

From: Hilary Warren Mccaughey hilaryjwm@gmail.com
Subject: FW: Urgent Email from Bord Failte
Date: 9 February 2021 at 10:47
To: Alan Doyle doylealan@icloud.com
Cc: Barbara Grove barbara@martingately.ie

HM

----- Forwarded message -----

From: quality assurance <qualityassurance@failteireland.ie>
Date: Tue 9 Feb 2021 at 10:32
Subject: (Copperbeach) Email No :0100265004672
To: [REDACTED] m>

Good morning Aidan,

Thank you for your email.

We have completed a thorough search on the guesthouse registers going back to 2005, our earliest records, and it has yielded no result for [16 Hollybrook Park](#) (Copperbeach). The B&B data has also been checked from our earliest records in 2013 to date and does not contain a record of approval with Fáilte Ireland.

We are sorry that we could not assist with your enquiry.

Kind regards,

John O'Grady

Quality Assurance Team | Fáilte Ireland
PO Box 51, Clonakilty, Co Cork, P85 YH98
T 1890 69 7000 | www.failteireland.ie

Capita Customer Solutions are the service provider for Fáilte Ireland for the provision of Assessment, Registration and Classification Services

----- Original Message -----

From: longaidanj@gmail.com;

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Received: 2021-02-05 14:14:00Z
To: QualityAssurance@FailteIreland.ie;
Subject: Re: FW: Re: [16 Hollybrook Park](#) (Copperbeach) Email No :0100265004672

[ATTENTION] This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thanks you for your quick response

The full address is:

[16 Hollybrook Park](#)
[Clontarf](#)
[Dublin 3](#)

Appreciate you help with this.

On Fri 5 Feb 2021 at 14:09, quality assurance <qualityassurance@failteireland.ie> wrote:

Good afternoon Aidan,

Thank you for your email.

A search under the information provided, [16 Hollybrook Park](#) (Copperbeach) has yielded no result.

Can you forward the full address including the County. Our records for B&Bs would only go back a couple of years but we will continue our search with any added information.

We look forward to hearing from you.

Kind regards,

John O'Grady
Quality Assurance Team | Fáilte Ireland
PO Box 51, Clonakilty, Co Cork, P85 YH98
T 1890 69 7000 | www.failteireland.ie

Capita Customer Solutions are the service provider for Fáilte Ireland for the provision of Assessment, Registration and Communication Services

From: [Redacted]
Received: [Redacted]
To: customersupport@failteireland.ie; customersupport@failteireland.ie;
CustomerSupport@failteireland.ie; CustomerSupport@failteireland.ie;
Subject: Re: [16 Hollybrook Park](#) (Copperbeach)

AN BORD PLEANÁLA
01 APR 2021
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

[ATTENTION] This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi sorry for the follow up mail. Would it be possible to get the information requested below please?

Please let me know if I should send this to a different email address.

Regards
Aidan

On Tue 2 Feb 2021 at 11:14, Aidan Lor

Hi

I am trying to find out when the above property was registered as a guesthouse. It is not on the current list but I understand it was previously registered.

It may also have been registered as a B&B.

My contact number is 086 2471707 and my email is longaidanj@gmail.com.

Thanks for your help.

--
Regards
Aidan

--
Regards
Aidan

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled. Privileged, confidential and/or copyright information may be contained in this E-Mail. This E-Mail is for the use of the intended addressee. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you may not copy, forward, disclose or otherwise use it or any part of it in any way whatsoever. To do so is prohibited and may be unlawful. If you receive this E-Mail by mistake, please advise the sender immediately by using the REPLY facility in your E-Mail software and delete all associated material immediately.

--
Regards
Aidan

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled. Privileged, confidential and/or copyright information may be contained in this E-Mail. This E-Mail is for the use of the intended addressee. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you may not copy, forward, disclose or otherwise use it or any part of it in any way whatsoever. To do so is prohibited and may be unlawful. If you receive this E-Mail by mistake, please advise the sender immediately by using the REPLY facility in your E-Mail software and delete all associated material immediately.

--
Regards
Aidan

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01 APR 2021

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ABP- _____

APPENDIX 8

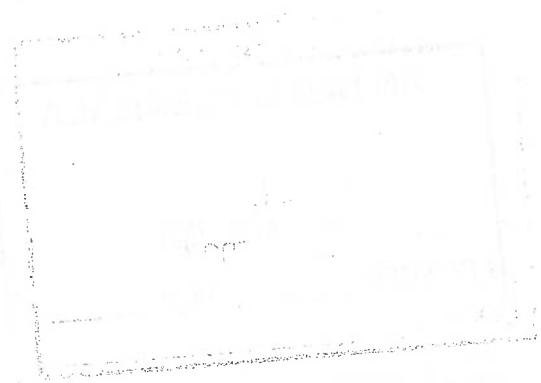
AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



From: Hilary Warren Mccaughey hilaryjwm@gmail.com
Subject: FW: Information on Rateable value
Date: 10 February 2021 at 11:03
To: Barbara Grove barbara@martingately.ie

HM

Sent from [Mail](#) for Windows 10

From: [Frank](#)
Sent: 04 February 2021 12:16
To: [Hilary Warren-McCaughey](#)
Cc: [Colin Flynn](#)
Subject: FW: Help

Clean copy of OFFICIAL VALUATION OFFICE MAP downloaded from V.O. website on 4/2/21 at 12.08 pm. Time and date stamp in bottom right corner.

"as neither 14 and 16 have a blue dot attached they currently do not have a rateable valuation and therefore are not paying rates to DCC".

There is no link between the rates process and the planning process.

A business can be operating without planning permission and still be rated and paying rates. Having planning permission is not a requirement to be assessed for rates.

Or a business can be operating with planning permission and not be rated and not paying rates, due to escaping assessment mainly because of errors.

-----Original Message-----

From: [Redacted] <[Redacted]@gmail.com>

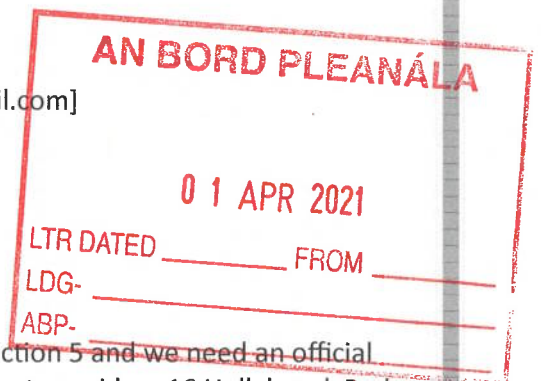
Subject: RE: Help

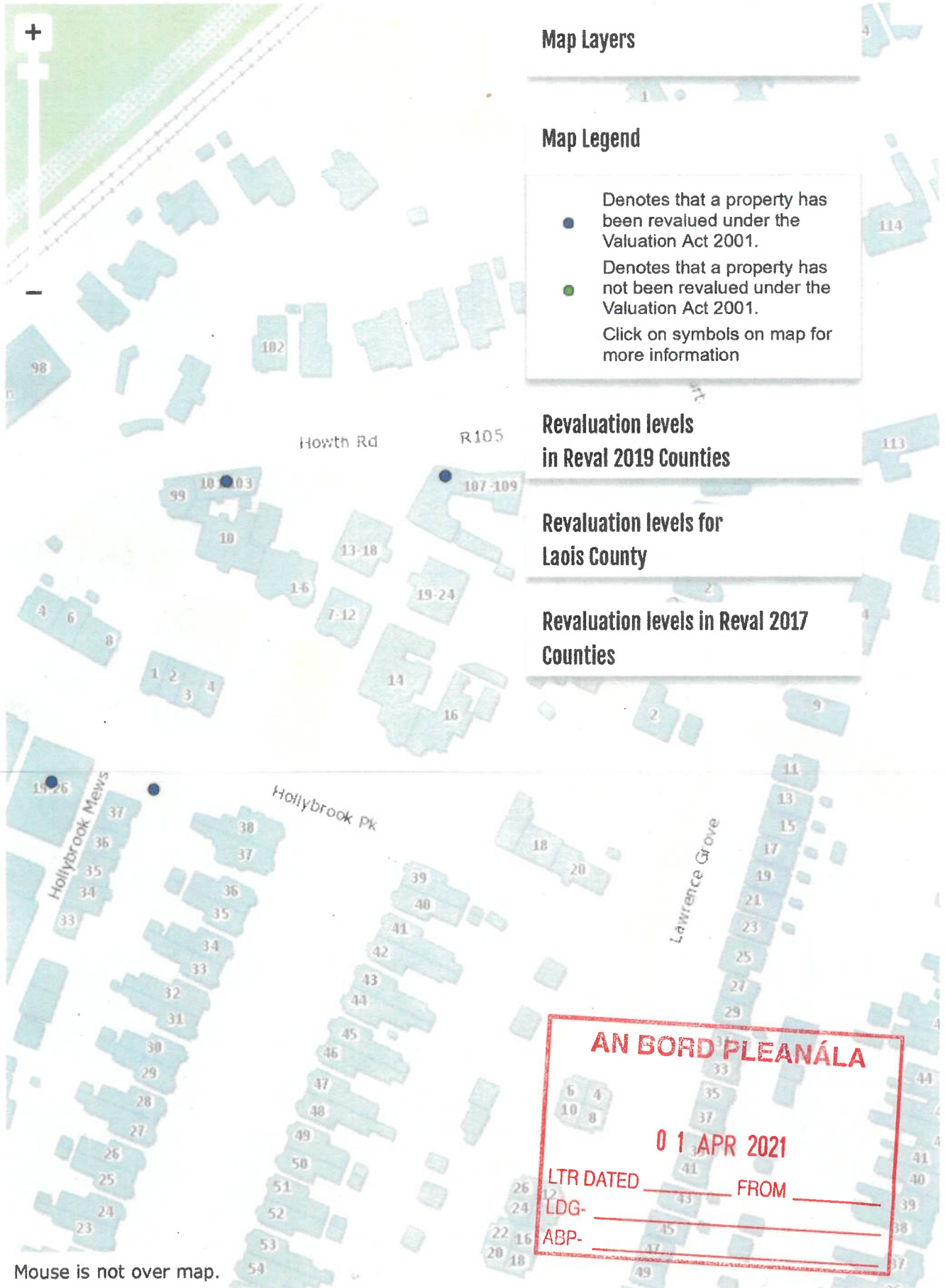
That map indicates the current situation. There is no way of knowing if at some stage in the past 14/16 paid rates.

From: [Redacted] <[Redacted]@gmail.com>
Subject: Help
To: Frank <frank@rateablevalue.com>
Cc: Colin Flynn <colin.flynn2@mail.dcu.ie>

Hi Frank,

We're just about to put in an opposition to McEnaney's Section 5 and we need an official search done from the City Council Valuation Office on any rates paid on 16 Hollybrook Park. Can you help us with this please? Obviously if there are any fees we will reimburse you.





Map Layers

Map Legend

- Denotes that a property has been revalued under the Valuation Act 2001.
 - Denotes that a property has not been revalued under the Valuation Act 2001.
- Click on symbols on map for more information

Revaluation levels in Reval 2019 Counties

Revaluation levels for Laois County

Revaluation levels in Reval 2017 Counties

Mouse is not over map.

[Viewing OSI Valuation Office](#)

[View Google Map](#)

[View Bing Map](#)

APPENDIX 9

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

We have found the address. Please select an option below:

- APARTMENT 1, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3
- APARTMENT 2, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3
- APARTMENT 3, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3
- APARTMENT 4, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3
- APARTMENT 5, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3
- APARTMENT 6, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3
- APARTMENT 7, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3
- APARTMENT 8, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3
- APARTMENT 9, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3
- APARTMENT 10, COPPER BEACH COURT, 16 HOLLYBROOK PARK, DUBLIN 3

View on map

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

CH2680-804 Reasoning

DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT



SECTION 5 APPLICATION FORM

RECEIVED
25 JAN 2021
Planning Department

NAME OF APPLICANT: Copperwhistle Ltd.

ADDRESS OF APPLICANT: [REDACTED]

EMAIL ADDRESS: n/a

TELEPHONE NO. Day: n/a Mobile: n/a

NAME OF AGENT AND AGENT'S ADDRESS: Hughes Planning & Development Consultants
70 Pearse Street, Dublin 2

TELEPHONE NO. Day: 015390710 Mobile: _____

ADDRESS FOR CORRESPONDENCE (if different from above)
70 Pearse Street, Dublin 2

LOCATION OF SUBJECT SITE: 16 Hollybrook Park, Clontarf, Dublin 3

Is this a Protected Structure or within the curtilage of a Protected Structure? Y

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority? No

Please provide details of works (where applicable) or proposed development. (Note: only works listed and described under this section will be assessed under this section 5 application. Use additional sheets if required.)

No works proposed.

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01 APR 2021
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List of plans, drawings etc. submitted with this application

n/a

Please state Applicant's interest in this site: Owner

If applicant is not owner of site, please provide name & address of owner:

n/a

Are you aware of any enforcement proceedings connected to this site?
If so please supply details:

Enforcement notice issued on 14th July 2020 but has since been closed.

Where there previous planning application/s on this site?

If so please supply details:

Reg. Ref. 1586/96 - change of use from dwelling to guesthouse.

Reg. Ref. 2428/15 - conversion of guesthouse to 2 no. two-bed apartments. Not implemented.

Signed 

Date 22/01/2021

NOTES

Application shall be accompanied by 2 copies of site location map with site clearly outlined in red and a fee of €80.00. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

Application shall be forwarded to: Dublin City Council, Planning Registry
Section, Block 4, Floor 0, Civic Offices, Wood Quay, Dublin 8.

Contact Details: Phone: 01 222 2149 Fax: 01 222 2675

AN BORD PLEANÁLA

01 APR 2021

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ABP- _____

Planning Report

Section 5 Application - Declaration of Exempted Development

Use of Guesthouse at No. 16 Hollybrook Park,
Clontarf, Dublin 3

Copperwhistle Ltd.

January 2021



AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

Hughes Planning & Development Consultants

ABP- 76 Pearse Street, Dublin 2

+353 (0)1 539 0740 - info@hpdc.ie - www.hpdc.ie

1.0 Introduction

Hughes Planning and Development Consultants, 70 Pearse Street, Dublin 2, have prepared this report to accompany an application for a Declaration of Exempted Development, on behalf of Copperwhistle Ltd., [REDACTED] concerning the use of No. 16 Hollybrook Park, Clontarf, Dublin 3.

