords with the provisions of the Development Plan in terms of open space.

- 7.3.6. Neither the Development Plan nor the HIQA National Standards for Children's Residential Centres (2018) provides development standards in relation to the space provision for communal living areas. The National Standards for Children's Residential Centres requires access to adequate communal space for both indoor and outdoor recreational facilities. As a comparison, I note that the HIQA – National Standards for Older People require at least 4 sqm of sitting, dining and recreational use for care homes for older people.
- 7.3.7. The revised layout submitted with the further information response provides a total of 76 sqm communal living areas in the form of kitchen, dining and living space which equates to 8.4 sqm per person. The submitted layout indicates that the ground floor living area can accommodate 9 no. persons and the kitchen/dining area can accommodate 10 no. persons. I am therefore satisfied that the provision of communal living space for the residents of the development is acceptable. I consider that the development provides access to adequate communal space for both indoor and outdoor recreational facilities and therefore accords with the provisions of Section 2.3.3 of HIQA National Standards for Children's Residential Centres (2018).
- 7.3.8. I further note that the Standard 2.3.2 of the HIQA National Standards for Children's Residential Centres (2018) requires that each child has their own bedroom and there are adequate and secure storage facilities for personal belongings. Having regard to the layout of the scheme revised following the further information request, I am satisfied that the proposal has been designed to comply with HIQA National Standards for Children's Residential Centres (2018) in terms of bedroom accommodation and communal living areas.

7.4. Vehicular Access and Car Parking

- 7.4.1. Third Party appellants contend that the car parking and vehicular entrance on the site falls short of the required standards and the front garden layout does not include sufficient landscaping.
- 7.4.2. Section 12.3.8.2 - Nursing Homes/Assisted Living Accommodation, of the Development Plan requires that adequate provision of parking facilities are provided for such facilities. Section 12.4.5 – Car Parking Standards, of the Development

Plan, sets out car parking requirements for new developments while supporting a shift to more sustainable modes of transport such as public transport, walking and cycling. The subject site is located in Parking Zone 3 as indicated on Map T2 of the Development Plan. Table 12.5 - Car Parking Zones and Standards of the Development Plan does not provide car parking standards for assisted living accommodation. The table indicates standards for a 3-bed (or more) house is 2 no. spaces. I note that this is not a maximum standard. I further note that the development is situated within a 350-metre radius of public transport.

7.4.3. The proposed development provides 3 no. car parking spaces. Having regard to the nature of the use, the proximity to public transport, the provision of bicycle parking spaces on the site and the report from the Planning Authorities Transportation Department which raised no objection to the provision of 3 no. car parking spaces, I am satisfied that the proposed car parking provision is acceptable to cater for staff and visitors at the proposed facility.

7.4.4. In terms of the vehicular access, the Planning Authority's Transportation Planning Division required a condition restricting the width of the vehicular entrance to be no more than 3.5 metres. The 3.5 metre width is the maximum width allowable of vehicular entrances in accordance with Section 12.4.8 - Vehicular entrances and Hardstanding Areas, of the Development Plan. I am satisfied that the proposed vehicular entrance is in accordance with the Development Plan.

7.4.5. Section 12.4.8.3 Driveways/Hardstanding Areas, of the Plan requires that one third of front garden areas should be maintained in grass or landscaped. Having regard to the proposed layout and landscaping proposal, I consider that the proposed development is marginally short of the one third soft landscaping requirement. Notwithstanding, I consider the shortfall to be minor. I therefore do not consider that the proposal materially contravenes Section 12.4.8.3 Driveways/Hardstanding Areas and is acceptable.

7.5. Operation and Management

7.5.1. Third Party Grounds of appeal relate to the operation and management of the proposed development. The Appellants contend that the applicant has not demonstrated that the operator is registered with Tusla or demonstrated that the proposal accords with Tusla/HIQA requirements and can accommodate 8 no.

teenagers. Third Party appellant's request that an Operational and Management Plan be submitted for assessment and that the application be referred to Tusla/HIQA for comments.

