

An
Coimisiún
Pleanála

Inspector's Report

PL-501717-DS-26



Development

Change of use from residential unit to allow for short-term and long-term letting.

Location

No.1, Inns Court, Winetavern Street,
Dublin 8, D08W3P3.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2028/26

Applicant(s)

Paola Janet Lopez & Paul Flavio Graf

Type of Application

Permission.

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Paola Janet Lopez & Paul Flavio Graf.

Observer(s)

None.

Date of Site Inspection

30/09/2026

Inspector

Anthony Abbott King

1.0 Site Location and Description

- 1.1. The applicant site comprises the ground floor corner unit of an infill neo-Georgian streetscape on the west side of Winetavern Street. The streetscape is predominantly in own-door office uses at ground floor level with residential apartment units above.
- 1.2. Winetavern Street accommodates a broad open carriageway on a north-south axis heavily trafficked between the Liffey Quays and Christchurch Cathedral. Dublin City Civic Offices are located on the east side of the steeply sloping street.
- 1.3. The southern corner building in the streetscape is known as No.8-11 Inns Court. The main entrance to No.8-11 Inns Court is located on Cross Lane south - a side street to the immediate west of Winetavern Street.
- 1.4. The subject apartment is located within the ground floor footprint of No.8-11 Inns Court. The unit configured either side of the entrance lobby to the apartments on the upper floors of No.8-11 Inns Court.
- 1.5. The entrance to the apartment is directly onto the public footpath onto Winetavern Street. The raised public footpath separates the building façade from the carriageway.
- 1.6. The entrance is marginally recessed from the main streetscape building line.
- 1.7. The fenestration comprises large vertical Georgian style openings accommodating replica sash PVC windows and decorative protective ironwork located onto the Winetavern Street / Cross Lane corner with the bedroom windows elevating onto Cross Lane south.
- 1.8. Site area is given as 0.004 hectares.

2.0 Proposed Development

- 2.1. The change of use from existing residential unit to allow short-term and long-term letting.

3.0 Planning Authority Decision

3.1. Decision

Refuse planning permission.

3.1.1. *The proposed development would be contrary to the provisions of the City Development Plan 2022-2028 where the core principles of the Dublin Housing Strategy and Policy QHSN38 are to encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the city in accordance with the Housing Need Demand Assessment (HNDA). Furthermore, Section 15.14.3 Short Term Tourist Rental Accommodation of the Dublin City Development Plan 2022-2028 states that there is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock. It is considered that the applicant has not provided a sufficient justification for the provision of the unit for short term lettings at this location. The proposal would therefore be contrary to the provisions of Section 15.14.3 of the Development Plan, would create an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.
- The planning case officer states that residential is the established use of the subject unit (since planning permission was granted for change of use from office under reg. Ref: 2815/16), which forms part of the existing housing stock within the city centre.
- The conversion of the unit to short-term letting would be inconsistent with Appendix 1: Housing Strategy & Need Demand Assessment (HNDA) and Policy QHSN38 of the Dublin City Development Plan 2022-2028 by reason of the loss of housing stock contrary to Section 15.14.3 and Appendix 1 of the development plan.

3.2.2. Other Technical Reports

- Drainage Division / Environmental Health officer record no objection subject to condition (I note the EHO does not make comment on bin storage).

3.3. Prescribed Bodies

TII response recommendation is the application of a Section 49 levy if applicable.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. The following on site planning history is relevant:

- Under Reg. Ref: 2815/16 (June, 2016) retention planning permission, subject to 4 standard conditions, was granted for the change of use of no. 1, Inns Court from office to residential use.

The following other relevant ACP decisions include:

- Under Reg. Ref: WEB5774/25 (ABPL29S..500853) planning permission was granted by the Commission on 17/06/26 for change of use of office floor to short-term tourist rental accommodation, comprising 5 number short-stay apartments, works included conservation, repair and refurbishment of building at No. 7 D'Olier Street, Dublin 2 (Protected Structure).