The subject site was granted planning permission for a change of use from a house to a guest house in 1996 under Reg. Ref. 1586/96. Our client intends to continue using the property as a guest house, which comprises 14 no. bedrooms, but has also agreed on Heads of Terms with the Dublin Region Homeless Executive (DRHE) to use the property to provide emergency to homeless families. Rooms will be leased on a nightly basis and a full guest house service will be provided including the provision of clean linen, breakfast and room cleaning. As with all guest houses, staff will be present 24 hours per day to provide the services listed above and conduct administrative duties required in a guest house. The management of the guest house and the provision of staff will solely be the responsibility of our client, the guest house owner. No element of care be it social, physical or emotional will be provided to guests at this guest house, nor will any non-governmental organisation or approved housing body be involved. See Appendix A for details.

Therefore, the question before the planning authority is:

"Whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to Dublin City Council/ Dublin Regional Homeless Executive to accommodate homeless people, is or is not development and whether development constitutes exempted development or does not constitute exempted development?"

2.0 Site Description

The subject site fronts onto Hollybrook Park, which is a cul-de-sac accessed from the west via Howth Road. The site is located in a mature residential area, which consists of a mix of residential units with regards to building type and height.

The site is occupied by a large property laid out over three floors, which entails 14 no. bedrooms, and communal kitchen and laundry facilities. The property has an external red brick finish. The property on-site is currently vacant but was most recently used as a guest house, permitted under Planning Reg. Ref. 1586/96.

The building on site is listed on Dublin City Council's Record of Protected Structures (RPS Ref. 388

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01 APR 2021

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Figure 1.0 Aerial view indicating the subject site, No. 16 Hollybrook Park (red outline)

3.0 Planning History

Planning Applications

- Reg. Ref. 1586/96** Planning permission was granted on 22nd October 1996 for the change of use of the existing Grade 2 listed house to guest house.
- Reg. Ref. 2161/15** Planning permission was granted on 7th August 2015 for the conversion of 14 bedroom long stay guest house to 4 no. one-bedroom and 2 no. two-bedroom apartments.

The final grant of permission was notified on 7th August 2015, however, this application was not implemented, and works did not commence for the proposed development. Furthermore, the planning permission for this application expired on 7th August 2020. On this basis, the relevant planning application for the development of the subject site is Reg. Ref. 1586/96.

Section 5 Declarations

Reg. Ref. 0371/20 A declaration of exempted development was issued by Dublin City Council under Reg. Ref. 0371/20. This exemption relates to minor internal works proposed for the building including the repair of original features; replacement of damaged flooring; replacement of damaged sash windows on like for like basis; replacement of bathroom ware; and other minor works to improve the condition of the building.

Reg. Ref. 0297/20 A declaration of exempted development was issued by Dublin City Council under Reg. Ref. 0297/20. This exemption relates to minor internal and external

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 BY _____

works proposed for the building including the repair of windows and doors; repair of damaged original guttering; refitting the kitchen; painting interior and exterior; removal of overgrown vegetation from chimneys and guttering; repair of original gate; and other minor works needed to improve and preserve the building.

The works declared exempt under Section 5 were considered necessary to improve the condition of the building and allow it to continue being used as a guest house. The proposed works do not in any way affect the use as a guest house and only seek to improve it. Whilst the guest house will provide rooms to the Dublin Housing Region Executive, the established use as a guest house will continue.

The Hollybrook Park Residents Group submitted a section 5 referral to Dublin City Council regarding the use of No. 16 Hollybrook Park under Reg. Ref. 0405/20. This referral asks whether the change of use from a guesthouse to a residential facility for homeless people constitutes development.

It should be noted from the outset, that the established use as a guesthouse will not change.

4.0 Planning Context

4.1 Zoning

The subject site is zoned Z2 – ‘Residential Neighbourhoods (Conservation Areas) in the Dublin City Development Plan 2016-2022. The objective of Z2 zones is to ‘to protect and/or improve the amenities of residential conservation areas.’ The following uses are listed as ‘Permissible Uses’ in ‘Z2’ zoned lands:

Buildings for the health, safety and welfare of the public, childcare facility, embassy residential, home-based economic activity, medical and related consultants, open space, public service installation, residential.

The following uses are considered ‘Open for Consideration’ in ‘Z2’ zoned lands:

Bed and breakfast, community facility, cultural/recreational building and uses, education, live-work units, place of public worship, restaurant, veterinary surgery.

The approved use of ‘Guest House’ is consistent with the zoning objectives for the subject site and is therefore compliant with the development plan.

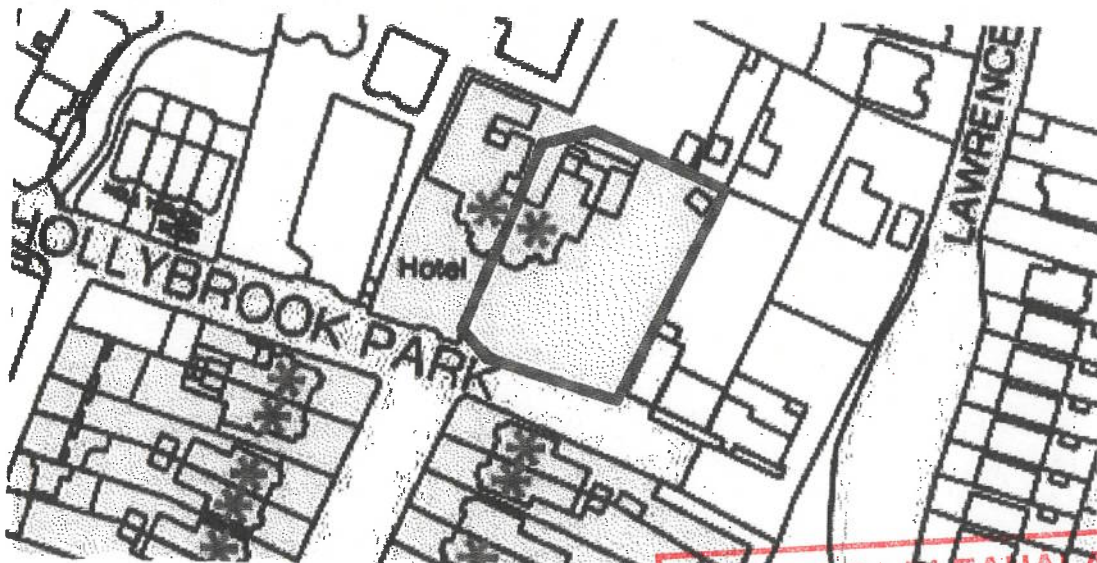


Figure 5.0 Extract from Zoning Map F showing the subject site (outlined in red) zoned Z2 in the Dublin City Development Plan 2016-2022

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5.0 Basis of Exemption

Under Section 2(1) of the Planning and Development Act 2000 (as amended), 'development' is assigned the meaning set out under Section 3 (1) as follows:-

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

This declaration seeks clarification on the use of No. 16 Hollybrook Park as a guest house. It is noted that legislation does not define the phrase 'material change of use' as used in Section 2(1) of the Act. In order to determine the materiality of the change, the practical impacts and effects of the proposed change of use and whether it would have led to materially different planning considerations by the Planning Authority are considered in this determination.

This is supported by findings in recent court cases which examined the practical and real-life effects caused by the change of use. In *Esat Digifone v South Dublin County Council* [2002] 3 IR 585, the court quoted the following:

"The consideration to be taken into account in determining materiality must at least be relevant to 'proper planning and development and the preservation of amenities' which are the twin objectives of the preamble to the legislation. The question is whether there were sufficient planning considerations raised by the change in activity to justify its submission to development control."

In a similar vein the court quoted Barron J. in *Galway County Council v. Lackagh Rock* [1985] I.R.120 at 127:

"To test whether or not the uses are materially different, it seems to me, that what should be looked at are the matters which the planning authority would take into account in the event of a planning application being made either for the use on the appointed day or for the present use."

A further decision in support of that view is that of Budd J. in *Westmeath County Council v. Quirke & Sons* [Unreported, High Court, 23rd May 1996] where the court noted that:

"Many alterations in the activities carried out on the land constitute a change of use, however, not all alterations will be material. Whether such changes amount to a material change in use is a question of fact as is explained in Monaghan County Council v Brogan [1987] IR 339. Consideration of the materiality of a change in use means assessing not only the use itself but also its effects."

No. 16 Hollybrook Park is approved to operate as a guest house as per Reg. Ref. 1586/96. It is proposed to continue the established use as a guest house whilst providing temporary accommodation to the DRHE. It is submitted that there will be no discernible change to the use of the building other than the socio-economic class associated with the inhabitants occupying those rooms which should not be taken into consideration when having regard to whether a material change of use has occurred as evidenced by the Supreme Court *Dublin Corporation v Moore* [1984] ILRM 339 in which the Judge stated:

"I can well understand the objection voiced by Mr. Heneghan in his affidavit, to which I have referred - the residents of a quiet suburb naturally resent the presence of what may well be out of keeping with what they conceive to be the standards appropriate to the neighbourhood. There cannot, however, be one law for Cabra and another for Clondalkin - yet others for Finglas and Foxrock. Considerations of this kind are not appropriate to planning law - if they were, they might well offend against rights of equality."

It is considered that if this were a planning application for a guest house, the planning authority would not include conditions prohibiting accommodation to people of particular socioeconomic background. Nor would they preclude the guest house from accepting block bookings of rooms. It is, therefore, submitted that the guest house will operate like any other guest house in the city and offer rooms to

members of the public for a rate. The rooms will be advertised on the guest house's website where bookings can be made by members of the public. As with any guest house or hotel, a block booking can be made by an individual or group for a specific event or occasion.

The following conditions were attached to the grant of permission for the guest house under Reg. Ref. 1586/96:

Insofar as the Local Government (Planning & Development) Acts 1963/93 and the Regulations made thereunder are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto.

REASON: To comply with permission regulations.

This permission shall apply only to the use of the existing residence for overnight guest accommodation purposes and provision of additional parking facilities as indicated in the submitted plans.

REASON: In the interests of clarity and development control.

The proposed development shall be constructed and so operated that there will be no emission of odours, or noise such as would give rise to reasonable cause for complaint by occupants of adjoining or nearby properties.

REASON: In the interests of residential amenities.

No signs or nameplates shall be erected without the prior approval of the planning authority, whether or not such development would constitute exempted development.

REASON: In the interests of visual amenities.

The existing entrance shall be widened to a width not less than 4.0 metres and shall be relocated so as to align the entrance gates parallel to the centreline of the public road. Full details to be submitted and agreed in writing with the planning authority prior to the commencement of development.

REASON: In the interests of traffic safety.

Before this development commences a financial contribution in the sum of #6,135.00 shall be paid by the applicant to Dublin Corporation, in accordance with Section 26 of the Local Government (Planning & Development) Act 1963.

REASON: Investment by Dublin Corporation in Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of same.

It is noted that no conditions were included about the length of stay, class of guest nor the ability to block book rooms. Therefore, the continued use as a guest house, which leases rooms to the DRHE for the provision of homeless accommodation, complies with the conditions as set out above. It is submitted that no material change of use will have occurred and the development is therefore exempted development.

It is considered that the continued use as a guest house offering accommodation to the DRHE will have no material effects on the area with regards to the proper planning and sustainable development of the area. It is considered that the use of the building will not negatively impact on the amenity of local residents in Hollybrook Park. It is therefore apparent that no material change of use will have occurred and that change of use is considered exempted development.

It should be noted that precedence for a guest house being used to accommodate homeless people exists at No. 14 Hollybrook Park, which adjoins the subject site. In this case, a warning letter was issued to the owners of the property regarding the use of the guest house to accommodate homeless people

under Reg. Ref. E0931/10. In their investigation, the Planning Authority concluded that planning permission for a guest house had been granted on the 20th January 1997 under Reg. Ref. 1967/96 subject to a number of conditions including the reduction of bedrooms. It was noted by the Enforcement Inspector that the number of rooms was never reduced, but enforcement proceedings were statute-barred as 10 years had passed since the grant of permission was issued.

Regarding the use for the provision of homeless accommodation, the Inspector confirmed that the building and its use did not materially change and were, therefore, the enforcement file was closed.

The case at No. 14 Hollybrook Park is pertinent to No. 16 Hollybrook Park as the approved use of guest house will continue at the property, as it did at No 14 where no material change of use was found to have occurred.

6.0 Conclusion

We note that No. 16 Hollybrook Park was granted permission to operate as a guest house. It is proposed to continue the operation of the property as a guesthouse which will lease rooms to the DRHE. These rooms will be leased on a nightly basis and a full Bed and Breakfast service will be provided to occupants. Our client will maintain the management of the guest house whilst providing staff 24/7 for regular guest house duties. It is submitted that the principal use of the property has not changed and therefore will have no adverse effects on the proper planning and sustainable development of the area.

Accordingly, we request a declaration to this effect from Dublin City Council under Section 5 of the Planning and Development Act 2000 (as amended). Should you have any queries or require any further information including access to the building, please do not hesitate to contact the undersigned.



Kevin Hughes MIPI MRTPI
Director for HPDC

AN BORD PLEANÁLA

0 1 APR 2021

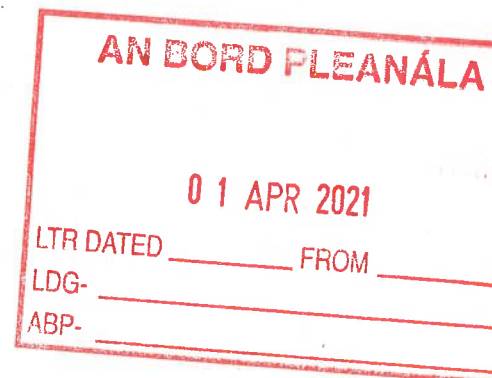
LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Appendix A

Letter issued by the Dublin Regional Homeless Executive outlining its role in securing rooms at No. 16 Hollybrook Park.



WORLD BANK
WASHINGTON, D.C.
INTERNATIONAL BANKING
CORPORATION

20th January 20201

To whom it may concern,

Guesthouse at 16 Hollybrook Park

Dublin Region Homeless Executive have agreed Heads of Terms for the use of the above guesthouse at 16 Hollybrook Park for the provision of Emergency Accommodation for homeless families. This agreement was reached in June 2020, for a term of 12 months, commencing from the date of first occupation.

