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The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

25 June, 2019

AN BORD PLEANÁLA	
LDG-	<u>016921-19</u>
ABP-	_____
26 JUN 2019	
Fee: €	<u>220</u> Type: <u>Cheepne</u>
Time: <u>10:25</u>	By: <u>Post.</u>

PLANNING APPEAL

P.A.	Dublin City Council, Reg Ref 0203/19 Request for Declaration under Section 5 of the Planning Acts 2000-2006
Proposal submitted	Development comprising [7] residential units at Grattan Court East, Dublin 2 Use of residential properties for HOLIDAY RENTALS {in contravention of original Planning Permission Reg Ref. 2806/16 [3736/13]}
Proposal adjudicated	Section 5 EXPP: That the use of the properties for commercial purposes, in contravention of the planning permission, in an area zoned as "Residential", is a material change of use, and is therefore not exempted development.
At;	No. 13 to No. 18 inclusive Grattan Court East, Dublin 2
Appellant;	Alvaro Lopez-Laguna and Sandra Schmidt Lopez-Laguna 12 Grattan Court, Dublin 2
Decision date;	31 March 2019 Notification issued 4 June 2019
Decision;	Grant Exemption for overnight guest accommodation use in No's 14, 15, 16, 17, 18 Refuse Exemption for short stay accommodation lettings in No. 13

AN BORD PLEANÁLA

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LTR DATED _____ FROM _____

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Dear Sir / Madam,

On behalf of my clients I wish to appeal against the Planning Authority's Decision to GRANT EXEMPTION for part of the above development and to ensure the Refusal of Exemption is carried through into An Bord's decision in this matter.

I would like to outline the reasons for this appeal, together with any I may be invited to forward at a later date.

THE UNIQUE CIRCUMSTANCES OF THIS EXEMPTION.

The Section 5 application followed Enforcement investigations E0927/18 (E0928, E0929, E0930, E0931) [understood also to be more than one complainant].

Two Planners Reports are on file, 5 and 6 June 2019 [I am unable to see a difference]; the Executive Planners Report is dated 28th May.

In the "Planners Report" the planner points out at Recommendation, page 6;

The use of 13 – 18 Grattan Court East, Dublin 2, for **short stay accommodation lettings** is a material change of use. Accordingly, this change to a commercial use constitutes development under Section 3(1) of the Planning and Development Act, 2000 (as amended), which is **not exempted development** either under this Act or the accompanying Planning and Development Regulations, 2001 (as amended).

I recommend that the referrer be advised that having regard to the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended), the Planning Authority has considered that based on the submitted plans and documentation, the use of numbers 14, 15, 16, 17 and 18 Grattan Court East, Dublin 2, **as overnight guest accommodation, would be exempted development.** Issue declaration confirming that the submitted proposal is acceptable under exempted development legislation.

The use of numbers 14, 15, 16, 17 and 18 Grattan Court East, Dublin 2, as overnight guest accommodation.

The use of 13 Grattan Court East, Dublin 2, for short stay accommodation lettings is a **material change of use**. Accordingly, this change to a commercial use **constitutes development** under Section 3(1) of the Planning and Development Act, 2000 (as amended), which is not exempted development either under this Act or the accompanying Planning and Development Regulations, 2001 (as amended).

The use of 13 Grattan Court East for short stay accommodation lettings.

The tortured logic of these apparently contradictory statements is beyond my understanding.

My occasional **highlights** are an attempt to make this complex recommendation more transparent. I have to state that the body of the Planner's Report is very professionally prepared; for that reason I have repeated it here in large parts. It is the sudden and inexplicable conclusion that is not understood and not acceptable.

I see this incomprehensible turn around alone as a reason for refusal of Exemption.

My clients are not the developers and they have had to go to significant expense, via this process, in pursuing their dream for a pleasant home and surroundings.

UNSUITABILITY OF PROPOSALS TO THE AREA;

My clients submitted through their legal adviser a Declaration under Section 5 of the Planning Acts 2000-2006, that the use of the above properties for commercial purposes, in contravention of the planning permission, in an area zoned "Residential", is a material change of use, and is therefore not exempted development.

Our clients purchased the above property as their family home, with a view to raising a family there and also with a view to embracing city living. This is their family home, where they reside with their two year old son and new-born baby.

Our clients relied on the Council's zoning of the development, as residential.

We understand that six of the seven units in above Development are used for short term accommodation/ Airbnb, on an all year round basis, and that the seventh property is rented out for weekends, during high demand seasons. We enclose herewith copy advertisements for an operator known as "5STARSTAY" in respect of the following:

- a) No. 14 Grattan Court East, Dublin 2: The Phil Lynott Suite
- b) No. 15 Grattan Court East, Dublin 2: The John Fitzgerald Suite
- c) No. 16 Grattan Court East, Dublin 2: The Samuel Beckett Suite
- d) No. 17 Grattan Court East, Dublin 2: The Bobby Sands Suite
- e) No. 18 Grattan Court East, Dublin 2: The Michael Collins Suite
- f) No. 13 Grattan Court East, Dublin 2: Penthouse Apartment.

It would appear that No. 13 Grattan Court East is not currently available for rental but the said 5 STAR STAY Operator rents out rooms throughout the year and also rents out the entire unit some weekends and during the high demand season. I understand the property is owned by DD Homes. Our clients share a gate entrance with No. 13 and have met strangers on several occasions, some of whom have called our clients' intercom beyond midnight, on occasions where they could not remember the code for the gate to enter their section of the premises.