The reason and considerations cited Policy CEE20 and Policy QHSN8 of the Dublin City Development Plan 2022-2028, which seeks to reduce vacancy, in particular in upper floors of buildings, and the policies of the Architectural Heritage Protection Guidelines (2011), which seeks to keep historic buildings in active use. Furthermore, the development would accord with policy CEE28 (Visitor Accommodation) and would not result in the loss of residential stock within the city centre and as such would satisfy the requirements of Section 15.14.3 (Short-Term Tourist Rental Accommodation).

- Under Reg. Ref: WEB2412/25 (ABPPL29S.323570) planning permission was refused by the Commission on 10/02/26 for the retention of 10 apartments for use as short-term letting / tourist accommodation or Dublin Castle Suites, 1-3 Parliament Street, Dublin 2 and 81 Dame Street, Dublin 2.

The reason or refusal cites Section 15.14.3 (Short-Term Tourist Rental Accommodation) and Policy QHSN3 (Housing Strategy & HNDA) of the Dublin City Development Plan 2022-2028, which the development to be retained would contravene.

- Under Reg. Ref: 3638/23 (ABPPL29S.317578) planning permission was refused by An Bord Pleanála on the 03/04/24 for the retention of apartment to serviced apartment for short-term letting including Air B&B use at no. 24 South Great George's Street (Protected Structure).

The reason or refusal cites the negative impact on the availability of housing stock in the city contrary to Section 15.14.3 (Short-Term Tourist Rental Accommodation) of the Dublin City Development Plan 2022-2028.

5.0 Policy Context

5.1. Development Plan

The zoning objective is 'Z5' (Map E) 'City Centre': *To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.*

The appeal site is located within a conservation area.

Residential is a permissible use. I also note that bed and breakfast, Guest house, hotel, hostel and other tourist related uses are permissible under the Z5 zoning.

Chapter 5 (Quality Housing and Sustainable Neighbourhoods) is relevant:

- Policy QHSN3

The Housing Strategy and HNDA

(i) To secure the implementation of the Dublin City Council Housing Strategy (Appendix 1) in accordance with the provision of national legislation.

(ii) To encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the city in accordance with the provisions of the Housing Need Demand Assessment and any future Regional HNDA.

- Policy QHSN38 states:

The Housing and Apartment Mix

To encourage and foster the creation of attractive, mixed use, sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and HNDA, with supporting community facilities and residential amenities. Further detail in regard to unit mix is set out in Chapter 15: Development Standards. Unit mix requirements for the Liberties and the North Inner City are set out in Section 15.9.1 and Table 37 of the Housing Strategy in Appendix 1.

Chapter 15 (Development Standards) is relevant:

- *Section 15.14.3 Short Term Tourist Rental Accommodation*

Short Term Tourist Rental Accommodation

There is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock.

Applications for Short Term Tourist Rental Accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve. Applications may also be considered in locations adjacent to high concentration of night / time noisy activity where standard residential development would be unsuitable.

- *Appendix 1: (Housing Strategy) inter alia states:*

The provision of quality, appropriate and affordable housing is essential to meet the needs of our growing population and provide for the development of sustainable, inclusive and vibrant communities in the city.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023).*

- SPI 01-2026-Circular on Short-Term Letting & the Planning System (23 January, 2026). The Circular notes that there is currently no statutory national-level policy in place with regard to short-term letting.
- The Development Management Guidelines for Planning Authorities (2007).

6.0 EIA Screening

- 6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of this first party appeal are summarised below:

- The appeal statement provides a justification for the provision of the subject unit principally for short-term letting given the ground floor urban location of the unit and the internal deficiencies that make the unit undesirable for long-term tenants.
- The first party cites 4 principal grounds of appeal: Rationale for short-term letting; tourist area location; legislative guidance and; potential condition of permission.
- The subject unit comprises a 48.5 sqm apartment containing a kitchen / living / dining room, 1 number bedroom, 1 number WC and 1 number shower room.
- The rationale for short term letting is in part the ground floor location of the residential unit on a busy urban street and the failure of the unit to comply with certain development standards. It is claimed that traffic noise is off-putting to long-term tenants and has made this ground floor apartment undesirable to prospective tenants.
- Section 15.14.3 (short-term letting) of the Dublin City Development Plan 2022-2028 is cited, which *inter alia* states that application for short-term letting may be

considered in locations adjacent to high concentration of night time / noisy activity where standard residential development would be unsuitable.