The owners, Copperwhistle Ltd., have agreed to provide guest accommodation to our clients on a B&B basis, which includes provision of 24 Hour staffing to ensure that this premises is operated to an acceptable standard.

The owner have engaged their own design team to oversee the refurbishment of this previously vacant property. This includes the engagement of a Grade 1 Conservation Architect, to ensure that all works are carried out in safe and sensitive manor and in line with approved section 5 submissions as grant by the planning authority.

Please note that no care element is attached to this agreement, be it physical, social or emotional care.

This guesthouse will be managed solely by the owners and their staff. No NGO or Approved Housing body will have any role in the day to day operations of this facility.

The section 5 submission, November 2020, on behalf of the local stakeholders, states the guesthouse is a homeless facility. To reiterate the DRHE has agreed Heads of Terms with the owner of a guesthouse and no Approved Housing Body or a NGO is involved in the running of this operation.

Dublin Regional Homeless Executive is satisfied that this premises will be managed to acceptable standards.

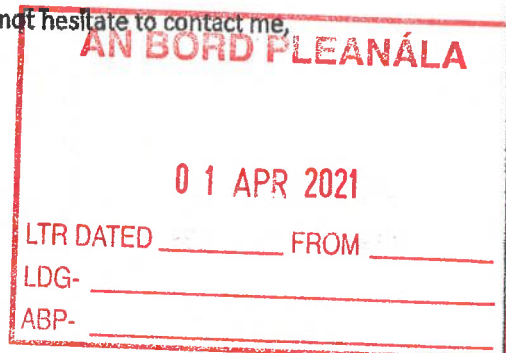
If you require any further information regarding this matter please do not hesitate to contact me,

Yours sincerely,



Authorised Officer

Dublin City Council





LAWRENCE, LONG
 ARCHITECTS

NO.16
 ADDRESS HOLLYBROOK
 PARK, CLONTARF,
 DUBLIN 3

SCALE 1:1000 @A4
 DATE 09.10.2020
 DWG. **S5.01**

Extraction Date:
 14-July-2020

AN BORD PLEANÁLA

ITM Centre Point Coordinates
 X,Y = 718691,736629

Projection: ITM

01 APR 2021

DATED _____ FROM _____
 LD _____
 AB _____

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

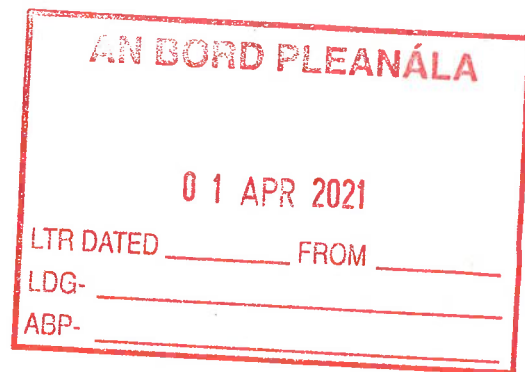
Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T. (01) 222 2288

E: decisions@dublincity.ie

23-Feb-2021

Hughes Planning & Development
Consultants
70, Pearse Street
Dublin 2



Application Number 0025/21
Registration Date 25-Jan-2021
Decision Date 19-Feb-2021
Decision Order No. P2608
Location 16 Hollybrook Park,, Clontarf,, Dublin 3.
Proposal EXPP, PROTECTED STRUCTURE, Whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to Dublin City Council/ Dublin Regional Homeless Executive to accommodate homeless people, is or is not development and whether development constitutes exempted development or does not constitute exempted development ?

Applicant

Copperwhistle Ltd,

- If you have any queries regarding this Request, please contact the email shown above

Please note that the effective lodgement date of your application will be the date on which this notice has been complied with.

Dear Sir/Madam,

With reference to the above application, I am directed by the Assistant Chief Executive to formally request that you submit the following ADDITIONAL INFORMATION in accordance with Section 5 of the Planning and Development Act 2000 (as amended).

1. In relation to the existing and proposed/continued use of the building as per Class 6, Part 4, Schedule 2 of the Planning & Development Regulations 2001 (as amended) the applicant is requested to provide evidence that the currently vacant building at No.16 Hollybrook Park was previously used as a guesthouse as per permission granted under Reg. Ref. 1586/96 as amended by Reg. Ref. 2161/96, and

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

**Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.**

T. (01) 222 2288

E: decisions@dublincity.ie

23-Feb-2021

if so when was it was last used as a guesthouse prior to its current vacancy

Signed on behalf of the Dublin City Council _____

for Assistant Chief Executive

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

EXPP: 0025/21

APPLICANT: Copperwhistle Ltd.

ADDRESS: Copper Beach, 16, Hollybrook Park, Clontarf, Dublin 3

PROPOSED DEVELOPMENT/QUESTION POSED:

Whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to Dublin City Council/ Dublin Regional Homeless Executive to accommodate homeless people, is or is not development and whether development constitutes exempted development or does not constitute exempted development?

SECTION 5 RECEIVED ON: 25/1/2021

Zoning: Z2' Residential Neighbourhoods (Conservation Areas) with the objective 'To protect and/or improve the amenities of residential conservation areas

Legislative context

The following statutory provisions are relevant in this instance.
Planning Acts

Section 2 (1) 'Interpretation' of the 2000 Planning and Development Act (as amended) states as follows:-

"In this Act, except where the context otherwise requires-

"development" has the meaning assigned to it by Section 3 ... development" has the meaning assigned to it by section 3, and "develop" shall be construed accordingly;

"exempted development" has the meaning specified in section 4;

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—(a) where the context so admits, includes the land on, in or under which the structure is situate, and (b) in relation to a protected structure or proposed protected structure, includes— (i) the interior of the structure,(ii) the land lying within the curtilage of the structure,(iii) any other structures lying within that curtilage and their interiors, and(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii); "use", in relation to land, does not include the use of the land by the carrying out of any works thereon;

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1) 'Development' of the 2000 Planning and Development Act (as amended) states as follows:-

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

Section 4 (1) (h) 'Exempted Development' of the 2000 Planning and Development Act (as amended) states as follows:-

REP1letter

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

“..development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;”

Planning & Development Regulations 2001 (as amended)

Part 2 – Exempted Development

Article 5 ‘Interpretation for this Part’

“care” means personal care, including help with physical, intellectual or social needs;

Article 10 (1) –

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Class 14 (*Change of Use*), Part 1, Schedule 2

(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,

(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and

Part 4, Schedule 2 *Exempted development- Classes of Use* (Art 10(1) refers.)

CLASS 6

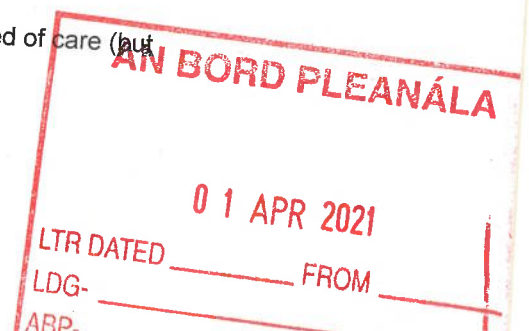
Use as a residential club, a guest house or a hostel (other than a hostel where care is provided)

Class 9

Use—

(a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),

(b) as a hospital or nursing home,



(c) as a residential school, residential college or residential training centre

Planning History

Reg. Ref.

Decision/Description

Expp 0049/21

PROTECTED STRUCTURE: The use of the property as a guest house which provides rooms on a nightly basis offering Bed and breakfast to Dublin City council/Dublin regional homeless Executive to accommodate homeless people (Concurrent submission)

Expp 0405/20

PROTECTED STRUCTURE: Whether or not the change of use of 'Copper Beech' (Protected Structure) at No. 16 Hollybrook Park, Clontarf, Dublin 3 from a guesthouse to a residential facility for accommodation of the homeless, is or is not development, and is or is not exempted development for the purposes of the Planning and Development Acts 2000, as amended.

DCC Decision:

The subject change of use is considered to be 'development' as defined by Section 3(1) of the Planning & Development Act 2000(as amended); and

that the change of use from a guesthouse to a residential facility for the accommodation of the homeless where care is provided is not exempted development as per Article 10(1) and Class 6, Part 4, Schedule 2 of the Planning & Development Regulations 2001(as amended)

Expp 0371/20

PROTECTED STRUCTURE: EXPP: 1) The removal of Whiterock sheeting from WCs proposed throughout; tiling proposed as a replacement. 2) Repair/replacement of existing non-original light fittings, sockets, switches, fire detectors and fire signage where damaged throughout. 3) Sanding of existing rear timber staircase. No further sanding proposed. 4) Sanding of threads and landings to existing principal timber staircase. Proposed repair and treatment of same. No further sanding proposed. 5) Cleaning of original timber floorboards throughout. 6) The replacement of an existing boiler. 7) Repair and replacement of extant historic timber panelling to entrance hall; to include the replacement of timber panels where absent. 8) Removal of non-original phone to entrance hall panelling. 9) Repair of tiled heath to fireplace in RM 1.04, using extant loose original tiles. 10) Provision of 1 no. new hatch door to attic. 11) Provision of sliding sash window to RM 1.06 on a like for like basis. 12) Provision of new timber flooring to RM 1.07, RM 1.08, RM 1.09 and RM 1.10. 13) Minor roof repairs to tiles where required. Replacement on a like for like basis, and 14) Removal of external plywood covering to 2 no. sidelights at front entrance porch.

Deemed Exempt:

1. *The removal of Whiterock sheeting from WCs proposed throughout; tiling proposed as a replacement. The removal of existing modern whiterock sheeting and replacement with tiling is not considered to materially affect the character of the protected structure and is therefore considered exempted development.*

2. *Repair/replacement of existing non-original light fittings, sockets, switches, fire detectors and fire signage where damaged throughout. The removal of existing modern light fitting, sockets, switches, fire detectors and fire signage and replacement with new ones is not considered to*

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

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ABP- _____

materially affect the character of the protected structure and is therefore considered exempted development.

3. Sanding of existing rear timber staircase. No further sanding proposed. The sanding has already taken place. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

4. Sanding of threads and landings to existing principal timber staircase. Proposed repair and treatment of same. No further sanding proposed. The sanding has already taken place. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

5. Cleaning of original timber floorboards throughout. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

6. The replacement of an existing boiler. The boiler has already been replaced. It is located in an existing outbuilding and replaced an existing one. Replacement was on a like for like basis. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

7. Repair and replacement of extant historic timber panelling to entrance hall; to include the replacement of timber panels where absent. It is proposed to repair and reinstate missing panelling where absent. It is proposed to repair using softwood and birch plywood. This work is considered exempt where carried out on a like for like basis using matching original materials and painted to match existing. Therefore this work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

8. Removal of non-original phone to entrance hall panelling. The removal of a non-original phone to entrance hall is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

9. Repair of tiled hearth to fireplace in RM 1.04, using extant loose original tiles. The repair of an existing fireplace hearth with surviving original tiles is proposed. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

10. Provision of 1 no. new hatch door to attic. The replacement of a previously existing roof hatch at this location is proposed. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

11. Provision of sliding sash window to RM 1.06 on a like for like basis. It is proposed to reinstate the upper window sash (now missing) with a new sash to match historic details of surviving sash window. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development. Note: traditional putty detail to be used to window and glazing type to match original detail.

12. Provision of new timber flooring to RM 1.07, RM 1.08, RM 1.09 and RM 1.10. It is proposed to lay new timber flooring to the later extension bedrooms. The floors were previously carpeted. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

13. Minor roof repairs to tiles where required. Replacement on a like for

AN BORD PLEANÁLA
01 APR 2021
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

like basis. Small-scale localised repairs on a like for like basis is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

14. Removal of external plywood covering to 2 no. sidelights at front entrance porch. The removal of the external plywood covering to the front entrance porch sidelights is not considered to materially affect the character of the protected structure and is therefore considered exempted development

Not Exempt:

1. Repair and replacement of extant historic timber panelling to entrance hall; to include the replacement of timber panels where absent. The use of materials and finishes which do match the original would be considered to materially affect the character of the protected structure and therefore would not be considered exempted development

0297/20

EXPP; PROTECTED STRUCTURE; maintenance, repair & renewal works comprising the following,
Removal of external plywood covering to rear entrance door. Repair of stained glass to same.
Repair stained glass on the main front doors.
Complete all painting, both interior and exterior, including all windows,
Complete fitting of kitchen.
Refit the remaining toilets.
Lay Floor covering to all existing concrete floors.
Replace 3 no. door frames to the outside shed, paint and provision of appropriate ironmongery to same.
Repair cast iron ogee gutters on a like for like basis, where required.
Remove all vegetation from guttering and chimneys and repoint where necessary.
Reinstate repair non-original concrete kerbing, where broken or missing.
Repair and paint garden lights.
Repair and repaint original gate to front entrance.
Repair, clean and paint the centre front door light and
Reinstatement of rendered concrete boundary wall to No 14 Hollybrook Park where unauthorised opening has been made, No new foundations required

Deemed Exempt

2428/15

PP GRANTED for Conversion of 14 bedroom long-stay guest house to 4 one-bedroom and 2 two-bedroom apartments with associated works: re-ordering of rooms, new partitioning, facilities and services, roof-mounted solar thermal collectors, dry-lining walls and insulating ceilings, alteration to windows and new balcony on east elevation, extension of sheds to provide apartment stores and boiler room, associated site-works, landscaping and removal of greenhouse. (not implemented)

2161/96

PP GRANTED for Construction of 2 storey extension to rear and first floor extension over existing garage for use as guest house bedrooms at existing house. (listed:grade 2)

1586/96

Split Decision Change of use of existing Grade 2 listed house to guest house and for construction of 2 storey extension to rear and first floor extension over existing garage to side and additional car parking spaces.

Condition

ANDRÓR PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

This permission shall apply only to the use of the existing residence for overnight guest accommodation purposes and provision of additional parking facilities as indicated in the submitted plans.

Reason: In the interests of clarity and development control.

REFUSED:

The proposed extension, by virtue of its length, bulk, flat roof, window detailing and unrelieved walls would be out of character with this List 2 building, would be injurious to its design integrity and the visual amenities of this residential conservation area and would accordingly be contrary to the proper planning and development of the area and the provisions of the 1991 Dublin City Development Plan.