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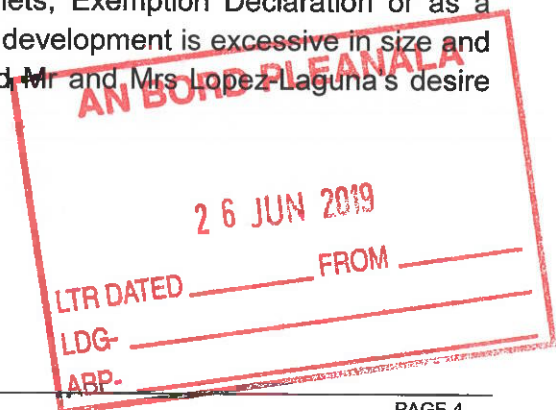
ADP-

It should be noted that each of the units, according to the Operator's website, has a capacity to accommodate up to ten people, therefore the five townhouses can accommodate up to fifty guests on any one weekend. This is too much activity in such a small alley and there are cars constantly coming and leaving. In addition vans and usually parked illegally for cleaning the units or providing bed linens, sheets and towels. These cars have blocked the access to our clients dwelling on many occasions. Please see enclosed schedule and book of photographs of this activity in the area in recent weeks.

We have been furnished with copy correspondence between DCC's Enforcement Section and our clients and we note the Council's view that *"the making available within a house of 4 bedrooms or fewer for overnight accommodation, is exempted development"*. We have to disagree with the Enforcement Section and we believe this exemption should not be applicable for the following reasons:

- The business activity carried on in the above five townhouses (No's 14-18) and on occasions, in No. 13, is not simply "the making available of rooms" within the home of a resident, but is in fact, a commercial activity involving whole premises lettings carried out by one commercial operator.
- The relatively recent permission (2806/16, on foot of 3736/13) was for a number of individual units, with a degree of own-door character; the reality is a collection of short let units in one assembly; the scale of a hotel without the implied administration that a hotel would allow.
- The commercial activity is a contravention of the planning permission for this development. In this regard, we refer to Article 10(4) of the Planning and Development Regulations 2001, which sets out exemptions from planning permission, and provides that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- The Circular Letter 10/2017 from the Department of Housing which refers to Article 10.4 and in relation to the exemptions, states that **"house" does not include a building designed for use or used as 2 or more dwellings or a flat.** The Grattan Court East building has been designed for use of seven dwellings. It should be noted that there is no separation in any point between the units and Grattan Court East is indeed one single structure. The house / apartment question has been clarified in 2019 as detailed below; they are one and the same.
- The above commercial activities are carried on in a "rent pressure zone", in direct conflict with the policies of the Local Authority and Department of Housing to prioritise needs of families seeking permanent accommodation over those of high profit margin activities of individuals or commercial entities.
- Please refer to the POLICY section following.

Allowing use of these dwellings as short term lets, Exemption Declaration or as a planning application, is not acceptable in that the development is excessive in size and character and have since mid-2017 overwhelmed Mr and Mrs Lopez-Laguna's desire to make their home here.



THE PLANNER'S REPORT;

The Planner's Report reviews a number of precedent cases;

0151/16 / PL29S.RL3490

Apt. 1A, 5-5A Crown Alley, Dublin 2

Refuse Exemption Certificate -

EXPP: Change of use from residential to commercial. ~~We request a determination under Section 5 "that the use of this residential apartment for short-term holiday lettings is development and is not exempted development".~~

An Bord Pleanála has concluded that -

- (a) the use of a residential apartment for short-term holiday lettings, as described above, at Apartment 1A, 5 – 5A Crown Alley, Dublin constitutes a change of use,
- (b) the change of use to an apartment for short term holiday lettings, as described above, raises planning considerations that are materially different to the planning considerations relating to the permitted use as a residential apartment. In particular, (i) the extent and frequency of coming and going to and from the apartment by short term renters and servicing staff, (ii) associated concerns for other residents in respect of security and general disturbance, and (iii) the fully commercial nature of the activity,
- (c) the change of use constitutes, therefore, a material change of use and is development as defined in section 3 of the Planning and Development Act, 2000, and
- (d) neither the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended, provide any exemption in respect of such a material change of use:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the use of a residential apartment for short term holiday lettings at apartment number 1A, 5-5A Crown Alley, Dublin is development and is not exempted development.

0346/18 / ABP-302865-18 (4 Chancery Hall), 0347/18 / ABP-302866-18 (5 Chancery Hall), 0348/18 / ABP-302862-18 (7 Chancery Hall), 0349/18 / ABP-302861-18 (16 Chancery Hall), 0350/18 / ABP-302859-18 (22 Chancery Hall), 0351/18 / ABP-302858-18 (24 Chancery Hall), 0352/18 / ABP-302856-18 (26 Chancery Hall), 0353/18 / ABP-302857-18 (30 Chancery Hall), Chancery Hall

Refuse Exemption Certificate –

EXPP: Whether the proposed use of Apartment No. X, 'Chancery Hall', Blackhall Place, Dublin 7 (a corner building with Ellis Quay, Dublin 7), for short-stay accommodation lettings is or is not development and whether the development constitutes exempted development or does not constitute exempted development.

An Bord Pleanála has concluded that -

"(a) the use of a residential apartment for short-term accommodation lettings, as outlined in the submissions, constitutes a change of use from the permitted use as a residential apartment, having regard to case law,

(b) the change of use to an apartment for short term accommodation lettings, as described above, raises planning considerations that are materially different to the planning considerations relating to the permitted use as a residential apartment, having regard to case law. In particular,

- (i) the extent and frequency of coming and going to and from the apartment by short term renters and servicing staff,
- (ii) associated concerns for other residents in respect of security and general disturbance, and
- (iii) the fully commercial nature of the activity,

(c) the change of use constitutes, therefore, a material change of use and is development as defined in section 3 of the Planning and Development Act, 2000, and

(d) neither the Planning and Development Act, 2000, as amended, nor the Planning and Development Regulations, 2001, as amended, provide any exemption in respect of such a material change of use:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, as amended, hereby decides that the proposed use of Apartment number 30, Chancery Hall, Blackhall Place, Dublin (a corner building with Ellis Quay), for short-stay accommodation lettings, is development and is not exempted development."