- The first party states that other ground floor units in the Winetavern Street block are in commercial use due to the high footfall and heavy traffic on street. The adjoining uses along Winetavern Street are illustrated at ground floor level predominantly office based own-door access units including adjacent solicitors firms and a software company.
- The own-door access status of the apartment negates shared entrance lobbies, corridors, stairwells, lifts or other common circulation spaces. Short-term tenants can enter and exit directly from Winetavern Street without interacting with the internal areas used by long-term tenants of Inns Court.
- The proposed use will remain self-contained as the apartment functions as an own-door dwelling rather than a standard multi-residential unit. This application should be viewed as an individual residential unit rather than an apartment within an apartment block.
- The street also has high footfall and ground floor windows must have shutters for privacy screening. These shutters reduce the light received in the apartment. The ground floor location of the unit is appropriate as an office but less appropriate as a long-term residential unit.
- The first party states that pedestrianisation of Parliament Street and the change of traffic flow on Grattan Bridge to allow north-south traffic only have in consequence resulted in Winetavern Street and O'Donovan Bridge experiencing increased traffic and congestion depreciating residential amenity.
- The apartment satisfies space requirements for a one-bedroom apartment. However, it is deficient in terms of compliance with apartment development standards in terms of outdoor private / communal space, internal storage, bicycle parking and bin storage.
- The first party states that the apartment is unable to secure a long-term tenant due to its ground floor location and a lack of outdoor space, parking & storage in consequence the unit remains vacant other than use when the owners visit Dublin.

- The apartment is effectively used as a second home by the owners. It has not to the knowledge of the first party been used as a long-term tenancy since conversion from an office. It is claimed that a short-term letting designation is the most efficient use of the existing unit (housing stock) aligned with government policy.
- The apartment is located in the heart of Dublin city centre tourist area within a city centre mixed use zone with conservation area designation and as such is proximate to a list of major tourist attractions reachable within a brief walk. The apartment is in a spatially optimal location for a short-term tenant visiting Dublin.
- The Dublin City Development Plan, Chapter 6 & 11, seeks to support a range of tourist facilities including Policy CEE26 (to promote and facilitate tourism as one of the key pillars of the city's economy) and BHAO17 (Tourism) (promote tourism in the medieval and historic core of the city).
- In the matter of legislative guidance, the planning authority should consider a number of factors when deciding planning applications for short-term lettings including development plan policy, relevant ministerial guidance and the views of statutory consultees and / or views of members of the public.
- It is stated that all of Ireland is a rent pressure zone since June 2025. It is stated that rents cannot increase by more than 2% per year.
- It is stated that there is long-term apartment rental stock available in the immediate vicinity and within the Inns Court complex. The first part notes that there is not an evidenced over concentration of authorised short-term letting properties in the vicinity with the nearest unit apart from Inns Court available at 25 Eustace Street.
- Finally, it is considered that if full planning permission for short-term letting is not possible, they are willing to agree to a condition limiting the number of nights a year the subject unit can be used for short term letting. The first party is willing to agree to a 180 night cap on short-term letting.

7.2. Planning Authority Response

The planning authority request that the Commission uphold their decision to refuse planning permission. However, the planning authority request the imposition of Section 48 and Section 49 (Luas X City development contribution) if a grant of permission is awarded.