REPORT/ASSESSMENT

The previous 3rd party applicants under EXPP0405/21 noted that the 2015 application 'incorrectly' referred to the existing structure as 'long stay guest house', whereas they noted that the 1996 permission was for a change of use of existing Grade 2 listed house to guest house etc. They noted that a specific condition stated that the subject permission shall apply only to the use of the existing residence for overnight guest accommodation purposes and provision of additional parking facilities as indicated in the submitted plans. The 3rd party applicants had noted that to date the 2015 permission has not been implemented and was due to expire in 2020.

The questions asked by the previous party was whether or not the change of use from a guesthouse to a residential facility for accommodation of the homeless, is or is not development, and is or is not exempted development for the purposes of the Planning and Development Acts 2000, as amended.

At that stage it was considered that as the proposal involved a 'change of use' that it constituted 'development' as per Section 3(1) of the Planning & Development Act 2000(as amended).

It was also considered at that stage based on the information provided that the nature of the service provided by a homeless facility would come under definition of "care" as provided under Art.5 of the P&D Regs. 2001 (as amended). No submission had been received by the notified party (owner) to the previous 'Section 5' application.

While the site is adjacent to the Hollybrook Road Architectural Conservation Area (ACA) it is noted that no works are proposed as part of the applicant's submission that would affect the character and visual amenity of the ACA.

As before it is noted that there are exemptions for change of guesthouses (amongst other uses) under Class 14, Part 1, Schedule 2 of the P&D Regs 2001(as amended) in relation to accommodating 'protected person' i.e. refugees (who could be homeless) – but again is not fully applicable in this instance in terms of the stated primary use of the property.

In this instance as before it is considered that the existing permitted use for a guesthouse would come under the use classes set out in Class 6 of Part 4, Schedule 2 of the P&D Regs. 2001(as amended).

It was considered under the previous 'Section 5' application that a homeless facility where care was provided would fall under the stated exclusions for Class 6 use classes, whereas instead a facility where care was being provided would come under the use classes set out under Class 9, Part 4, Schedule 2 of the P&D Regs. 2001(as amended) – with no exemption being provided under planning legislation to allow for a change from a 'Class 6' use to a 'Class 9' use.

It is noted that the previous 3rd party applicants in their submission had cited a recent An Bord Pleanála '3rd party' referral case (ABP-307064-20 refers) - which asked the question whether - a change of use from a commercial guesthouse to a homeless hostel run by an Approved Housing Body was development and whether or not it was exempted development. An Bord Pleanála concluded in relation to the cited referral stated that-

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

(a) the permitted use on site is as a guesthouse and is, therefore, a use coming within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely use as a guesthouse;

(b) the current use is as a homeless hostel wherein the approved housing body provides support to the residents. This support is stated to include, 'supporting them to address any presenting challenges that may inhibit accessing private rental accommodation or transitioning to more permanent solutions', as recorded in an email correspondence from Clare County Council dated 18th March, 2020, on file;

(c) the provision of the support described above falls within the scope of "care" as defined at Article 5 of the Planning and Development Regulations 2001, as amended, namely 'personal care, including help with...social needs';

(d) the current use does not therefore come within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely use as a hostel (other than a hostel where care is provided) as the current use includes the provision of care to residents and instead falls within the scope of Class 9 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely the provision of residential accommodation and care to people in need of care;

(e) the current use, therefore, constitutes a change of use from the permitted use and which is a material change of use by reason of providing a different service to a different user group;

(f) this material change of use would not come within the scope of Article 10(1) of the Planning and Development Regulations 2001, as amended, as it does not constitute a change of use within any one Class;

(g) there are no other exemptions available for this material change of use within existing legislation;

And

...the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, County Clare is development and is not exempted development.

In this instance the owner of the property has submitted the subject 'Section 5' application. The applicant states that while individuals from the homeless lists are being accommodated that no on-site "care" is to be provided by any organisation, concluding that as the subject guest house is being used for short term accommodation that the use of the building remains as per Class 6 - i.e. a 'guesthouse' and so therefore no material change of use will occur.

The applicants note that 14no bedrooms, a communal kitchen and laundry facilities are provided over three levels of the currently vacant property -which will be used for emergency accommodation for homeless families. The applicant notes that rooms will be leased on a nightly basis and a full guest house service will be provided including the provision of clean linen, breakfast and room cleaning. The applicant notes that as with all guest houses staff will be present 24 hours a day.

The applicant states that the management of the guest house and the provision of staff will solely be the responsibility of the guest house owner. They again state that no element of "care" be it social, physical or emotional will be provided to guests at this guest house, nor will any non-governmental organisation or approved housing body be involved.

A letter is attached from the Dublin Regional Homeless Executive (DRHE) who note that the Section 5 application from local stakeholders stated that the existing building was a homeless facility. The DRHE letter noted that the Heads of Terms have been agreed with the owner, and that no Approved Housing Body or a NGO will be involved in the running of the subject guesthouse.

The applicant's submission notes that planning legislation does not provide a definition of the

AN BORD PLEANÁLA

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LTR DATED _____ FROM _____

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ABP- _____

phrase 'material change of use' as used in Section 2 (1) of the Act.

They note that in order to determine the 'materiality' of the change that the practical impacts and effects of the proposed change of use would have to be considered by the planning authority. Case law is cited in relation to how adjudge 'materiality.'

The applicant's submission notes that the guesthouse use, which was permitted under Reg. Ref. 1586/96 will continue its use as a guesthouse whilst providing temporary accommodation to the DRHE. They states that the only 'change' will be a change of socio-economic class associated with the inhabitants occupying the subject guesthouse rooms- which in itself would not equate to a material change of use as per case law cited by the applicant.

The applicant notes that a planning authority would never attach a condition to a planning permission for a guesthouse proposal that would exclude the use of the premises by any particular socio-economic grouping, nor would it attach a condition that would prevent any block booking of guesthouse rooms.

The applicant notes that the subject premises will continue to operate as a guesthouse and will be advertised and available for any member of the public to book guesthouse accommodation – and will also be available for block bookings for any party.

In relation to the existing building the applicant notes that there are no conditions were attached to Reg. Ref. 1586/96 that limit the length of stay, class or guest nor the ability to block book rooms.

The applicant submits that the continued use of the premises as a guest house will have no material affects on the area or that of local residents and therefore there will be no apparent material change of use.

The applicant notes that there is precedence for a guesthouse being used to accommodate homeless people in the form of No.14 Hollybrook Park adjacent to the subject site. In relation to the neighbouring property the applicant notes that following an investigation the Planning Authority concluded that permission for a guesthouse had been granted under Reg. Ref. 1957/96 (E0931/10 refers).

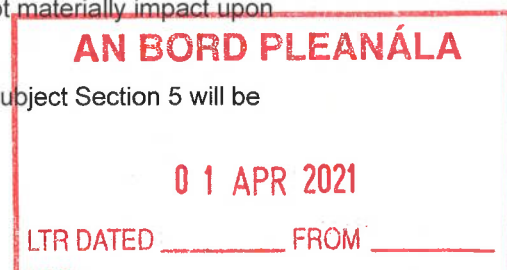
The applicant does notes that a required reduction in bedrooms as part of the neighbouring guesthouse planning permission never occurred - but that enforcement action against the breach of condition is statute-barred as 10 years had passed since permission was granted for the development at No.14. Hollybrook Park - as was noted by the Enforcement officer at that time.

The applicant again notes that the example at No.14 is pertinent to that of the subject proposal at No.16 - as the similar approved use as a guest house will likewise continue at the subject property for a similar clientele.

Overall it is agreed that if "care" as defined by Article 5 of the Planning & Development Regulations 2001 (as amended) is not being provided then any continued use of the subject premises as a guesthouse –does not breach its overall permitted use (as a guesthouse) and is not 'de-exempted' from its use as defined by Class 6 of the Planning & Development Regulations 2001 (as amended) – with the operation of the guesthouse not being under the management of any Approved Housing Body or related NGO but by the private owner of the guesthouse. It is agreed that there is nothing within planning legislation that prevents the use of guesthouse by any socio-economic group or for that matter who provides the funds for stays in a guesthouse.

As posed by the applicant then none of the 'limitations' under Article 10(1) of the Planning & Development Regulations 2001 (as amended) applies or affects the use of the premises as a permitted guesthouse - as the use remains unchanged. As noted there are limiting conditions attached to the parent permission including that the parent ...*permission shall apply only to the use of the existing residence for overnight guest accommodation purposes ...* but that this wording does not limit the length of stay of any guest at a guesthouse as with any stay at an hotel or B&B for that matter. It is noted that if the 'proposed' use remains unchanged from that of the permitted use as per the use class set out in Class 6 then the development would not materially impact upon the area by the lack of any change of its planning status.

While the recent 3rd party Section 5 application made in response to the subject Section 5 will be



reviewed separately, albeit that many of the issues raised are addressed in the foregoing assessment, it is noted that a de novo issue has been raised by the 3rd parties from their previous Section 5 application in that they now claim that the No.16 Hollybrook Park was never used as guesthouse but rather as residential accommodation.

As such it is recommended that applicant provide evidence that No.16 Hollybrook Park was used as a guesthouse as per its 1996 permissions, and if so when was it last used as a guesthouse prior to its current vacancy. This would have relevance to the limitation to change of use under Article 10(1) (d) which states ... *be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

Conclusion

It is recommended that Further Information is sought from the proposal as follows:

In relation to the existing and proposed/continued use of the building as per Class 6, Part 4, Schedule 2 of the Planning & Development Regulations 2001 (as amended) the applicant is requested to provide evidence that the currently vacant building at No.16 Hollybrook Park was previously used as a guesthouse as per permission granted under Reg. Ref. 1586/96 as amended by Reg. Ref. 2161/96, and if so when was it last used as a guesthouse prior to its current vacancy.

Diarmuid Murphy SEP

19/2/21

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

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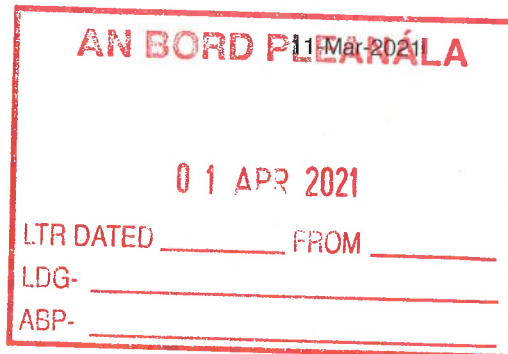
An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T. (01) 222 2288

E: decisions@dublincity.ie

Martin & Grove
SOLICITORS,
36 CHARLES STREET WEST,
DUBLIN 7.



Application Number	0049/21
Registration Date	10-Feb-2021
Decision Date	09-Mar-2021
Decision Order No.	P2735
Location	16 Hollybrook Park,, Clontarf,, Dublin 3.
Proposal	EXPP;PROTECTED STRUCTURE; The use of the property as a guest house which provides rooms on a nightly basis offering Bed and breakfast to Dublin City council/Dublin regional homeless Executive to accommodate homeless people
Applicant	Mark & Hilary McCaughey,Eileen Appleyard,Aidan Long,Ailbhe Tarrant,Conor Shields

- **If you have any queries regarding this Request, please contact the email shown above**

Please note that the effective lodgement date of your application will be the date on which this notice has been complied with.

Dear Sir/Madam,

With reference to the above application, I am directed by the Assistant Chief Executive to formally request that you submit the following ADDITIONAL INFORMATION in accordance with Section 5 of the Planning and Development Act 2000 (as amended).

It is recommended that the applicant of the subject 'Section 5' application be advised that as the applicant under EXPP0025/21 i.e. the owner of No.16 Hollybrook Park has yet to respond to the recent further information request that therefore the planning authority are currently not in a position to make a declaration on their submission as per Section 5.(2)(ba)(i) of the Planning & Development Act 2000(as amended)

NOT1expp-ai

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

**Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.**

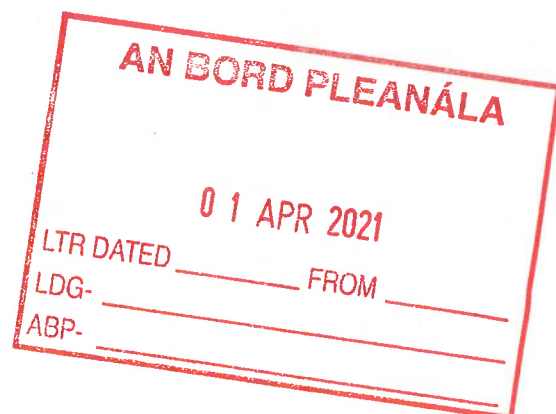
T. (01) 222 2288

E: decisions@dublincity.ie

11-Mar-2021

Signed on behalf of the Dublin City Council _____

for Assistant Chief Executive



AMERICAN RESEARCH
APR 20 1957
LIBRARY
100
UNIVERSITY OF CALIFORNIA
LIBRARY

EXPP: 0049/21

APPLICANT: Statutory Right (Martin & Grove Solicitors)

ADDRESS: Copper Beach, 16, Hollybrook Park, Clontarf, Dublin 3

PROPOSED DEVELOPMENT/QUESTION POSED:

The use of the property as a guest house which provides rooms on a nightly basis offering Bed and breakfast to Dublin City council/Dublin regional homeless Executive to accommodate homeless people.