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The Planners Report outlines the relevant legislation:

The Planning and Development Act 2000 as amended

Section 2(1) of the aforementioned Act states the following:

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

"habitable house" means a house which

(a) is used as a dwelling,

(b) is not in use but when last used was used, disregarded any unauthorised use, as a dwelling and is not derelict, or

(c) was provided for use as a dwelling but has not been occupied;

Section 3(1) of the aforementioned Act states the following:

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 3 (3) of the aforementioned Act states the following:

For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

Section 5 (1) of the aforementioned Act states the following:

If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

Planning and Development Regulations 2001 as amended

Article 5(1) of the aforementioned Regulations states the following:

"business premises" means

(a) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,

(b) a hotel, hostel (other than a hostel where care is provided) or public house,

(c) any structure or other land used for the purposes of, or in connection with, the functions of a State authority;

"excluded premises" means –

(a) any premises used for purposes of a religious, educational, cultural, recreational or medical character,

(b) any guest house or other premises (not being a hotel or a hostel) providing overnight guest accommodation, block of flats or apartments, club, or boarding house, or,

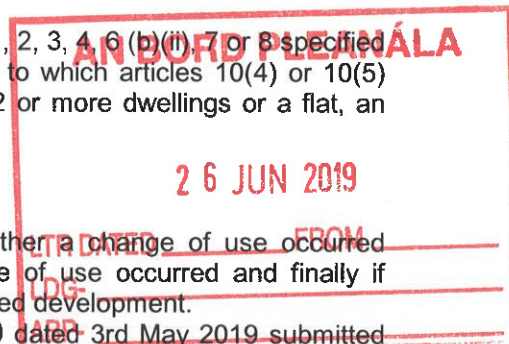
(c) any structure which was designed for use as one or more dwellings, except such structure which was used as business premises immediately before 1st October 1964 or is so used with permission under the Act;

"house" does not, as regards development of classes 1, 2, 3, 4, 6 (b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

The Planner's report further states;

Accordingly the planning authority must assess, whether a change of use occurred within the subject units, if so, has a material change of use occurred and finally if development has occurred, is this development exempted development.

The supporting letter (*from Mr + Mrs Lopez Laguna*) dated 3rd May 2019 submitted with the application puts forward the case that the use of the subject dwellings for commercial purposes (i.e. short term accommodation), is in contravention of the planning permission, in an area zoned "residential", is a material change of use, and is therefore not exempted development.



[DCC] Appraisal:

In assessing whether a change of use has occurred within the subject unit, the baseline assessment is the authorised use of the subject apartment, as consented under Planning Reference 3736/13 and modified by Planning Reference 2806/16. It is noted that none of the conditions attached to the parent permission restrict either the nature of residents or the durations of their occupation of each unit.

JD comment; the "restriction" referred to here has no relevance in my opinion; I need not outline what other non-complaint and unsuitable uses were not mentioned in the original application title or decision.

The most noted case that comparisons can be drawn from, in this instance, would be the determination by An Bord Pleanála (ref RL3490) which concluded that the use of private residential apartment as short-term holiday lettings accommodation constitutes a change of use. In the inspectors report reference is made to case law precedence of McMahon -v- Dublin Corporation 1997 1 ILRM 227. In this case Barron J. held that "...in the absence of explicit reference in the planning permission to a permitted use, regard must be had to the use for which the structure was designed, i.e. the use which was objectively intended for the structure having regard to the relevant planning documentation."

The crucial issue (as confirmed in the case law) is that the subject town houses and apartments were designed as private residential accommodation, and was intended for such use. The change in the character of the use that is now being proposed, by converting the apartments to a specific and limited use for short term letting is not in keeping with the intended use. Furthermore far from being a continuance of the originally designed and intended use, as standard private residential accommodation, the proposal involves commercial use which was not adverted to, nor referred to, in the relevant planning applications for the development.

While dictionary definition of a dwelling as a "place of shelter to live in" is broader, it is noted the definition of a dwelling also includes "place of residence; abode; home".

Accordingly, it is considered that by virtue of the fact that the units would be used for short stay accommodation lettings, nobody staying in the subject apartment would consider the unit their home or abode. Accordingly the presence of a residential use is considered to have ceased to apply and a change of use has occurred.

The [DCC] Planning Enforcement Team were of the view that the use of the townhouses as short term accommodation were exempted development given it involves the making available within a house of 4 bedrooms or fewer for overnight accommodation. The view being taken considers that the houses could be considered similar to guest houses under Class 6. However, a guest house has an owner operating the business which considers that dwelling house their home or abode and the letting of an entire house for short term accommodation with no owner residing there is a different concern. In fact Government Circular PL 10/2017 differentiates between Short-Term Letting, where the dwelling involved is the permanent or long-term residence of a person or family and Short-Term Letting of entire dwellings where it is no longer the permanent or long-term residence of a person or family. As such, it is considered that both the townhouses and apartments when let out in their entirety with no permanent residences remaining should be considered together.

In relation to whether this change of use constitutes a material change of use, reference is had to case of Monaghan County Council -v- Brogan, which was also sighted [*sic? cited??*] within the previous findings of An Bord Pleanála (Ref no: RL3490 and RL2317). In the aforementioned cases it was held that the test of the determination of materiality relate to the matters which the planning authority would take into account in the event of a planning application being made for the use i.e. short stay accommodation letting. The case law has determined that a change of use is material if the character of the first use (permitted use) is substantially different, in planning terms, from the second use (proposed use) and also if the change of use impacts on the proper planning and sustainable development of the area.

It was previously found by An Bord Pleanála (under ref RL3490) that "short-term holiday lettings use is analogous to the short-term holiday lettings uses undertaken in *aparthotels*". It is noted that the development of Aparthotels is addressed under Appendix 16 of the Dublin City Development Plan 2016 – 2022, which contains specific policies and controls that are not applicable to standard residential developments. Accordingly, it is clear that the assessment of visitor accommodation differs from those that are relevant to the assessment of a residential unit and differing development

standards equate to differing matters to be taken into account in assessing these respective uses.