8.0 **Assessment**

- 8.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant planning policies and guidance.
- 8.2. It is noted that no physical works are proposed to the subject unit (48.5 sqm). The external appearance and internal layout will remain the same. The application relates to the nature of residential use of the building only.
- 8.3. The authorised use of the subject unit is residential following a retention application for change of use from office to residential (Reg. Ref: 2815/16). The first party is seeking a long-term and short-term letting designation for the unit.
- 8.4. I consider that the substantive issues in this appeal to be considered are as follows:
- Zoning / principle of development
 - Short-term letting policy context / location
 - Internal residential amenity & apartment standards
 - Open space
 - Potential impact on adjoining properties
 - Compatibility with the housing strategy (Appendix 1 of the development plan)
 - Other matters

Principle of development / zoning

- 8.5. The site is zoned Z21(Residential) in the Dublin City Development Plan 2022-2028: *to protect, provide and improve residential amenities*'. I note that bed and breakfast, guest house, hotel, hostel and other tourist related uses are permissible under the Z5 zoning.

- 8.6. I also note that the site is located in a part of the central area that has a number of established tourist attractions and is the location of significant tourist accommodation including a number of hotels and other tourist related accommodation options available in the immediate area.
- 8.7. The first party cites the tourist area location of the application site as 1 of the 4 principal grounds of appeal. It is noted that the application site is located across the road from Dublinia (across Cross Lane south) and is proximate to Christ Church Cathedral both high profile tourist sites.
- 8.8. I conclude that short-term letting accommodation equivalent to tourist related accommodation albeit not specifically stated in the zoning matrix is a permissible use.
- 8.9. I consider that short-term residential accommodation use is acceptable in principle.

Precedent

- 8.10. The first party cites Re. ref. WEB2125/24 (November 2024) for change of use of existing 2-storey office unit (59 sqm) at no. 17 Inns court for long-term and short-term letting. I note that this application was decided under the provisions of the current Dublin City Development Plan 2022-2028.
- 8.11. I note the planning context and decision of the planning authority in this matter. I also note the requirement of Section 15.14.3, which *inter alia* provides assessment for Short Term Tourist Rental Accommodation on a case by case basis. The application under appeal will be decided on its merits.
- 8.12. I have reviewed the change of use retention application from office to residential unit on the subject site granted by the planning authority in 2016.
- 8.13. I note that the existing authorised use as a residential unit was granted planning permission in 2016 under the provisions of a previous Development Plan.

Short-term letting policy context / location

- 8.14. Notwithstanding that the subject apartment is an authorised residential unit, the first party has applied for both long-term and short-term letting designation. I consider following reading the appeal statement in full that the substantive matter of the appeal is short-term letting designation.

- 8.15. I reference relevant change of use short-term letting planning applications in the city centre in Section 4 (Planning History) of this Report for the information of the Commission.
- 8.16. SPI 01-2026-Circular on Short-Term Letting & the Planning System (23 January, 2026) is relevant.
- 8.17. The Circular notes that there is currently no statutory national-level policy in place with regard to short-term letting. It acknowledges that individual local authorities may devise their own locally-determined county or city plan policies.
- 8.18. In assessing any development proposal for short-term letting, planning authorities must make a planning decision on the merits of the particular application having regard to any relevant policies set out in the local authority development plan.
- 8.19. Finally, it is noted that in order to provide a clear policy rationale for future planning guidance on short-term letting, in April 2025, a government decision to set out policy direction, which proposes restricting, through a general presumption against granting planning permission, short-term letting in cities and larger towns with a population of more than 10,000 persons at the most recent census.

Dublin City Council policy context

- 8.20. Section 15.14.3 (Short Term Tourist Rental Accommodation) is relevant. The provision *inter alia* states that: *There is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the availability of housing stock....*
- 8.21. I address this matter below in the context of Appendix 1 (Housing Strategy) of the Dublin City Development Plan 2022-2028.
- 8.22. Section 15.14.3 does not prohibit short term accommodation use rather applications for *short term tourist rental accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve.*
- 8.23. I consider the matter of residential amenity of the unit in terms of location immediately below and in terms of apartment standards and open space in subsequent sections of this report.