SITE OWNER: Copperbeach

SECTION 5 RECEIVED ON: 10/2/21

Zoning: Z2' Residential Neighbourhoods (Conservation Areas) with the objective 'To protect and/or improve the amenities of residential conservation areas

Legislative context

The following statutory provisions are relevant in this instance.
Planning Acts

Section 2 (1) 'Interpretation' of the 2000 Planning and Development Act (as amended) states as follows:-

"In this Act, except where the context otherwise requires-

"development" has the meaning assigned to it by Section 3 ... development" has the meaning assigned to it by section 3, and "develop" shall be construed accordingly;

"exempted development" has the meaning specified in section 4;

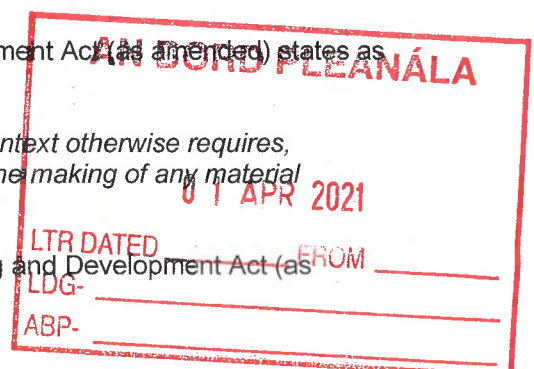
"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—(a) where the context so admits, includes the land on, in or under which the structure is situate, and (b) in relation to a protected structure or proposed protected structure, includes— (i) the interior of the structure,(ii) the land lying within the curtilage of the structure,(iii) any other structures lying within that curtilage and their interiors, and(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii); •"use", in relation to land, does not include the use of the land by the carrying out of any works thereon;

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1) 'Development' of the 2000 Planning and Development Act (as amended) states as follows:-

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

Section 4 (1) (h) 'Exempted Development' of the 2000 Planning and Development Act (as



amended) states as follows:-

"..development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;"

Planning & Development Regulations 2001 (as amended)

Part 2 – Exempted Development

Article 5 'Interpretation for this Part'

"care" means personal care, including help with physical, intellectual or social needs;

Article 10 (1) –

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Class 14 (*Change of Use*), Part 1, Schedule 2

(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,

(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and

Part 4, Schedule 2 *Exempted development- Classes of Use* (Art 10(1) refers.)

CLASS 6

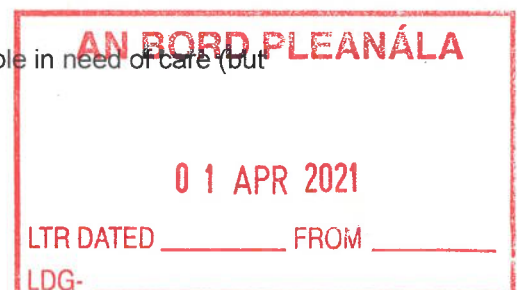
Use as a residential club, a guest house or a hostel (other than a hostel where care is provided)

Class 9

Use—

(a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),

(b) as a hospital or nursing home,



(c) as a residential school, residential college or residential training centre

Planning History

Reg. Ref. Decision/Description

Expp 0025/21 PROTECTED STRUCTURE: Whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to Dublin City Council/ Dublin Regional Homeless Executive to accommodate homeless people, is or is not development and whether development constitutes exempted development or does not constitute exempted development (Concurrent submission)

Further Information was requested as follows:

In relation to the existing and proposed/continued use of the building as per Class 6, Part 4, Schedule 2 of the Planning & Development Regulations 2001 (as amended) the applicant is requested to provide evidence that the currently vacant building at No. 16 Hollybrook Park was previously used as a guesthouse as per permission granted under Reg. Ref. 1586/96 as amended by Reg. Ref. 2161/96, and if so, when was it last used as a guesthouse prior to its current vacancy and to clarify has the property been used for any other purpose after it was last used as a guesthouse

Expp 0405/20

PROTECTED STRUCTURE: Whether or not the change of use of 'Copper Beech' (Protected Structure) at No. 16 Hollybrook Park, Clontarf, Dublin 3 from a guesthouse to a residential facility for accommodation of the homeless, is or is not development, and is or is not exempted development for the purposes of the Planning and Development Acts 2000, as amended.

DCC Decision:

The subject change of use is considered to be 'development' as defined by Section 3(1) of the Planning & Development Act 2000(as amended); and

that the change of use from a guesthouse to a residential facility for the accommodation of the homeless where care is provided is not exempted development as per Article 10(1) and Class 6, Part 4, Schedule 2 of the Planning & Development Regulations 2001(as amended)

Expp 0371/20

PROTECTED STRUCTURE: EXPP: 1) The removal of Whiterock sheeting from WCs proposed throughout; tiling proposed as a replacement. 2) Repair/replacement of existing non-original light fittings, sockets, switches, fire detectors and fire signage where damaged throughout. 3) Sanding of existing rear timber staircase. No further sanding proposed. 4) Sanding of threads and landings to existing principal timber staircase. Proposed repair and treatment of same. No further sanding proposed. 5) Cleaning of original timber floorboards throughout. 6) The replacement of an existing boiler. 7) Repair and replacement of extant historic timber panelling to entrance hall; to include the replacement of timber panels where absent. 8) Removal of non-original phone to entrance hall panelling. 9) Repair of tiled heath to fireplace in RM 1.04, using extant loose original tiles. 10) Provision of 1 no. new hatch door to attic. 11) Provision of sliding sash window to RM 1.06 on a like for

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

like basis. 12) Provision of new timber flooring to RM 1.07, RM 1.08, RM 1.09 and RM 1.10. 13) Minor roof repairs to tiles where required. Replacement on a like for like basis, and 14) Removal of external plywood covering to 2 no. sidelights at front entrance porch.

Deemed Exempt:

1. The removal of Whiterock sheeting from WCs proposed throughout; tiling proposed as a replacement. The removal of existing modern whiterock sheeting and replacement with tiling is not considered to materially affect the character of the protected structure and is therefore considered exempted development.
2. Repair/replacement of existing non-original light fittings, sockets, switches, fire detectors and fire signage where damaged throughout. The removal of existing modern light fitting, sockets, switches, fire detectors and fire signage and replacement with new ones is not considered to materially affect the character of the protected structure and is therefore considered exempted development.
3. Sanding of existing rear timber staircase. No further sanding proposed. The sanding has already taken place. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.
4. Sanding of threads and landings to existing principal timber staircase. Proposed repair and treatment of same. No further sanding proposed. The sanding has already taken place. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.
5. Cleaning of original timber floorboards throughout. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.
6. The replacement of an existing boiler. The boiler has already been replaced. It is located in an existing outbuilding and replaced an existing one. Replacement was on a like for like basis. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.
7. Repair and replacement of extant historic timber panelling to entrance hall; to include the replacement of timber panels where absent. It is proposed to repair and reinstate missing panelling where absent. It is proposed to repair using softwood and birch plywood. This work is considered exempt where carried out on a like for like basis using matching original materials and painted to match existing. Therefore this work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.
8. Removal of non-original phone to entrance hall panelling. The removal of a non-original phone to entrance hall is not considered to materially affect the character of the protected structure and is therefore considered exempted development.
9. Repair of tiled hearth to fireplace in RM 1.04, using extant loose original tiles. The repair of an existing fireplace hearth with surviving original tiles is proposed. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.
10. Provision of 1 no. new hatch door to attic. The replacement of a previously existing roof hatch at this location is proposed. This work is not

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

considered to materially affect the character of the protected structure and is therefore considered exempted development.

11. Provision of sliding sash window to RM 1.06 on a like for like basis. It is proposed to reinstate the upper window sash (now missing) with a new sash to match historic details of surviving sash window. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development. Note: traditional putty detail to be used to window and glazing type to match original detail.

12. Provision of new timber flooring to RM 1.07, RM 1.08, RM 1.09 and RM 1.10. It is proposed to lay new timber flooring to the later extension bedrooms. The floors were previously carpeted. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

13. Minor roof repairs to tiles where required. Replacement on a like for like basis. Small-scale localised repairs on a like for like basis is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

14. Removal of external plywood covering to 2 no. sidelights at front entrance porch. The removal of the external plywood covering to the front entrance porch sidelights is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

Not Exempt:

1. Repair and replacement of extant historic timber panelling to entrance hall; to include the replacement of timber panels where absent. The use of materials and finishes which do match the original would be considered to materially affect the character of the protected structure and therefore would not be considered exempted development.

0297/20

EXPP; PROTECTED STRUCTURE; maintenance, repair & renewal works comprising the following,
Removal of external plywood covering to rear entrance door. Repair of stained glass to same.
Repair stained glass on the main front doors.
Complete all painting, both interior and exterior, including all windows,
Complete fitting of kitchen.
Refit the remaining toilets.
Lay Floor covering to all existing concrete floors.
Replace 3 no. door frames to the outside shed, paint and provision of appropriate ironmongery to same.
Repair cast iron ogee gutters on a like for like basis, where required.
Remove all vegetation from guttering and chimneys and repoint where necessary.
Reinstate repair non-original concrete kerbing, where broken or missing.
Repair and paint garden lights.
Repair and repaint original gate to front entrance.
Repair, clean and paint the centre front door light and
Reinstatement of rendered concrete boundary wall to No 14 Hollybrook Park where unauthorised opening has been made, No new foundations required

Deemed Exempt

2428/15

PP GRANTED for Conversion of 14 bedroom long-stay guest house to 4 one-bedroom and 2 two-bedroom apartments with associated works: re-ordering of

AN BORD PLEANÁLA

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

rooms, new partitioning, facilities and services, roof-mounted solar thermal collectors, dry-lining walls and insulating ceilings, alteration to windows and new balcony on east elevation, extension of sheds to provide apartment stores and boiler room, associated site-works, landscaping and removal of greenhouse. (not implemented)

2161/96 PP GRANTED for Construction of 2 storey extension to rear and first floor extension over existing garage for use as guest house bedrooms at existing house. (listed: grade 2)

1586/96 Split Decision Change of use of existing Grade 2 listed house to guest house and for construction of 2 storey extension to rear and first floor extension over existing garage to side and additional car parking spaces.

Condition

This permission shall apply only to the use of the existing residence for overnight guest accommodation purposes and provision of additional parking facilities as indicated in the submitted plans.

Reason: In the interests of clarity and development control.

REFUSED:

The proposed extension, by virtue of its length, bulk, flat roof, window detailing and unrelieved walls would be out of character with this List 2 building, would be injurious to its design integrity and the visual amenities of this residential conservation area and would accordingly be contrary to the proper planning and development of the area and the provisions of the 1991 Dublin City Development Plan.

REPORT/ASSESSMENT

Under EXPP0405/21 3rd parties noted that the 2015 application 'incorrectly' referred to the existing structure as 'long stay guest house', whereas they noted that the 1996 permission was for a change of use of existing Grade 2 listed house to guest house etc. The applicants note that a specific condition stated that the subject permission shall apply only to the use of the existing residence for overnight guest accommodation purposes and provision of additional parking facilities as indicated in the submitted plans. The 3rd party applicants note that to date the 2015 permission has not been implemented and was due to expire in 2020.

The questions asked under EXPP0405/21 was whether or not the change of use from a guesthouse to a residential facility for accommodation of the homeless, is or is not development, and is or is not exempted development for the purposes of the Planning and Development Acts 2000, as amended.

At that stage it was considered that as the proposal involved a 'change of use' that it constituted 'development' as per Section 3(1) of the Planning & Development Act 2000(as amended).

It was also considered at that stage based on the information provided that the nature of the service provided by a homeless facility would come under definition of "care" as provided under Art.5 of the P&D Regs. 2001 (as amended). No submission had been received by the notified party (owner) to the previous 'Section 5' application EXPP0405/21.

The applicants for the subject proposal have stated that they have made their Section 5 submission in response to the owner's Section application (EXPP0025/21 refers) and has been laid out to rebut the owner's assertions that No.16 Hollybrook Park is being used as a guesthouse, has continuously been used as guesthouse since its 1996 planning permission; and that use of the building to accommodate citizens taken off the emergency accommodation list equates to a guesthouse use.

The current applicants are also hoping to 'tether' the two Section 5 submissions together and ultimately have them referred together to An Bord Pleanála. It is noted that issues raised in the

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

subject submission in relation to the use of the building and proposed guest profile were addressed in the substance of the assessment of the applicant's recent Section 5 application.

The applicant also has raised other matters including procedural issues with regard to the 'Section 5' process itself including notably that 3rd party observations are not facilitated – this and other matters are looked at further below.

As noted to date No.16 Hollybrook Park is adjacent to the Hollybrook Road Architectural Conservation Area (ACA) it is noted that no works are proposed as part of the applicant's submission that would affect the character and visual amenity of the ACA.

As before it is noted that there are exemptions for change of guesthouses (amongst other uses) under Class 14, Part 1, Schedule 2 of the P&D Regs 2001(as amended) in relation to accommodating 'protected person' i.e. refugees (who could be homeless) – but again is not fully applicable in this instance in terms of the stated primary use of the property.

In this instance as before it is considered that any existing permitted use for a guesthouse would come under the use classes set out in Class 6 of Part 4, Schedule 2 of the P&D Regs. 2001(as amended).

It was considered under the previous 'Section 5' application EXPP0405/21 that a homeless facility where care was provided would fall under the stated exclusions for Class 6 use classes, whereas instead a facility where care was being provided would come under the use classes set out under Class 9, Part 4, Schedule 2 of the P&D Regs. 2001(as amended) – with no exemption being provided under planning legislation (Class 14) to allow for a change from a 'Class 6' use to a 'Class 9' use.

It is noted that the first '3rd party' submission made under EXPP0405/21 had cited a recent An Bord Pleanála '3rd party' referral case (ABP-307064-20 refers) - which asked the question whether - *a change of use from a commercial guesthouse to a homeless hostel run by an Approved Housing Body* was development and whether or not it was exempted development. An Bord Pleanála concluded in relation to the cited referral stated that-

(a) the permitted use on site is as a guesthouse and is, therefore, a use coming within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely use as a guesthouse;

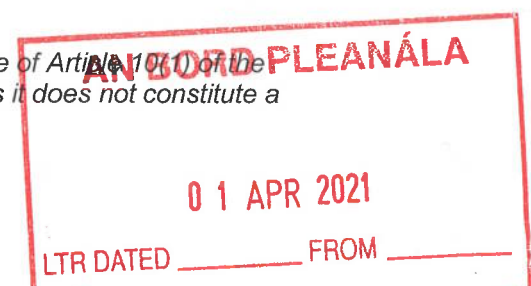
(b) the current use is as a homeless hostel wherein the approved housing body provides support to the residents. This support is stated to include, 'supporting them to address any presenting challenges that may inhibit accessing private rental accommodation or transitioning to more permanent solutions', as recorded in an email correspondence from Clare County Council dated 18th March, 2020, on file;

(c) the provision of the support described above falls within the scope of "care" as defined at Article 5 of the Planning and Development Regulations 2001, as amended, namely 'personal care, including help with...social needs';

(d) the current use does not therefore come within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely use as a hostel (other than a hostel where care is provided) as the current use includes the provision of care to residents and instead falls within the scope of Class 9 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely the provision of residential accommodation and care to people in need of care;

(e) the current use, therefore, constitutes a change of use from the permitted use and which is a material change of use by reason of providing a different service to a different user group;

(f) this material change of use would not come within the scope of Article 10(1) of the Planning and Development Regulations 2001, as amended, as it does not constitute a change of use within any one Class;



(g) there are no other exemptions available for this material change of use within existing legislation:

And

...the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, County Clare is development and is not exempted development.