Furthermore it is noted that there are also planning issues relating to the impact of short stay accommodation lettings on residential amenities, in particular the existing dwellings within the subject development. Such impacts would arise from potential noise and nuisance, and also from differences in the pattern of usage, and times of usage of the development, as compared to those arising from private residential development. This change of use, to a commercial use, would therefore have the potential to impact on the wider environment, in terms of the proper planning and sustainable development of the area. Officers are also cognisant of the intensity of use given the fact that 5 townhouses and 2 apartments appear to be in use for short term letting. The Government Circular PL 10/2017 issued Guidance on Planning Applications for Short term lettings must be considered. The proposals under consideration within the circular aimed to facilitate short term letting of accommodation while protecting the existing stock of residential property in areas of high demand, safeguarding neighbourhood amenity and consumer protection.

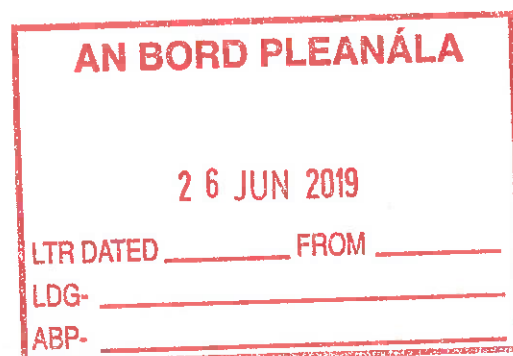
JD comment here; an aparthotel was neither sought nor permitted. The subject was not up for consideration. The proposed development has no on-site management and the consequences, as outlined, are seriously impacting on the residential amenity and family life of my clients.

The Joint Committee on Housing, Planning & Local Government issued the Impact of Short Term Lettings on Ireland's Housing and Rental Market in October 2017. It was noted that both documents acknowledge the adverse impacts on local communities related to high concentrations

of short term lettings in any area, the transient nature and disruptive effect on the daily lives of the community. The Joint Committee report called for short term lettings in excess of 90 days should require change of use planning permission.

The Planner's report goes on to conclude

Given the Government Circular PL10/2017, the Joint Committee report and more importantly the An Bord Pleanála decision RL 3490 and the Brogan case, the test for a material change of use of these townhouses and apartments has been met and so it is considered that the use of the subject units for short-term holiday letting accommodation constitutes development. Furthermore, neither the Act nor the Regulations state that the use of townhouses nor apartments for short-term holiday lettings accommodation is exempted development.



NATIONAL PLANNING POLICY REGARDING SHORT TERM LETTING

The Dept of HPLG Circular letter PL10/2017, dated 23 October 2017, provides, inter alia, that:

“one of the key principles which should inform these considerations include the importance of making the most efficient use of existing housing stock and in way that will not disrupt the residential amenity of established communities”

Public policies in formulation for some time have been recently been clarified in; Dept. of Housing Planning and Local Government announcement;

New Regulation of Short- Term Letting

As part of the measures to help address pressures in the private housing rental market, new planning legislative reforms to regulate the short term letting sector – as provided for in the Residential Tenancies (Amendment) Act 2019 and supplementary regulations made by the Minister for Housing, Planning and Local Government entitled the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019 – are due to come into effect on **1 July 2019**.

[... Working Group ...]

Having considered the Working Group's report as well as the recommendations in the report of the Joint Oireachtas Committee on Housing, Planning and Local Government on short-term lettings, the Minister announced plans to regulate short-term lettings in October 2018.

The reforms, which are now underpinned in legislation, are primarily aimed at addressing the impact on the private rental market by the use of residential homes for short-term tourism type letting in areas of high housing demand. Accordingly the new provisions will only apply in areas designated as “**rent pressure zones**” under the Residential Tenancies Act 2004, as amended.

[outside the designated rent pressure zones ...]

Under the new arrangements applicable in rent pressure zones:

- Short term letting is defined as the letting of a house or apartment, or part of a house or apartment, for any period not exceeding 14 days.
- Home sharing (the letting of a room or rooms in a person's principal private residence) will continue to be permissible on an unrestricted basis and be exempted from the new planning requirements.
 - [Home sharers ...]
- Where the 90 day threshold is exceeded, change of use planning permission will be required.

[Home share ...]

However, where a person owns a property in a rent pressure zone which is **not** their principal private residence and intends to let it for short-term letting purposes, s/he will be required to apply for a change of use planning permission unless the property already has a specific planning permission to be used for tourism or short-term letting purposes.

There is no ambiguity in this policy.

Equally there is no ambiguity in this explanatory FAQ's, extracts here;

New Regulation of Short-Term Lettings / FAQ's

1. What is the purpose of the new legislative reforms?

The new planning legislative reforms provided for in the Residential Tenancies (Amendment) Act 2019 and supplementary regulations made by the Minister for Housing, Planning and Local Government are focussed on short-term tourism related letting. As short term letting has become more popular as a form of tourism letting to supplement accommodation provided by hotels, B&Bs etc., it has resulted in some professional landlords withdrawing houses and apartments that would normally be

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rented on a long-term basis to instead rent them out as short-term lets. In the context of the current housing supply situation, the aim of the new legislative reforms is to influence the bringing back of such houses and apartments to the traditional long-term rental market and thereby help ease the accommodation shortage pressures currently being experienced in this area.

12. Will this ban short-term letting in second properties?

The reforms provide for clear exemptions from any planning permission requirements. However, generally, outside these exemptions, planning permission is required. Therefore, where a person owns a second property in a rent pressure zone and intends to let it as a short-term let, they will only be able to do so if the property has planning permission to be used for tourism or short-term letting purposes.