- 7.5.2. The Applicant states that the proposed development will be managed by Mc Care Limited which provides social care homes for use by approved bodies such as the HSE and Tusla. The Applicant states that Operational Management Plans are agreed upon with Tusla prior to final contracts/agreements. In this regard the Applicant is willing to accept a condition prior to the commencement of the development.
- 7.5.3. Section 12.3.8.2-Nursing Homes/Assisted Living Accommodation of the Development Plan, sets out development standard criteria for such developments which does not include the requirement to submit an Operational Management Plan for the facility. In this regard I note that the Planning Authority did not assess the proposal in terms of the future operation or management of the development.
- 7.5.4. I note the application documentation and the Applicants response to the grounds of appeal which outline that the development will be managed by Mc Care Limited for use by approved bodies such as the HSE and Tusla. The documentation submitted indicates that the children will be cared for by a total 12 no. staff members, 4 no. daytime staff and 2 no. nighttime staff. I acknowledge the Applicants contention that Operational Management Plans are agreed upon with Tusla prior to final contracts/agreements. Notwithstanding the Applicants willingness to accept a compliance condition to the submit an Operational Management Plan it is not a requirement of the Development Plan. I consider that the operation and management of the facility is a matter for Tusla and HSE therefore do not consider it necessary for the Applicant to submit Operational Management Plan for the written approval of the Planning Authority.

7.6. **Other Matters**

- 7.6.1. Third party grounds of appeal and observations refer to the validity of the application as the owner of the site was not identified.
- 7.6.2. In response to the Third-Party grounds of appeal the Applicant states that the owner of the site is Davy Property Holdings Unlimited Company. The Applicant further

states that the application form contained an error in naming Aiden O'Carroll as a director. The directors of the company are Cathal O'Connor and Cathal Sheridan.

7.6.3. I note that the application was validated by the Planning Authority. Having regard to the First Party response I am satisfied that sufficient information has been submitted to allow for the assessment of the grounds of the appeal.

7.6.4. Third party grounds of appeal refer to restrictive covenants in relation to the deeds of the property that the dwelling be occupied as a single private residence and not a business. This is a civil matter and is outside the remit of An Coimisiún Pleanála.

8.0 AA Screening

8.1. The proposed development comprises the change of use, extension and alterations of a domestic dwelling to assisted living accommodation in an established suburban area. No nature conservation concerns were raised in the planning appeal.

8.2. Having considered the nature, small scale and location of the project, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

8.3. I conclude, 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. Appropriate Assessment, therefore, is not required.

9.0 Water Framework Directive

The subject site is located in an established residential area which adjoins Dublin Bay IE_EA_090_0000 and Dodder river IE_EA_09DK010900. The subject site is located c. 3.1 metres to the southwest of Dublin Bay and c. 1 km metres to the east of the Dodder river.

The proposed development comprises the change of use, extension and alterations of an existing dwelling to an assisted living accommodation unit.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed change of use, alterations and extensions of the dwelling and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the small scale and nature and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

I recommend permission and retention permission be GRANTED subject to conditions.

11.0 Reasons and Considerations

11.1. Having regard to the nature of the proposed change of use, the land use zoning objective 'A' for the site, and Development Plan policy, including Section 12.3.8.2- Nursing Homes/Assisted Living Accommodation and the provisions of Policy Objective PHP13- Equality, Social Inclusion and Participation and PHP30- Housing for All of the Plan, the HIQA National Standards for Children's Residential Centres (2018) and the design, aspect, location and scale of the proposed development, I consider that subject to compliance with conditions below, that the development as submitted to the Planning Authority would not seriously injure the adjoining residential amenity of property in the vicinity, would provide a good level of residential amenity for future occupants and would not negatively impact upon the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars submitted with the planning application, as amended by the further plans and particulars received by the planning authority on the 30th of June 2025 except as may be otherwise required by the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: To clarify the plans and particulars for which permission is granted.</p>
2.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
3.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or</p>

	<p>replacing them, the use of the proposed development shall be restricted to provide accommodation for persons with intellectual or physical disability and /or mental illness, supported by trained professionals as set out under Section 5 of the Child Care Act 1991 (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
4.	<p>The external finishes of the proposed extensions (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.</p>
6.	<p>The vehicular access shall be in full compliance with the requirements of the planning authority for such works and services, details of which shall be agreed in writing with the planning authority prior to the commencement of development</p> <p>Reason: in the interest of traffic safety and proper planning and sustainable development.</p>
7.	<p>Construction hours for the proposed construction shall be in accordance with the following:</p>

	<ul style="list-style-type: none"> • No works shall take place on site outside the hours of 08.00 and 18.00 Monday to Friday, and 08.00 to 13.00 Saturday, or on Sundays or public holidays, unless otherwise agreed in writing with the planning authority. <p>Reason: In the interest of the protection of residential amenity.</p>
8.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>

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.

Carol Smyth
Planning Inspector

24th November 2025

Form 1 - EIA Pre-Screening

Case Reference	323417-25
Proposed Development Summary	Change of use to care home, construction of extension and all associated site works
Development Address	60, Knocknashee, Goatstown, Dublin 14, D14XV34
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____