As noted by the current applicant - the owner of the property had submitted a 'Section 5' application (Expp 0025/21 refers) who stated that while individuals from the homeless lists are to be accommodated within No.16 Hollybrook Park that no on-site "care" is to be provided by any organisation, concluding that as the subject guest house is being used for short term accommodation that the use of the building remains as per Class 6 - i.e. a 'guesthouse' and so therefore no material change of use will occur.

The owner's submission noted that 14no bedrooms, a communal kitchen and laundry facilities are provided over three levels of the currently vacant property -which will be used for emergency accommodation for homeless families. The owner's submission noted that rooms will be leased on a nightly basis and that a full guest house service will be provided including the provision of clean linen, breakfast and room cleaning. The owner's submission noted that as with all guest houses staff will be present 24 hours a day.

The owner's submission stated that the management of the guest house and the provision of staff will solely be the responsibility of the guest house owner. The owner's submission stated that no element of "care" be it social, physical or emotional will be provided to guests at this guest house, nor will any non-governmental organisation or approved housing body be involved.

A letter was attached from the Dublin Regional Homeless Executive (DRHE) to EXPP0025/21 who noted that the Heads of Terms had been agreed with the owner, and that no Approved Housing Body or a NGO will be involved in the running of the subject guesthouse.

The owner's submission noted that planning legislation does not provide a definition of the phrase 'material change of use' as used in Section 2 (1) of the Act.

The owner's submission noted that in order to determine the 'materiality' of the change that the practical impacts and effects of the proposed change of use would have to be considered by the planning authority. Case law was cited in relation to how adjudge 'materiality.'

The owner's submission noted that the guesthouse use, which was permitted under Reg. Ref. 1586/96 will continue its use as a guesthouse whilst providing temporary accommodation to the DRHE. They stated that the only 'change' will be a change of socio-economic class associated with the inhabitants occupying the subject guesthouse rooms- which in itself would not equate to a material change of use as per case law cited by the applicant.

The owner noted that a planning authority would never attach a condition to a planning permission for a guesthouse proposal that would exclude the use of the premises by any particular socio-economic grouping, nor would it attach a condition that would prevent any block booking of guesthouse rooms.

The owner noted that the subject premises will continue to operate as a guesthouse and will be advertised and available for any member of the public to book guesthouse accommodation - and will also be available for block bookings for any party.

In relation to the existing building the owner had noted that there were no conditions attached to Reg. Ref. 1586/96 that would limit the length of stay, class or guest nor the ability to block book rooms.

The owner viewed that the continued use of the premises as a guest house will have no material affects on the area or that of local residents and therefore there will be no apparent material change of use.

The owner had noted that there was precedence for a guesthouse being used to accommodate homeless people in the form of No.14 Hollybrook Park adjacent to the subject site. In relation to

the neighbouring property the applicant notes that following an investigation the Planning Authority concluded that permission for a guesthouse had been granted under Reg. Ref. 1957/96 (E0931/10 refers).

The owner also noted that a required reduction in bedrooms as part of the neighbouring guesthouse planning permission never occurred - but that enforcement action against the breach of condition is statute-barred as 10 years had passed since permission was granted for the development at No.14. Hollybrook Park - as was noted by the Enforcement officer at that time.

The owner had again noted that the example at No.14 is pertinent to that of their proposal at No.16 next door - as the similar approved use as a guest house will likewise continue at the subject property for a similar clientele.

As already agreed that if "care" as defined by Article 5 of the Planning & Development Regulations 2001 (as amended) is not being provided then any continued use of the subject premises as a guesthouse - does not breach its overall permitted use (as a guesthouse) and is not 'de-exempted' from its use as defined by Class 6 of the Planning & Development Regulations 2001 (as amended) - with it being stated that the operation of the guesthouse would not be under the management of any Approved Housing Body or related NGO but instead by the owner as the private guesthouse operator of No.16 Hollybrook Park. It is again still agreed that there is nothing within current planning legislation that prevents the use of guesthouse by any socio-economic group or for that matter who provides the funds for stays in a guesthouse.

As posed by the owner's previous submission then none of the 'limitations' under Article 10(1) of the Planning & Development Regulations 2001 (as amended) applies or affects the use of the premises as a permitted guesthouse - as the use remains unchanged. As noted previously there are limiting conditions attached to the parent permission including that the parent ... *permission shall apply only to the use of the existing residence for overnight guest accommodation purposes* ... but it is considered that this wording does not limit the length of stay of any guest at a guesthouse as with any stay at a hotel or B&B for that matter. It is again noted that if the 'proposed' use remains unchanged from that of the permitted use as per the use class set out in Class 6 then the development would not materially impact upon the area due to the lack of any change of its planning status. It would be considered that any continued extant use of existing rooms and facilities on site as guesthouse accommodation would not represent a case of 'intensification.'

As already noted under the owner's submission the subject Section 5 application raised a de novo issue to that previously raised by the 3rd party previous Section 5 application EXPP405/20 in that they now claim that No.16 Hollybrook Park was never used as guesthouse but rather as residential accommodation, and were in the midst of researching before they made their current submission.

It was therefore recommended at that stage that the applicant provide evidence that No.16 Hollybrook Park was used as a guesthouse as per its 1996 permissions, and if so when was it was last used as a guesthouse prior to its current vacancy. It was noted that this would have relevance to the limitation to change of use under Article 10(1) (d) which states ... *be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

However the owner has yet to respond to the further information request made under EXPP0025/21, and as such the planning authority is not in a position to complete a declaration on the applicant's submission at this time as per Section 5(2)(ba)(i) of the Planning & Development Act 2000(as amended).

Other matters

As noted there is no facility under 'Section 5' of the Planning & Development Act 2000(as amended) to accept 3rd party comments unlike a 'Section 34' application which can allow 'the other side to be heard' (as per Art. 29 of the Planning & Development Regulations 2001(as amended)). The 'Section 5' process allows the planning authority to make a 'declaration' (and referral) on development and exempted development, whereas a Section 34 of Planning & Development Act 2000(as amended) allows the planning authority to make a 'decision' on a planning application.

Exempted development under either the Planning & Development Act 2000(as amended) or the

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

Planning & Development Regulations 2001(as amended) is not bound to have regard to Development Plan's zoning objectives and policies unlike planning applications for permission made under Section 34 – with 'change of use' exempted development under Part 4, Schedule 2 of the Planning & Development Regulations 2001(as amended) being instead subject to the 'conditions/limitations' of Article 10 of the Planning & Development Regulations 2001(as amended). As already noted above Class 6, Part 1, Schedule 2 (Article 6) of the Planning & Development Regulations 2001 (as amended) does not apply in this instance

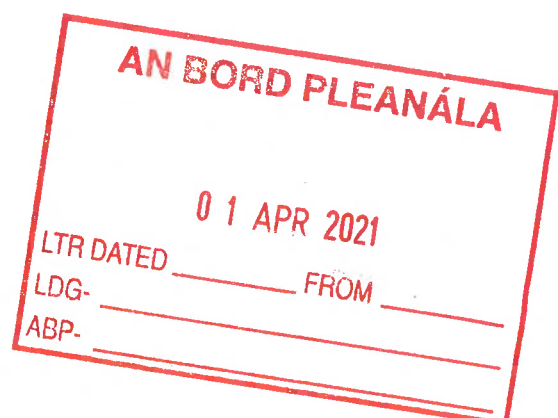
The current applicants make reference to other national legal/regularity and registration regimes in relation to what qualifies as a guesthouses (and the differentiation with B&Bs) but same does not come within the scope the 'Section 5' process under national planning legislation.

Conclusion

It is recommended that the applicant of the subject 'Section 5' application be advised that as the applicant under EXPP0025/21 i.e. the owner of No.16 Hollybrook Park has yet to respond to the recent further information request that therefore the planning authority are currently not in a position to make a declaration on their submission as per Section 5.(2)(ba)(i) of the Planning & Development Act 2000(as amended)

Diarmuid Murphy SEP


9/3/21



PI: 13-03-2015

 SN: 13-03-2015

PLANNING APPLICATION FORM – Part 1

For Office use only		Plan No: 2428/15	
Checked by: <i>E. J. O'Connell</i>	History Files		Date Received
Receipt No. <i>122268</i>	<i>2161/96</i>		
Amount <i>€ 670.00</i>	<i>1586/96</i>		

PLEASE READ INSTRUCTIONS BEFORE COMPLETING FORM - ALL QUESTIONS MUST BE ANSWERED

1. Type of application:

Permission DCC PLAN NO. 2428/15 RECEIVED 20 MAR 15

 Outline Permission

 Retention Permission

 Permission on foot of Outline Permission

Place X in appropriate box.

Where permission on foot of outline permission is being applied for, quote outline permission Plan No.

2. Postal address of site or building: (if none, give description sufficient to identify):

COPPER BEECH, 16 HOLLYBROOK PARK, CLONTARF, DUBLIN 3.

3. Full Name of applicant (not agent), [Please note initials not acceptable]

GERARD GANNON PROPERTIES

Address to be supplied at the end of this form (Question 27)

4. Where the applicant is a company registered under the Companies Acts 1963–1999, please state the following:

Registered address of Company: *52 NORTHUMBERLAND ROAD, BALLSBRIDGE, DUBLIN 4.*

Registered Number of Company: *NONE*

Names of Company Directors: *MR GERARD GANNON*

5. Person/Agent acting on behalf of the Applicant (if any)

DEATON LYSAGHT ARCHITECTS

Address to be supplied at the end of this form (Question 28)

DUBLIN CITY COUNCIL -

 Permission is sought for

 conversion of 14 bedroom long-

 stay guest house to 4 one-bed-

 room and 2 two-bedroom

 apartments with associated

 works, re-ordering of rooms,

 new partitioning, facilities and

 services, roof-mounted solar

 thermal collectors, dry-lining

 walls and insulating ceilings,

 alteration to windows and new

 balcony on east elevation,

 landscaping, sheds to provide

 apartment stores and boiler

 room, associated site works,

 landscaping and removal of

 greenhouse at "Cooper Beach".

 A Protected Structure, 10

 Hollybrook Park, Dublin 3 for

 Gerard Gannon Properties. The

 planning application may be

 inspected, or purchased at a fee

 not exceeding the reasonable

 cost of making a copy, at the

 offices of Dublin City Council

 during its public opening hours

 and a submission or observation

 in relation to the application may

 be made to the Authority in

 writing on payment of the

 prescribed fee within the period

 of 5 weeks, beginning on the

 date of receipt by the Authority

 of the application.

AN BORD PLEANÁLA

 01 APR 2021

 LTR DATED _____ FROM _____

 LDG- _____

 ABP- _____

FORMA PER RICHIEDERE

<p>Nome e Cognome</p>	
<p>Indirizzo</p>	
<p>Città</p>	
<p>Prov. e Cap. Prov.</p>	
<p>Telefono</p>	
<p>Professione</p>	
<p>Altre informazioni</p>	

<p>3.14 FORMA PER RICHIEDERE</p>	
<p>DE. 117.</p>	<p>1981</p>
<p>MORI</p>	<p>1981</p>

6. Brief description of nature and extent of proposed development, including reference to number and height of buildings, protected structures, etc. where appropriate.
(This should correspond with the wording of the newspaper and site notice.)

CONVERSION OF 14-BEDROOM LONG-STAY GUEST HOUSE TO 4 ONE-BEDROOM AND 2 TWO-BEDROOM APARTMENTS WITH ASSOCIATED WORKS: RE-ORDERING OF ROOMS, NEW PARTITIONING, FACILITIES AND SERVICES, ROOF-MOUNTED SOLAR THERMAL COLLECTORS, DRY-LINING WALLS AND INSULATING CEILINGS, ALTERATION TO WINDOWS AND NEW BALCONY ON EAST ELEVATION, EXTENSION OF SHEDS TO PROVIDE APARTMENT STORES AND BOILER ROOM, ASSOCIATED SITE-WORKS, LANDSCAPING AND REMOVAL OF GREENHOUSE AT "COPPER BECH". A

PROTECTED STRUCTURE

7. (a) State applicant's legal interest or estate in site (i.e. freehold, leasehold, etc.):

FREEHOLD

(b) If applicant is not the owner, state name and address of owner and include documentary evidence of consent of the owner to make the application.

* If applicant holds a Leasehold Interest from Dublin City Council in the property/site, a written letter of consent to make the application must be obtained from Development Dept. (Please contact Development Department, Block 3, Floor 2, - Tel: 01 2222911)

8. In the case of CURRENT buildings to be retained on site, please state:

N/A

Address	Floor	Present use(s) or previous use where retention permission is sought (or use(s) when last used - date when last use ceased should be indicated)	Area of each use (m ²)	Proposed use(s) or use(s) it is proposed to retain	Area of each use (m ²)
16 HOLLYBROOK PARK, DUBLIN 3.					

9. (i) Does the proposal involve demolition, partial demolition or change of use of any habitable house* or part thereof?

X

(ii) Does the proposal involve the demolition of a building which forms part of a terrace of buildings or which abuts onto another building in separate ownership?

X

(iii) In the case of a habitable house* please state if occupied and give details of occupancy:

N/A

*A "habitable house" is a building or part of a building which

- (a) is used as a dwelling or
- (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling, or
- (c) was provided for use as a dwelling but has not been occupied

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

10. In all types of development, please state:

- (a) Total site area 1573 m²
- (b) Floor area* of buildings proposed to be retained within site 465 m²
- (c) Floor area* of new buildings proposed within development N/A m²
- (d)(i) Total floor area* of proposed development (i.e. new and retained) 465 m²
- (ii) In the case of existing residential extensions, exempt or not, please state floor area N/A m²
- (e) Floor area* of buildings to be demolished
(EXISTING GREEN HOUSE) 15.4 m²
- (f) Total Non-Residential floor area* N/A m²

(g) Proposed plot ratio N/A (h) Proposed site coverage N/A

11. If the proposal involves the provision of Child Care/Crèche facilities please state: **NA**

No. child care spaces Total floor area* m²

DCC PLAN NO. 2428/15
RECEIVED 20 MAR 15

12. In the case of residential developments please provide:

For all residential applications please complete separate Schedule clearly indicating total floor area of each individual residential unit type. **SEE DRW & NO. 1402-PP-01**

(a) A breakdown of residential mix:

Number of	Studio/ Live Work	Granny Flat	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses								
Apartments			4	2				6
No. of carparking spaces to be provided								6

(b). Total net floor area** 397.7m² (c). Total gross floor area* 465m²

* Gross floor area i.e. the total floor space on each floor measured from the inside of the external walls.
**Gross floor area minus common circulation areas

13. In the case of mixed development (e.g. Residential, Commercial, Industrial etc.), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development.