17. Will the regulations differentiate between houses and apartments?

The definition of the term "house" in the Planning and Development Act 2000, as amended encompasses houses, apartments and flats.

While my clients main concern is the diminution of their home's residential amenity, the Minister for HPLG is concerned "to find the quickest way toget any long term lets that have been withdrawn from the market back out there for people to live in long term near where they work, near where their children go to school...".

UNSUITABILITY OF PROPOSALS TO THE AREA;

The Department's Circular letter PL10/2017, dated 23 October 2017, provides, inter alia, that:

"one of the key principles which should inform these considerations include the importance of making the most efficient use of existing housing stock and in way that will not disrupt the residential amenity of established communities"

We understand that the majority of tourists are group travellers, including stag parties and hen parties, many of whom are loud, noisy and disruptive, and who do not respect or acknowledge the residential character of the area. For example, our clients have reported seeing semi-naked guests walking down the street, people urinating on the street, cans and glasses being thrown from the roof top terraces of the units. This unmanaged activity is blatant contravention of the Department's provisions.

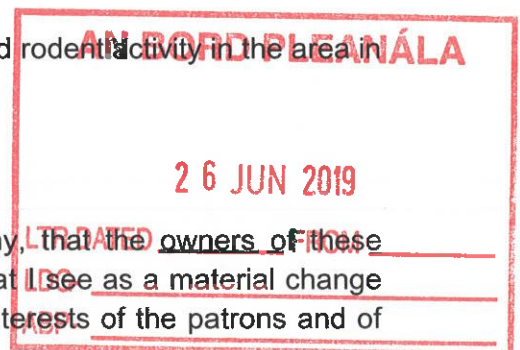
Furthermore health and safety issues are now arising. The failure of the Operator to properly manage the business, has resulted in the area becoming dirty with takeaway food, burger boxes and beer cans thrown everywhere, which, in recent weeks have caused rat infestation in the area.

The residential nature and character of the area and of the local community is undermined and is becoming less suitable for raising children, while this use the above properties is allowed to continue.

Please see enclosed photographs of human, vehicular and rodent activity in the area in recent weeks together with Schedule.

PUBLIC SAFETY

The exemption may mean, subject to additional scrutiny, that the owners of these properties does not need a Fire Safety Certificate for what I see as a material change of use. Clearly this is prejudicial to the fire / life-safety interests of the patrons and of the general public.



LACK OF ACCORDANCE WITH DEVELOPMENT PLAN AIMS;

Zoning;

Dublin City Development Plan 2016-2022 Zoning:

Z2 (Residential Neighbourhoods (Conservation Areas) "To protect and/or improve the amenities of residential conservation areas."

In the Development Plan the Council strives to, inter alia, improve the quality of life of its citizens. We submit therefore that the continuous tolerance of commercial activities by the Council, in an area where residents and Council are striving to promote city living and to protect city communities, is undermining all efforts and such activity is a direct and blatant contravention of the provisions of your own Development Plan.

The residential nature and character of the area and of the local community is undermined and is becoming less suitable for raising children, while this unlawful use the above properties is allowed to continue. This is in contravention of the above provisions.

CONCLUSION;

The Lopez-Lagunas have been particularly unfortunate in that they bought a home in mid-2017 expecting that they would be surrounded by similar homeowners or long term tenants. Misfortune meant that the family-size houses beside them came to be used for short term letting. They do not have the benefit of living in a stable neighbourhood, surrounded by people who would provide a friendly recognisable face, social contact, passive security, someone who might have children of similar or babysitting age, the opportunity for children to play on the street at weekends or evenings; such as homeowners or long term tenants would allow. Long term residents care about an area; short lets / tourists do not have the same interest and can afford to be disruptive and leave rubbish and litter behind them.

The development if allowed exemption would not comply with planning precedent, the current Development Plan or national planning / housing policies and would seriously injure the residential amenities of the area and property in the vicinity.

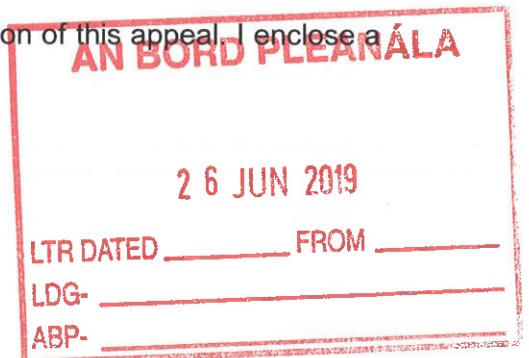
In view of the content and extent of the points noted herein, and the comments in the Planners report which, in my opinion fails to reach the appropriate conclusion, in what appears to me a *volte face*, I call upon An Bord to overturn the decision to allow exemption to the majority of this development.

I would appreciate your early and sympathetic consideration of this appeal. I enclose a cheque for the required fee, €220.

Yours faithfully,

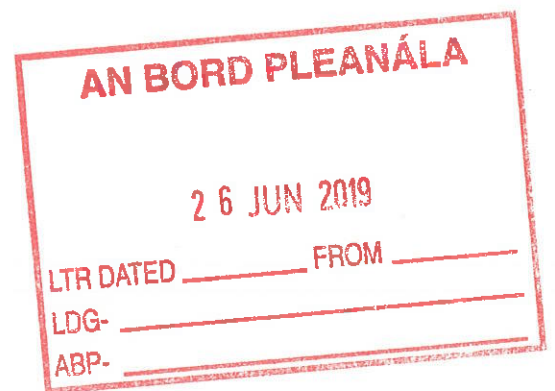


James A Delahunty



Enclosures;

- Cheque €220
- [I trust there is no need to send a receipt for our earlier submission as my clients were the applicants, not a third party].
- Book of photos and legend
- Internet download, typical marketing for this development





37 Results Date Language Region

The Phil Lynott Suite - Five Star Stay

www.5starstay.com/properties/14-grattan-court-east-dublin-2

Situated in **Dublin 2**, this stunning 5 Star Townhouse is the definition of luxury is a recent state of the art development in the heart of the city centre. The ...