Unsuitable location for standard residential development

- 8.24. Furthermore, Section 15.14.3 provides that: *applications may also be considered in locations adjacent to high concentration of night time / noisy activity where standard residential development would be unsuitable.*
- 8.25. The proposed development is located on Winetavern Street and elevates onto both Winetavern Street and Cross Lane South.
- 8.26. On balance the immediate urban context is not characterised by a high concentration of night time / noisy activity given the central location of the applicant site within a city centre mixed use zone.
- 8.27. I do not consider that residential accommodation at this ground floor location is unsuitable in principle. I conclude that standard residential accommodation at this location is acceptable.

Traffic flows and increased congestion

- 8.28. The first party states and illustrates that the ground floor units in the Winetavern Street block are in non-residential use. It is claimed that the commercial use of the ground floor is due to the high footfall and heavy traffic. I note this matter.
- 8.29. Furthermore, the first party claims that Winetavern Street and O'Donovan Bridge have experienced increased traffic and congestion due to the introduction of a restricted north-south traffic flow over Grattan Bridge to facilitate the pedestrianisation of Parliament Street further to the east.
- 8.30. I recognise that Winetavern Street is a heavily trafficked south-north route. I agree with the first party that the a ground floor residential use on Winetavern Street is suboptimal in terms of adjacent traffic flow and proximity to the carriageway.
- 8.31. I also recognise that the subject residential unit principally elevates onto Cross Lane south.
- 8.32. Finally, I note that the electrification of motorised transport will result in noise and potential pollutant reduction from traffic flows moving forward arising from the predominance of EVs in the interim to longer term.

Privacy screening

- 8.33. I note that the pedestrian flow on Winetavern Street is immediate to the marginally recessed unit entrance and east facing living room window openings.
- 8.34. The first party claims that shutters are used as privacy screens given the significant footfall on Winetavern Street. Impacting negatively on natural light penetration within the unit.
- 8.35. I note that in 2016 that the planning case officer in terms of residential amenity and apartment standards considered that the internal layout and ceiling height of the unit acceptable with adequate natural light provided by three windows to the living area and two to the bedroom.
- 8.36. I consider that the tall vertical Georgian style window openings onto Winetavern Street should allow for a privacy screen to the bottom of the vertical opening and unrestricted natural light penetration above eye level.
- 8.37. I also note that the bedroom of the subject ground floor unit elevates south onto Cross Lane and does not directly front Winetavern Street.
- 8.38. The bedroom is located on the western side of the main entrance to 8-11 Inns Court at a distance from the main Winetavern throughfare accessed internally via a corridor from the living room / entrance to the unit.
- 8.39. On the day of my site visit, I note that Cross Lane south is an access road to a predominantly residential area to the west of the Winetavern Street. The dominant land use to the west is residential characterised by own door terrace housing and apartments.
- 8.40. On balance I do not consider that the city centre location or ground floor position of the subject residential unit would in itself justify a change in use to short-term letting on substandard residential amenity grounds based on location.

Internal residential amenity & apartment standards

- 8.41. The grounds of appeal argue that the residential amenity of the unit is substandard or unsuitable for standard long-term residential use.
- 8.42. The first party states that the apartment is unable to secure a long-term tenant due to its ground floor location and a lack of outdoor space, parking & storage in consequence the unit remains vacant other than use when the owners visit Dublin.

- 8.43. The apartment unit comprises a 48.5 sqm internal floor area and consists of a kitchen / living / dining room, 1 number bedroom, 1 number WC and 1 number shower room.
- 8.44. Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 requires a functional internal apartment layout and minimum apartment floor area. The subject apartment unit in general satisfies development plan standards for a one-bedroom apartment.
- 8.45. Section 9.2 (Unit Size / Layout) of the Dublin City Development Plan 2022-2028 and SPPR3 of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities requires a 1-bedroom (2 person) apartment to have a minimum floor area of 45 sqm (See Appendix 1 of the Guidelines). The subject unit satisfies overall floor area standards for a one-bedroom apartment.
- 8.46. The first party recognises the apartment satisfies internal floor area standards. However, it is claimed that the unit is deficient in terms of compliance with development standards in terms of bin storage, internal storage, bicycle parking and outdoor private / communal space. It is argued that the unit is substandard for long-term tenants.