Class of Development	Gross Floor area in m ²
N/A	

AN BORD PLEANALA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

14. Fee Payable

€ 470

Basis of calculation:

Class No.	Calculation	Amount	Class No.	Calculation	Amount
1	6 x €65	€ 390			€
13		€ 80			€

If exemption from payment of fees is being claimed, evidence to prove eligibility or exemption in accordance with Article 157 of the Planning & Development Regulations 2001 must be submitted.

Classes of fees are set out in Explanatory Notes

15. Approved newspaper in which notice was published

IRISH INDEPENDENT

Date of publication

13th MARCH 2015

Date of erection of site notice(s)

13th MARCH 2015

16. (i) Does the development involve a **PROTECTED STRUCTURE** (and/or its curtilage) or a proposed **PROTECTED STRUCTURE** (and/or its curtilage)?

Yes

No

Place X in appropriate box

(If **yes**, the newspaper and site notice must indicate this fact).

(ii) Does the proposed development consist of work to the exterior of a structure that is located in an Architectural Conservation Area (A.C.A.)?

Yes

No

Place X in appropriate box

17. (a) Are you aware of any valid planning applications previously made in respect of this land/structure

Yes

No

Place X in appropriate box

If **yes** please state planning reference number(s) and date(s) of receipt of the planning application(s) (if known)

Reference Number(s).	Date(s)
2161 / 96	21 NOVEMBER 1996
1586 / 96	10 SEPTEMBER 1996

If a valid planning application has been made in respect of this land or structure in the six months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2001 as amended.

(b) Is the site of the proposal subject to a current appeal to an Bord Pleanála in respect of a similar development?

Yes

No

Place X in appropriate box

If **yes**, please state An Bord Pleanála Reference No.:

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

18. DEVELOPMENT DETAILS

Please tick appropriate box	YES	NO
Does the application relate to development which affects or is close to a monument or place recorded under Section 12 of the National Monuments (Amendment) Act, 1994?		✓
Does the proposed development require the preparation of an Environmental Impact Statement? <i>(If yes, the newspaper and site notice must indicate this fact).</i>		✓
Does the application relate to work within or close to a European Site (under S.I. No. 94 of 1997) or a Natural Heritage Area?		✓
Does the application relate to a development which comprises or is for the purposes of an activity requiring an Integrated Pollution Prevention and Control Licence? <i>(If yes, the newspaper and site notice must indicate this fact).</i>		✓
Does the application relate to a development which comprises or is for the purposes of an activity requiring a Waste Licence? <i>(If yes, the newspaper and site notice must indicate this fact).</i>		✓
Do the Major Accident Regulations apply to the proposed development?		✓
Is the site within a zone of archaeological interest?		✓
Does the application relate to a development in a Strategic Development Zone? <i>(If yes, the newspaper and site notice must indicate this fact).</i>		✓

19. SITE HISTORY

Details regarding site history (if known)

Has the site in question ever, to your knowledge, been flooded?
 Yes [] No [✓]

If yes, please give details e.g. year, extent.

Are you aware of previous uses of the site e.g. dumping or quarrying?
 Yes [] No [✓]

If yes, please give details.

DCC PLAN NO. 2428/15
RECEIVED 20 MAR 15

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

APP- _____

20. Do any **statutory notices** apply to the site/building at present? (e.g. Fire Safety, Enforcement, Dangerous Buildings, Derelict Sites, Building Control, etc.)

Yes No

If yes, please give details: _____

Place X in appropriate box.

21. Has a Pre-Planning Consultation in accordance with **Section 247 of the Planning and Development Act 2000** taken place in respect of this application?

Yes No

Place X in appropriate box

If yes, please state date of meeting _____

FAX RESPONSE FROM DIARUID MURPHY 6-11-'14 & 21-11-'14

NOTE: You should only tick the 'Yes' box if a formal meeting has taken place with an Area Planning Officer

22. Is it intended that any part of the proposed development will be taken in charge by Dublin City Council?

Yes

No

Place X in appropriate box

If the answer is **yes**, please attach site plan clearly showing area(s) intended for taking in charge.

23. SOCIAL AND AFFORDABLE HOUSING

N/A

Please tick appropriate box.

YES

NO

Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?

If the answer to the above question is "yes" and the development is not exempt (see below), you must specify, as part of your application, the manner in which you propose to comply with Section 96 of Part V of the Act.

If the answer to the above is "yes" but you consider the development to be exempt by virtue of Section 97 of the Planning and Development Act 2000, a copy of the Certificate of Exemption under Section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).

If the answer to the above question is "no" by virtue of Section 96(13) of the Planning and Development Act 2000, details indicating the basis on which Section 96(13) is considered to apply to the development should be submitted.

24. Proposed Source of Water Supply

Existing connection New mains connection Private well

Use of grey or recycled water

Other (please specify) _____

For non domestic developments N/A

Proposed daily flow in cubic metres _____ cm/d

Proposed peak flow in litres/second _____ l/s

25. Proposed Drainage System

All items on the "Drainage Requirements for Planning Applications" sheet must be addressed as part of this planning application. This sheet can be found on the Dublin City Council website (<http://www.dublincity.ie/WaterWasteEnvironment/WasteWater/Drainage/Documents/GeneralDrainageRequirementsatpreplanningstage.pdf>).

The Drainage submission should also include

(a) Detailed Drainage Drawings for the proposed development

(b) The Public Drainage records sheet for the site
(contact Drainage Division, Block 1, Floor 4, Civic offices, Dublin 8 01-2222 155)

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01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

26. Name & Address of person or firm responsible for preparation of drawings:

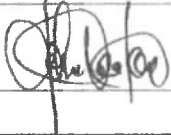
DEATON LYSAGHT ARCHITECTS

44 SOUTH RICHMOND STREET

DUBLIN 2.

I, the undersigned, hereby declare, that to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with Planning and Development Act 2000 as amended and the Regulations made thereunder.

Signature of applicant
(or his/her agent)



Date

19/03/2015

DCC PLAN NO. 2428/15
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01 APR 2021

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LDG- _____

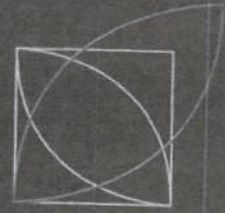
ABP- _____

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ASIAN DEVELOPMENT BANK
ISO 9001
REGISTERED
MAY 1998

44 South Richmond St
Dublin 2
Tel: +353 1 475 4960
Fax: +353 1 475 4961
mail@dlarch.ie

deatonlysaght.ie



Deaton Lysaght
Architects

Principal Officer
Dublin City Council
Planning Department
Civic Offices
Wood Quay
Dublin 8

DCC PLAN NO. 2428/15
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19th March 2015

Conversion of 14-bedroom long-stay guest house to 4 one-bedroom and 2 two-bedroom apartments with associated works at "Copper Beech", A Protected Structure, 16 Hollybrook Park, Dublin 3 for Gerard Gannon Properties.

Dear Sir/Madam

Please find herewith a planning application for the above-mentioned development.

This is an Edwardian house which currently has the benefit of guest house use. There are fourteen bedrooms in the development which have effectively been used as long-stay bedrooms similar to apartments but with communal cooking and laundry facilities.

The proposed development would reduce the number of bedrooms to eight instead of the current fourteen. This would reduce the intensity of use of the premises resulting in:

- A decrease in demand for car parking
- A decrease in the requirement for open space
- A decrease in the requirement for waste services

This will improve the planning and development of this residential area.

A pre-planning consultation was requested. A fax response was received from Mr Diarmuid Murphy. His requirements have been taken into account in the preparation of this application.

AN BORD PLEANÁLA

0 1 APR 2021

LTR DATED _____ FROM _____

LDG- _____

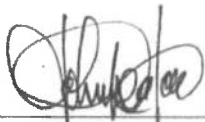
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As the house is a protected structure we include with this application a conservation report and architectural heritage impact assessment.

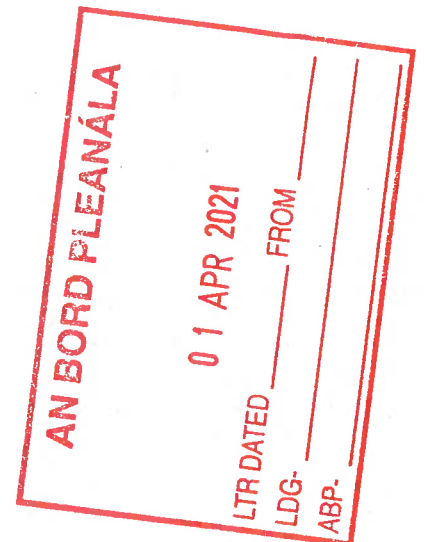
As the proposed development consists of the conversion of an existing building to create one or more dwellings in accordance with 96 (14) (b) of the Act section 96 of the Act does not apply and thus there is no requirement for the provision of Social Housing or the provision of an Exemption Certificate.

Yours Faithfully



JOHN DEATON
DEATON LYSAGHT ARCHITECTS

DCC PLAN NO.2428/15
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ARCHITECTURAL HERITAGE IMPACT ASSESSMENT
APARTMENT DEVELOPMENT AT COPPER BEECH, 16 HOLLYBROOK PARK, DUBLIN 3



AN BORD PLEANÁLA

0 1 APR 2021

LTR DATED _____ FROM _____

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ABP- _____

DCC PLAN NO. 2428/15
RECEIVED 20 MAR 15

DEATON LYSAGHT ARCHITECTS
R.I.A.I. ACCREDITED CONSERVATION ARCHITECTS – GRADE ONE

EXTERIOR

_____ FROM _____
 LTR DATED 1202 APR 10
 LDG-
 ABP-

ELEMENT	DESCRIPTION	PROPOSED WORKS	HERITAGE SIGNIFICANCE
Roof – main	The roof consists of a clayware plain tiles on battens with lime torching. Clayware ridges, hip “bonnets” and finials.	Re-point ridge tiles. Repair broken missing tiles in the same material.	Positive. Will result in beneficial repairs.
Roof - flat	Torch-on roofing felt.	Repair. Apply solar reflective paint.	Positive. Will result in beneficial repairs.
Chimneys	Chimneys are brick with corbelled cappings. Chimney pots are clayware, flaunched.	Chimneys have been part re-pointed in the past. There is some moisture/frost damage to the brickwork which should be repaired together with some re-pointing and re-flaunching of the pots. The brick corbels underneath the gutters require re-pointing generally. Re-point brickwork and where pointing found to be loose or missing using NHL 3.5 hydraulic lime and sand at 3:1.	Positive. Will result in beneficial repairs.
Attic	The roof timbers appear to be in good condition with no overt signs of worm or decay. There may well be decay in concealed or built-in timbers. The insulation in the roof is 150mm fibreglass which is insufficient by modern standards.	Clean out attics. Repair decay/worm in affected timbers. Insulate between ceiling joists 400mm Rockwool quilt and vapour barrier.	Positive. It will result in beneficial repairs and improved energy efficiency.
Rain water goods	Cast iron Oggee gutters with square downpipes.	Clean, rust-prime and repaint gutters and downpipes. Where defective replace with matching cast downpipes and gutters. Remove non-matching 20thC rainwater goods and replace in cast iron.	Positive. Will result in beneficial repairs.

ELEMENT	DESCRIPTION	PROPOSED WORKS	HERITAGE IMPACT
Windows & Doors	The windows are a mixture of modern aluminium windows and late 19 th Century soft wood, up and down sash windows. Four panel painted pine entrance door.	Sash Windows - Generally proposed to repair original timber sashes and upgrade as necessary. Most of the windows will require easing, repair and the renewal of sash cords and weights. Modern PVC and Aluminium Windows to be replaced with softwood painted windows to match existing. Windows do not have glazing bars which facilitates the introduction of Slimlite double glazing and draft proofing. Some windows to the rear to be replaced with Painted timber patio doors.	Positive: Existing sash windows to be faithfully restored and made functional. Removal of aluminium windows and replacement with painted softwood improves the character of the structure. Replacement of windows with patio doors will be neutral as this will occur to the rear. Improved energy efficiency.
Ironwork	Railings	Clean off rust. Repair if necessary. Treat with two coats zinc-reach primer and paint black.	Positive. Will result in beneficial repairs.
Brickwork	Clay brickwork laid to English garden wall bond. Brickwork is generally sound and in need of re-pointing in isolated areas only. Some soiling of brickwork was noted.	Re-point in isolated areas only using NHL 3.5 hydraulic lime and coarse sand to match existing. Flush point. Localised cleaning. Wholesale re-pointing and cleaning of the facades is not warranted. Where frost damage has resulted in the loss of the brick face this will be repaired with matching brick.	Positive. Will result in beneficial repairs.