The Samuel Beckett Suite by 5STARSTAY, Dublin - 2019 ...

<https://sg.hotels.com/hc683387840/the-samuel-beckett-suite-by-5...>

16 Grattan Court East, Dublin 2, Dublin, Ireland. ... **13 - The Samuel Beckett Suite by 5STARSTAY, Dublin, Restaurant; 14 - The Samuel Beckett Suite by 5STARSTAY, ...**

The Phil Lynnot Suite by 5STARSTAY in Dublin - hotels.com

<https://www.hotels.com/hc683385792/the-phil-lynnot-suite-by-5...>

14 Grattan Court east 2, Dublin 2, Dublin, Ireland, 800-491-6126. ... **Dublin, Guest Room; 5 - The Phil Lynnot Suite by 5STARSTAY, Dublin, ...**

Location: 14 Grattan Court east 2, Dublin 2 **Phone:** (800) 491-6126

The Bobby Sands Suite by 5STARSTAY in Dublin - hotels.com

<https://www.hotels.com/hc683388049/the-bobby-sands-suite-by-5...>

17 Grattan Court East, Dublin 2, Dublin, Ireland. ... **13 - The Bobby Sands Suite by 5STARSTAY, Dublin, Exterior; 14 - The Bobby Sands Suite by 5STARSTAY, ...**

The John Fitzgerald Kennedy Suite by 5STARSTAY in Dublin ...

<https://ie.hotels.com/hc683387904/the-john-fitzgerald-kennedy...>

15 Grattan Court East, Dublin 2, Dublin, ... Dublin; 2 - The John Fitzgerald Kennedy Suite by ... The John Fitzgerald Kennedy Suite by 5STARSTAY, Dublin, Exterior; 14 ...

The Phil Lynnot Suite by 5STARSTAY (Dublin, Ireland ...

<https://au.hotels.com/hc683385792/the-phil-lynnot-suite-by-5...>

14 Grattan Court east 2, Dublin 2, Dublin, Ireland. ... **4 - The Phil Lynnot Suite by 5STARSTAY, Dublin, Guest Room; 5 - The Phil Lynnot Suite by 5STARSTAY, ...**

The Phil Lynnot Suite by 5STARSTAY, Dublin: Info, Photos ...

<https://uk.hotels.com/hc683385792/the-phil-lynnot-suite-by-5...>

14 Grattan Court east 2, Dublin 2, Dublin, Ireland. ... **4 - The Phil Lynnot Suite by 5STARSTAY, Dublin, Guest Room; 5 - The Phil Lynnot Suite by 5STARSTAY, ...**

The Bobby Sands Suite by 5STARSTAY (Dublin, Ireland ...

<https://au.hotels.com/hc683386048/the-bobby-sands-suite-by-5...>

17 Grattan Court East, Dublin 2, Dublin, Ireland. ... **13 - The Bobby Sands Suite by 5STARSTAY, Dublin, Exterior; 14 - The Bobby Sands Suite by 5STARSTAY, ...**

The Michael Collins Suite by 5STARSTAY in Dublin - Book on ...

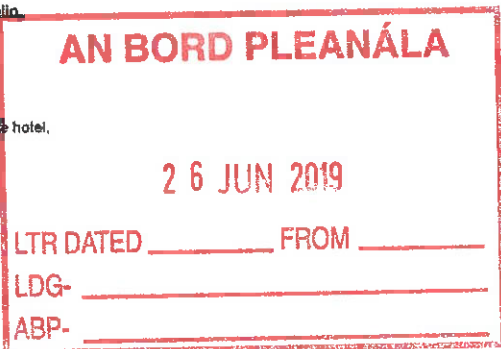
<https://ie.hotels.com/hc683388064>

18 Grattan Court East, Dublin 2, Dublin, ... 13 - The Michael Collins Suite by 5STARSTAY, Dublin, Staircase; 14 - The Michael Collins Suite by 5STARSTAY, ...

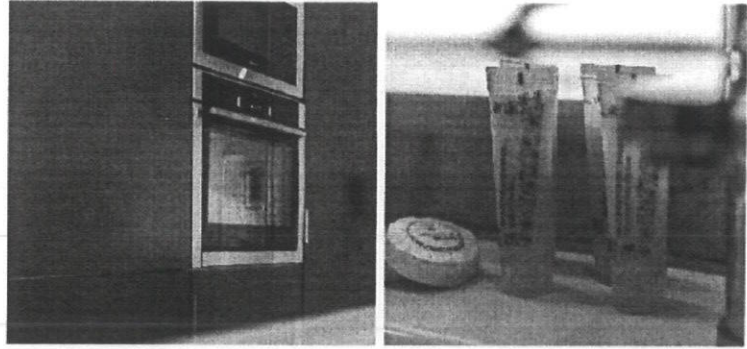
The Bobby Sands Suite by 5STARSTAY, Dublin - View Deal ...

www.ehotelsreviews.com > ... > Ireland Hotels > Dublin Hotels

The Bobby Sands Suite by 5STARSTAY reviews, Dublin, Ireland. See a detailed description of the hotel, photos and customer feedback. Book Now, Pay When You Stay!