Bin storage

- 8.47. In the matter of bin storage, in 2026 the planning case officer in assessing the change of use from office to residential states there is a garage to accommodate a car and ancillary storage and waste storage (Reg. Ref: 2815/16).
- 8.48. The first part clarifies that the unit does have one car parking space but tenants will not have access to the space as the space is being long term let. In consequence, there is no bin storage given that the owners have not got access to the car space.
- 8.49. I note that bin / recycle storage is indicated as located in the adjacent garage to the immediate rear of the subject residential unit (Reg. Ref: 2815/16 – DRG. No. S01 (Rev 1)).
- 8.50. I accept the bona fides of the first party that external bin storage is presently deficient while the car parking space is long-term let. However, on site bin storage is a requirement of both short-term and long term letting. I do not consider that a bin store deficiency supports an application for short-term letting.

Storage space

8.51. Similarly, I do not consider that a deficiency in internal storage space within the unit would support short-term letting designation. I note that the floor area of the apartment is in excess of the minimum floor area (45 sqm) for a one-bedroom apartment.

Bicycle Parking

8.52. I note the deficiency cited in the matter of bicycle parking. I note that the "Dublinbikes" is a city centre available rental scheme for both long-term and short-term occupiers.

8.53. I conclude that the collective deficiencies on site in terms of apartment layout cited by the first party would not support a short term letting designation on the grounds that a long-term occupier would experience significant disamenity.

Open space

8.54. The first party highlights that the apartment is deficient in terms of open space provision. I note this deficiency.

8.55. I note that the apartment is an authorised residential unit forming part of the housing stock. I do not consider that the apartment is substandard as a residential unit given that it does not have a dedicated open space remembering its urban location and conversion status (purpose built office unit).

8.56. The applicant site is located proximate to the entrance to a public park at St. Audoen's Park. The entrance to St. Audoen's Park on High Street is approximately 200m from Cross Lane south. This public park is a quality urban green space refurbished in recent years.

8.57. Furthermore, the apartment unit has access to the street allowing occupiers without the need to negotiate common area(s) for direct external access / egress to an open area.

8.58. I do not consider that the lack of a dedicated open space would in itself or collectively in combination with internal layout deficiencies support a designation for short-term letting.

8.59. The subject unit would provide a reasonable level of residential amenity for long-term occupiers given the proximity of public open space and direct access to the street.

8.60. Finally, Section 15.9.7 (private Open Space) of the Dublin City Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities requires 5 sqm of open space for new build one-bedroom apartments (see Appendix 1 of Guidelines).

- 8.61. Section 3.39 (private amenity space standards for apartments) of the Guidelines *inter alia* states for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- 8.62. I consider that Section 3.39 is relevant to the subject apartment unit given that the existing unit is not a purpose built residential unit rather it is a conversion of an office unit (refurbishment) circa. 2016.
- 8.63. I consider that on balance the central urban location, floor area, proximity of amenities and quality public open space provision in the area combined with own-door access represent an acceptable level of internal and external residential amenity.
- 8.64. I do not accept the first party justification that the unit deficiencies in terms of storage, private and communal open space and bicycle parking standards make the unit undesirable for long-term tenants.
- 8.65. I note that documentary evidence of the failure to secure long-term tenants has not been provided by the first party or evidence of a marketing strategy to rent the unit to a private tenant or housing authority.
- 8.66. I conclude that the apartment unit is not substandard in terms of its overall residential amenity aggregating the internal floor area, layout and location adjacent to quality public open space and proximate to a range of services given the central urban location.

Impact on adjoining properties

- 8.67. The apartment is an own-door access unit (independent access / egress) in a commercial ground floor streetscape with residential units located on the floors above accessed via a dedicated entrance lobby. The subject unit is self-contained.
- 8.68. I agree with the first party that this application should be viewed as an individual residential unit rather than an apartment within an apartment block.
- 8.69. The first party illustrates the adjoining uses along Winetavern Street at ground floor level, which are predominantly office based own-door access units including solicitors (nos. 2, 3 & 5 Inns Court) and a software company (no. 4 Inns Court).
- 8.70. The Cross Lane south frontage comprises the subject unit and the entrance lobby to the upper floors of 8-11 Inns Court. The rear of the subject unit is bookended by a garage onto St. Michael's Close.

- 8.71. I consider that the impact on adjoining residential amenities would not be significant given the non-residential uses adjacent and the independent access typology of the subject unit, which would allow unrestricted access / egress without disturbance of the common areas of the residential units located above ground floor level.
- 8.72. Furthermore, I acknowledge that the independent access status of the apartment negates shared entrance lobbies, corridors, stairwells, lifts or other common circulation spaces. Allowing potential short-term occupants to enter and exit directly from Winetavern Street without interacting with the internal areas used by other residents of Inns Court.
- 8.73. I consider on a case by case basis that the own door access is optimum for transient occupiers where disturbance to neighbours would be a significant factor in terms of privacy, security and residential amenity.
- 8.74. I conclude that the use for short term letting of the subject apartment would not have an adverse impact on the amenities of adjoining properties given the commercial character of the streetscape and the independent access status of the unit.

Housing Strategy

- 8.75. I acknowledge that the urban location proximate to tourism infrastructure and independent access would make the apartment a desirable and function short-term letting opportunity. However, this must be balanced with the overall policies and objectives of the development plan.
- 8.76. I note that short-term letting in the city centre that accommodates visitors would support a suite of development plan policies seeking to promote tourism in the city core including Policy CEE26 (to promote and facilitate tourism as one of the key pillars of the city's economy) and BHAO17 (Tourism) (promote tourism in the medieval and historic core of the city).
- 8.77. However, this goal must be balance with the accommodation needs of the resident population of the city centre.
- 8.78. There is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the availability of housing stock - Section 15.14.3 (Short Term Tourist Rental Accommodation).

- 8.79. The first party states that there is long-term rental stock available in the immediate vicinity and within the Inns Court complex. I note this matter.
- 8.80. I also note that there is not an overconcentration of authorised short-term letting properties in the vicinity with the nearest unit, apart from at Inns Court, available at 25 Eustace Street in Temple Bar to the east of the applicant site (DCC Re. Ref: 2312/19).
- 8.81. I have reviewed this application on line, which was granted permission and retention on 17/04/19 (ABP-304424-19) under the provisions of a previous development plan.
- 8.82. The planning report(s) document that the proposal would constitute a regularisation of a residential type use on site (short-term letting), which would not result in the loss of quality accommodation, would represent conservation gain given the inclusion of works to a protected structure and the potential future return of the unit(s) to the housing stock.

Housing Stock

- 8.83. I do not accept the first party argument that the subject unit under appeal is not a part of the housing stock, as it has not been the subject of long-term occupancy since the grant of retention permission to convert from office to residential use, and is a substandard apartment.
- 8.84. I consider that the subject apartment unit is part of the quality existing housing stock in the city centre available to the resident population.
- 8.85. I note Policy QHSN38 *inter alia* states: *to encourage and foster the creation of attractive, mixed use, sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and HNDA....*
- 8.86. Policy QHSN38 (housing & apartment mix) and the Housing Strategy acknowledge the requirement for residential accommodation within the city centre to be supported by a range of residential typologies. Appendix 1 (Housing Strategy & HNDA) - the Introduction to the Housing Strategy *inter alia* states:

The provision of quality, appropriate and affordable housing is essential to meet the needs of our growing population and provide for the development of sustainable, inclusive and vibrant communities in the city. It is important that the type and mix of housing provided in the city responds to the needs of all sectors of society as well as those with special needs, including persons with a disability, elderly households, homeless households and members of the Traveller community....