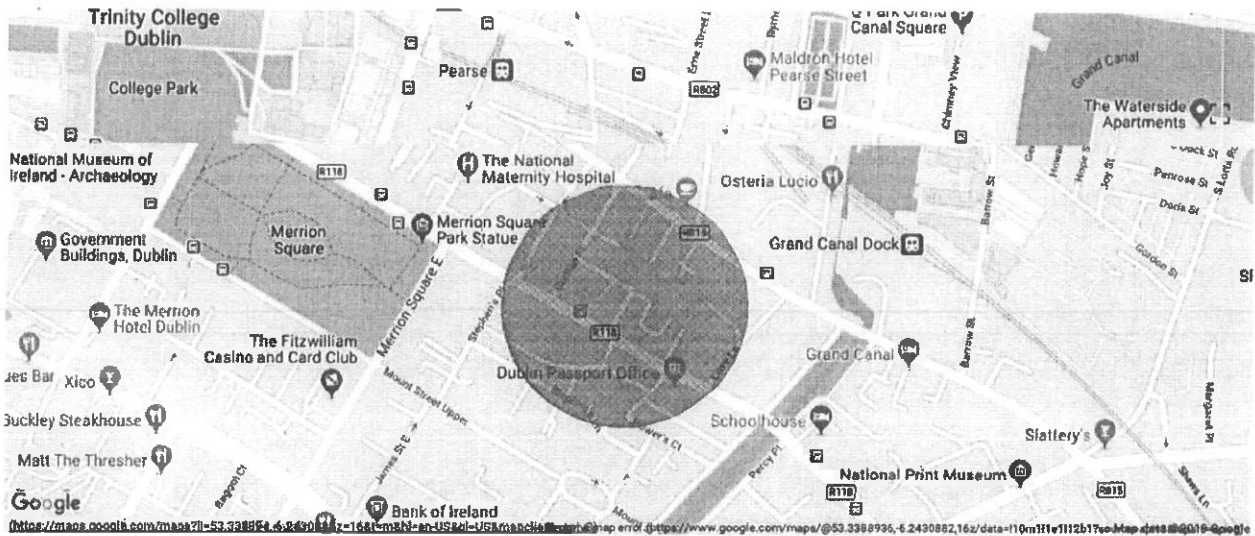
few beers catching some views of Dublin!



DUBLIN ON YOUR DOORSTEP

The location is the ideal base for travel or work in the city, located in a quiet residential area just off the prestigious Merrion Square Park.

- 2 minute walk to Merrion Square
- 5 minute walk to St. Stephens Green
- 5 minute walk to Grand Canal Dock
- 7 minute walk to Grafton Street
- 10 minute walk to Trinity College
- 10 minute walk to Aviva Stadium
- 10 minute walk to Grand Canal
- 15 minute walk to Temple Bar



FIVE STAR STAY

+353 (0)86 0864816

info@5starstay.com (<mailto:info@5starstay.com>)

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 ABP- _____



THE JOHN FITZGERALD SUITE

BOOK PROPERTY
([HTTP://FIVESTARSTAY.HOI](http://fivestarstay.hoi))

10 Guests 4 Bedrooms 6 Beds 3 Baths

Situated in Dublin 2, this stunning 5 Star Townhouse is the definition of luxury is a recent state of the art development in the heart of the city centre. The contemporary design and chic furnishings make these apartments a truly one of a kind experience for visitors to the city. This Townhouse are the ideal location for work or travel with their close proximity to Dublin's most exciting attractions, parks, shops, restaurants and cafes such as 3FE which has been voted Ireland's best coffee only 100 metres away.

It is just off the prestigious Merrion SQ Park where the famous poet Oscar Wilde lived. The Townhouse couldn't be in a better location! A short, pleasant walk through inner Dublin brings you right into the heart of the city/downtown.

This stunning, spacious four bedrooms townhouse has the following bed and bathroom layout:

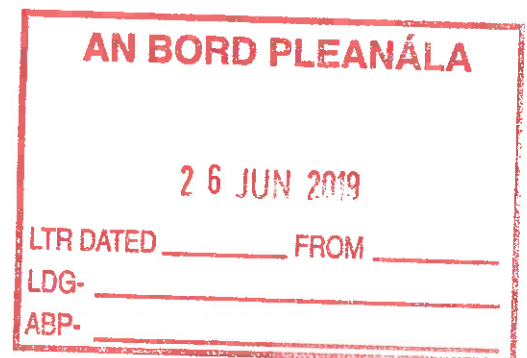
- 1 bedroom with one king bed
- 1 bedroom with one king bed
- 1 bedroom with one double bed
- 1 bedroom with two single bed
- 2 bathroom with shower, sink and toilet
- 1 bathroom with sink and toilet

THE SPACE

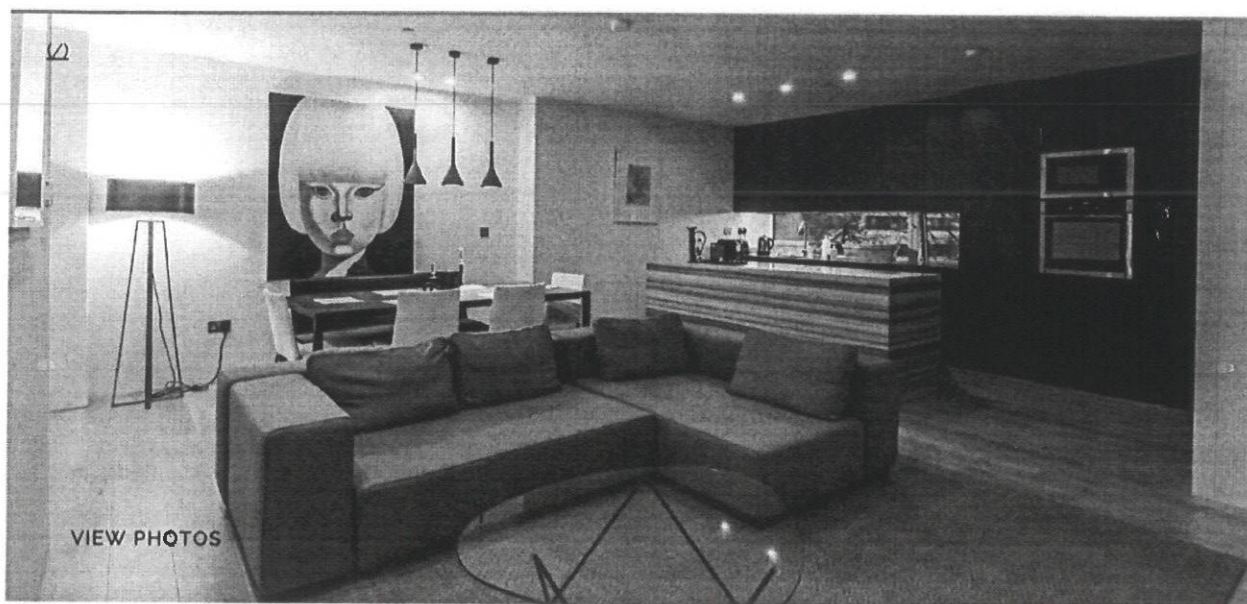
Guests have access to the whole house independently; there is a full sized kitchen - 5 ring gas hob, fan oven, large integrated fridge/freezer, washer/dryer, microwave, kettle, coffee machine, toaster, pots, pans, crockery etc.

Bed linen, towels and hair dryer are provided also unlimited Wi-Fi and digital TV.

This space also has a wonderful terrace in which many of the guests catch a few rays during the summer months. have a BBQ or



2 09. 19



VIEW PHOTOS

THE SAMUEL BECKETT SUITE

BOOK PROPERTY
([HTTP://FIVESTARSTAY.HOI](http://fivestarstay.hoi))

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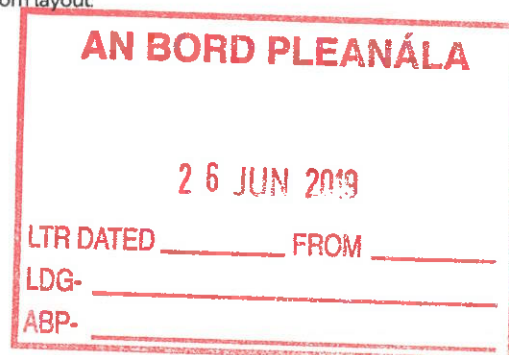
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THE BOBBY SANDS SUITE

BOOK PROPERTY
(HTTP://FIVESTARSTAY.HO)

10 Guests 4 Bedrooms 5 Beds 3 Baths

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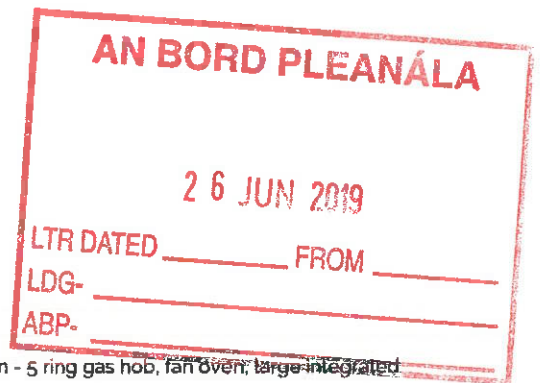
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20519



THE MICHAEL COLLINS SUITE

BOOK PROPERTY
(HTTP://FIVESTARSTAY.HOI

10 Guests 4 Bedrooms 5 Beds 3 Baths

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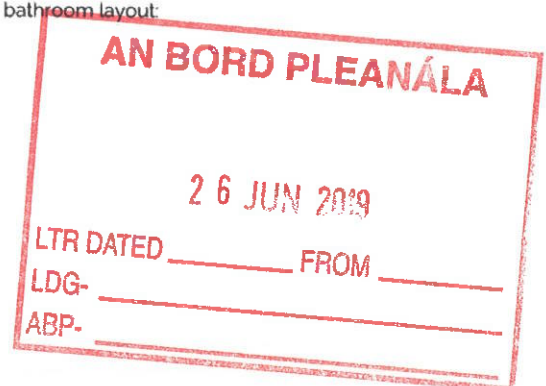
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Aged 18+

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13 Grattan Court East, Dublin, Ireland

Comfortable apartment with kitchen, near Bord Gáis Energy Theatre

Lowest price **€139**

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- Just added
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Apartment, 1 Bedroom - Guest Room [1/14]



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Free WiFi

Feel at home

- ✓ Kitchen
- ✓ Stovetop
- ✓ Private bathroom
- ✓ Flat-panel TV

What's around

- In City Centre Dublin
- Bord Gáis Energy Theatre - 11 min walk
- St. Stephen's Green - 14 min walk
- Grafton Street - 15 min walk
- Trinity College - 17 min walk
- Aviva Stadium - 18 min walk
- Dublin Port - 19 min walk
- Dublin Castle - 24 min walk
- 3Arena - 25 min walk
- Christ Church Cathedral - 28 min walk
- St. Patrick's Cathedral - 31 min walk

More about the area

Check location



Reviews & ratings

“Flat screen tv with NO CHANNELS, nothing to watch. No cooking facilities as confirmed. Check ou 10 o'clock not 12 as confirmed. Nothing in room on arrival except a big fold away...”

Mar 26, 2019

See 1 Hotels.com review

AN BORD PLEANÁLA

26 JUN 2019

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THE PHIL LYNOTT SUITE

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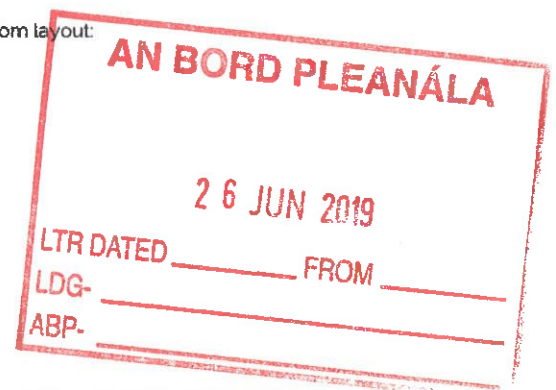
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