- 8.87. I consider that a centrally located one-bedroom apartment with a floor area larger than the defined minimum enjoying direct access onto the street is a unit typology that enhances the diversity of accommodation available to residents of the city.
- 8.88. I concur with the planning case officer that the proposed development for short-term letting would detract from the housing stock within the city centre and would therefore be inconsistent with Appendix 1 (Housing Strategy) and Policy QHSN38 (housing & apartment mix) of the Dublin City Development Plan 2022-2028.
- 8.89. In conclusion, Section 15.14.3 (Short-Term Tourist Rental Accommodation) contains an explicit and general presumption against short-term letting due to the impact of short-term rentals on the available housing stock unless a robust justification can be supported on a case by case basis by the applicant.
- 8.90. I conclude that a robust justification is not evidenced by the first party in this instance to support short-term letting given the central location and the acceptable external and internal residential amenity of the apartment unit.
- 8.91. Furthermore, the proposal would be inconsistent with the requirement of the Housing Strategy, supported by the HNDA, to provide an available housing stock with a diverse typology of housing units for residents of the city.

Other Matters

- 8.92. The first party considers that a condition be attached to the permission in order to regulate the number of nights a year the subject unit can be used for short term letting - if a full planning permission for short-term letting is not possible.
- 8.93. I do not consider this condition desirable or enforceable, as such, the condition would not be consistent with the Development Management Guidelines for Planning Authorities (2007), as the condition would not satisfy the basic criteria for a condition, as the 180 night cap proposed would not be reasonably enforceable by the planning authority.
- 8.94. Finally, in matter of rent inflation and rent pressure zone designation restricting rental increases to 2% per year, I do not consider that this matter is relevant to the subject appeal.

8.95. I note that the property is not the subject of a tenancy agreement at present, as it is stated to be the second home of the property owner, as such, the property if available on the rental market would be subject to market rent.

9.0 **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 within an established urban area and is connected to piped services and is not immediate to a European Site The proposed development comprises change of use (short-term letting) to an existing apartment unit.

No significant nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site given the small-scale nature of the development.

I conclude 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.

10.0 **Water Framework Directive**

10.1. The site is located in Dublin city. The site is immediate to a visible watercourse (River Liffey).

The proposed development comprises change of use of an existing residential unit to short-term letting.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development 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 nature, scale 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.

The reason for this conclusion is the small scale and nature of the development.

- 10.2. I conclude based on objective information, the proposed development will not result in a risk of deterioration of 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.

11.0 Recommendation

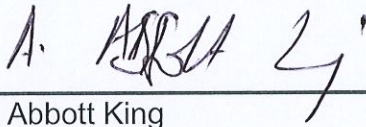
- 11.1. I recommend a refusal of planning permission for the reasons and considerations outlined below.

12.0 Reasons and Considerations

Having regard to the central location within Dublin city and the authorised use as a residential unit (Reg. ref: 2815/16), forming part of the existing quality housing stock, the proposed change of use to short-term letting would remove an own-door access residential unit from long-term occupancy inconsistent with Appendix 1 (Housing Strategy) of the Dublin City Development Plan 2022-2028 and Policy QHSN38 (housing & apartment mix), provisions that acknowledge that quality, appropriate and affordable housing is essential to meet the needs of the growing population of the city while providing for the development of sustainable, inclusive and vibrant communities by ensuring a wide variety of housing typologies, size and tenures is available to city residents, and would be inconsistent with Section 15.14.3 (Short-Term Tourist Rental Accommodation), which contains an explicit and general presumption against short-term letting unless a robust justification can be supported on a case by case basis, which is not evidenced by the first party in this instance, as such, the proposed change

of use would be inconsistent with 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

A handwritten signature in black ink, appearing to read 'A. Abbott King', written over a horizontal line.

Anthony Abbott King
Planning Inspector

20 October 2025

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501717-DS-26
Proposed Development Summary	Change of use of apartment unit for short-term & long-term letting.
Development Address	No. 1 Inns Court, Winetavern street, Dublin 8.
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?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ 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
☒ 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?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold
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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: A. ~~Adell~~ G

Date: 20/10/2026