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01 APR 2021

LTR DATED _____ FROM _____

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ABP- _____

DCC PLAN NO.2428/15
RECEIVED 20 MAR 15

INTERIOR

ELEMENT	CURRENT USE	PROPOSED WORKS	HERITAGE IMPACT
G1 & F1	Entrance hall & Stairway	<p>Upgrade doors to FD30S. Remove doors, strip paintwork (using non-acid approved method). Fit FD 30S intumescent strips into door leaf. Upgrade panelling to class 1 spread of flame rating. Spray door leaves with intumescent paint to achieve 30min. fire resistance and insulation.</p> <p>Refit doors on stainless steel hinges. Check behind architrave for voids between door frame and masonry. Fill any voids found with intumescent filler. Fit overhead door closers.</p>	<p>Neutral. These necessary fire safety improvements will not affect the character of the building.</p> <div style="border: 2px solid red; padding: 5px; margin: 10px 0;"> <p style="text-align: center; color: red; font-weight: bold;">AN BORD PLEANALA</p> <p style="text-align: center; color: red;">LTR DATED 01 APR 2021</p> <p style="text-align: center; color: red;">LDG- _____ FROM _____</p> <p style="text-align: center; color: red;">ABP- _____</p> </div>
G2	Living Room	<p>To provide 60min fire resistance between this room and the room overhead, open up first floor and lay Fireseal intumescent lagging between joists and re-fit floorboards. Existing panelled door to main entrance hall to be upgraded to FD30S as per G1 and to be sealed shut. New ope, door and architrave to G3 to detail.</p>	<p>Neutral. The existing lath and plaster ceiling will not be removed. The existing door will be conserved. The new doorway to G3 is a minor intervention and is reversible.</p>
G3	Guest bedroom	<p>To provide 60min fire resistance between this room and the room overhead, open up first floor and lay Fireseal intumescent lagging between joists and re-fit floorboards. Existing panelled door to main entrance hall to be upgraded to FD30S as per G1 and to be sealed shut. New ope, door and architrave to G2 and rear hall to detail.</p>	<p>Neutral. The existing lath and plaster ceiling will not be removed. The existing door will be conserved. The new doorway to G2 and rear hall are minor interventions and are reversible.</p>

ELEMENT	CURRENT USE	PROPOSED WORKS	HERITAGE IMPACT
G4	Guest bedroom	To provide 60min fire resistance between this room and the room overhead, open up first floor and lay Fireseal intumescent lagging between joists and re-fit floorboards. Construct dividing partition to form corridor to bathroom. Block up doorway to side hall. Conserve panelling and fireplace.	Neutral. The original room was altered and extended in the 20 th century. The panelling is part of this and not original. Although not original, it is proposed to retain the panelling which will allow the intervention to be reversed in the future..
G5	Kitchen (B9)	Remove existing kitchen units and appliances. Construct new room layout. Dry line with Calsitherm insulation board, lime plastered on adhesive dabs.	Neutral. The original kitchen has been altered by the introduction of a stairway enclosure serving the rear hall and by extending it into a former storage area. The kitchen units are a modern intervention. Thus the existing kitchen does not contribute to the character of the protected structure. The wall lining will improve the energy efficiency of the apartment.
G6	Bedroom	Remove window and fit patio doors. Dry line walls with 90mm Kingspan Thermal board and skim. Fit new skirtings.	Neutral This is a late 20 th C extension with aluminium windows. The new patio doors will facilitate access to open space and will improve the energy efficiency of the apartment. The wall lining will improve the energy efficiency of the apartment.

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____
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DCC PLAN NO. 2428/15
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AN BORD PLEANÁLA

01 APR 2021
 LTR DATED _____
 LDG- _____
 ABP. _____

ELEMENT	CURRENT USE	PROPOSED WORKS	HERITAGE IMPACT
G7 & G8	Bedrooms	Combine the two rooms to form a living/dining room/kitchen. Fit Slimline glazing to existing windows. Dry line walls with 90mm Kingspan Thermal board and skim. Fit new skirtings.	Neutral This is a late 20 th C extension. The new glazing will improve the energy efficiency of the apartment.
F2	Bedroom	Remove existing bathroom. Existing panelled door to main entrance hall to be upgraded to FD30S by intumeccent varnish on the accommodation sides per G1 and to be sealed shut. New ope, door and architrave to entrance lobby. Kitchen unit to be a self-contained pod without any effect on the structure of the room.	Positive. Removing the modern partitions will return the room to its original proportions. The new doorway is a minor intervention and is reversible.
F3	Bedroom	Form lobby and storage rooms.	Neutral The new lobby and storage height will have a ceiling height below the existing picture rail. Existing skirtings will be left in situ. Fireplace will be conserved. This intervention is reversible.
F4	Bedroom	Extend bathroom. Form new doorway to living room. Conserve fireplace. Dry line with Calsitherm insulation board, lime plastered on adhesive dabs. Re-fit skirtings and window architraves and extend linings	Neutral. The original room was altered and extended in the late 20 th century and no original features remain except for the fireplace. The proposal is for a minor intervention and is reversible. The wall lining will improve the energy efficiency of the apartment.

ELEMENT	CURRENT USE	PROPOSED WORKS	HERITAGE IMPACT
F5	Bedroom	Extend room and convert to living/dining room. Remove existing window and fit enlarged window. Dry line with Calsitherm insulation board, lime plastered on adhesive dabs. Re-fit skirtings and window architraves and extend linings	Neutral. The original room was altered and extended in the late 20 th century and no original features remain. The wall lining will improve the energy efficiency of the apartment.
F6	Bedroom	Subdivide to form two bedrooms. New door way to corridor. Dry line walls with 90mm Kingspan Thermal board and skim. Fit new skirtings.	Neutral. The existing bedroom is part of a late 20 th C extension which does not contribute to the character of the protected structure. The wall lining will improve the energy efficiency of the apartment.
F7, F8	Bedrooms	Alter existing layout to form living/dining room/kitchen and bathroom. Dry line walls with 90mm Kingspan Thermal board and skim. Fit new skirtings.	Neutral. The existing bedrooms are part of a late 20 th C extension which does not contribute to the character of the protected structure. The wall lining will improve the energy efficiency of the apartment.
F9, S1	Stairwell	Open up stud partition and upgrade to 60 minutes fire resistance by double slabbing the partition on the accommodation (room) side. Insert Rockwool sound insulation into partition. Fit emergency lighting. Fit services duct.	Positive. The works will improve fire safety. Works to the partitions will not affect the appearance from the stairwell. Services duct facilitates rising services to principal rooms without impact on decorative plasterwork.

AN BORD PLEANÁLA
 01 APR 2021
 LTR DATED _____ FROM _____
 LDG- _____
 ABP- _____

DCC PLAN NO. 2428/15
 RECEIVED 20 MAR 15

AN BORD PLEANÁLA
 01 APR 2021
 LTR DATED _____ FROM _____
 LDG- _____
 ABP- _____

ELEMENT	CURRENT USE	PROPOSED WORKS	HERITAGE IMPACT
S2	Bedroom	Remove bathroom and convert to living/dining room/kitchen. Dry line with Calsitherm insulation board, lime plastered on adhesive dabs. Re-fit skirtings and window architraves and extend linings. Conserve fireplace. Remove window and form painted timber glazed patio door.	Neutral. The removal of the bathroom will restore the room to its original volume. The new door will provide access to private open space to serve the apartment. The wall lining will improve the energy efficiency of the apartment.
S3	Bedroom	Erect new partitioning for lobby. Break through for access to living room. Dry line with Calsitherm insulation board, lime plastered on adhesive dabs. Re-fit skirtings and window architraves and extend linings. Conserve fireplace	Neutral. Alterations are reversible. There is no decorative plasterwork. Joinery and fireplace will be conserved. The wall lining will improve the energy efficiency of the apartment.
Central heating system	Communal heating system	Remove boiler. Fit new gas-fired condensing boiler in external plant room. Underground duct to house. Replace radiators with new efficient radiators, thermostatic radiator valves. Renew and replace as appropriate existing pipework fully insulated. In general existing pipe runs to be followed and maintained to minimise any further checking or notching of floor joists. Pipework rises to be carefully planned to avoid any damage to plaster work skirtings or internal joinery. Hot water services from plant room. Solar thermal collectors mounted on concealed faces of the roof.	Neutral. The works will contribute to a warmer environment in the house and a more sustainable heating system.

ELEMENT	CURRENT USE	PROPOSED WORKS	HERITAGE IMPACT
Drainage	Soils and wastes.	Provide additional soils and wastes to new kitchens and bathrooms. Plan service runs between joists. Drops to be in the locations indicated on plan to avoid intrusion upon the principle rooms.	Neutral. The works will have no effect upon the appearance of the building.
Electrics	Electrical installation including fire and security alarm system.	Rewire for power and light. Install new intruder alarm system and fire alarm system. Follow existing cable ways at all times and take care not to damage existing plasterwork joinery etc. Vertical risers to be in the locations indicated on plan to avoid intrusion upon the principle rooms. s	Positive. The works will contribute to improved fire safety and security.

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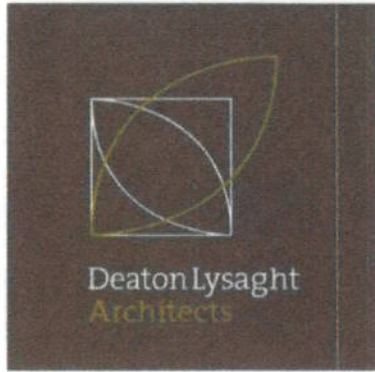
AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



**PHOTOGRAPHIC SURVEY
APARTMENT DEVELOPMENT AT COPPER BEECH, 16 HOLLYBROOK PARK, DUBLIN 3**

DCC PLAN NO.2428/15
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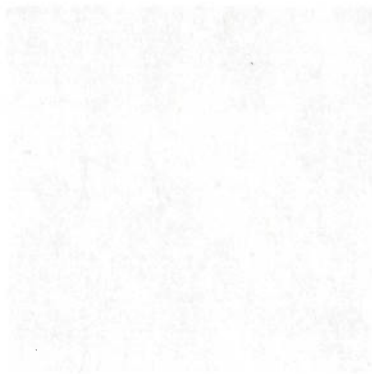


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01 APR 2021

DEATON LYSAGHT ARCHITECTS
R.I.A.I. ACCREDITED CONSERVATION ARCHITECTS - GRADE ONE

LTR DATED _____ FROM _____
LDG- _____
ABP- _____



APARTMENT DEVELOPMENT COMPANY, INC. PHOTOGRAPHY

APARTMENT DEVELOPMENT COMPANY, INC.



APARTMENT DEVELOPMENT COMPANY, INC.

DATE: _____

TIME: _____

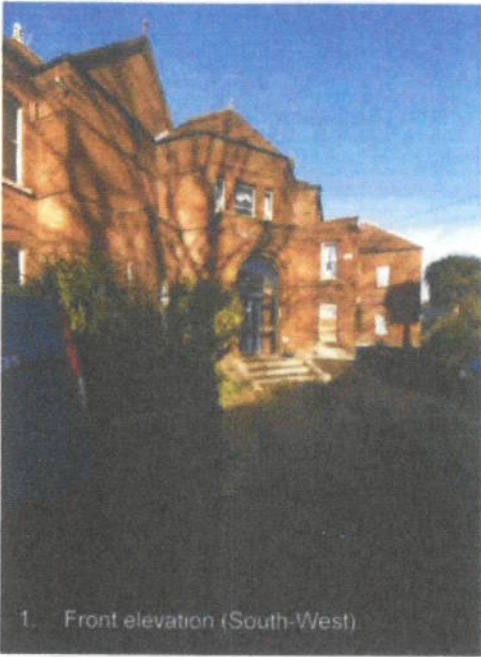
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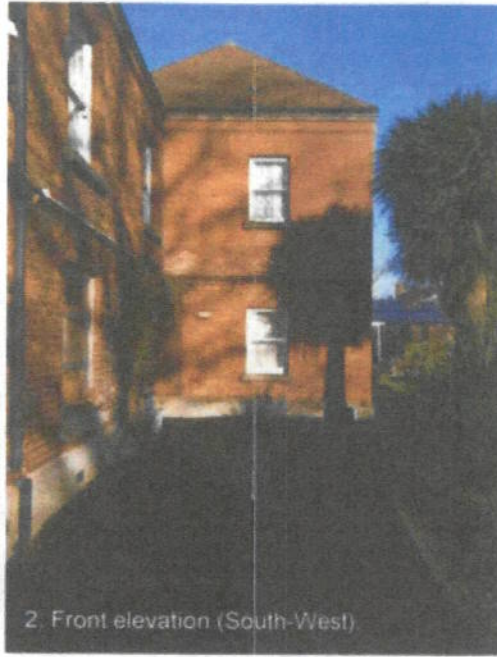
BY: _____

REAL ACCREDITED CONSULTANTS ARCHITECTS

DETON EXHIBIT ARCHITECTS



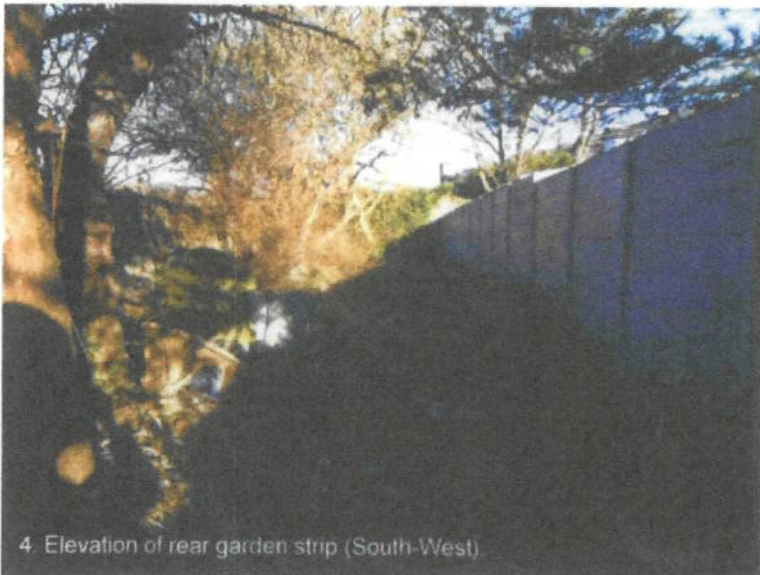
1. Front elevation (South-West)



2. Front elevation (South-West)



3. Side elevation (South-East)



4. Elevation of rear garden strip (South-West)

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0 1 APR 2021

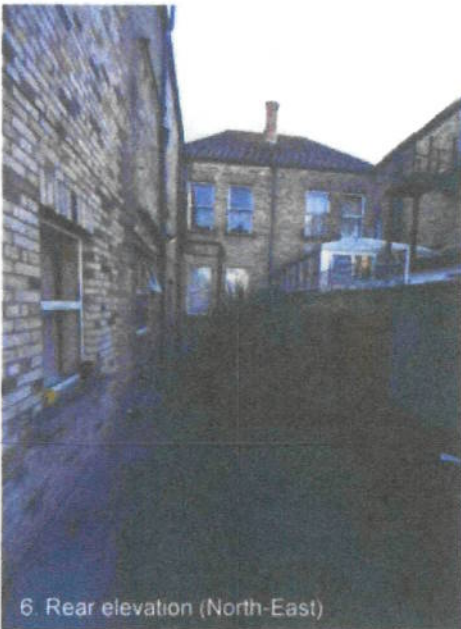
LTR DATED _____ FROM _____

LDG- _____

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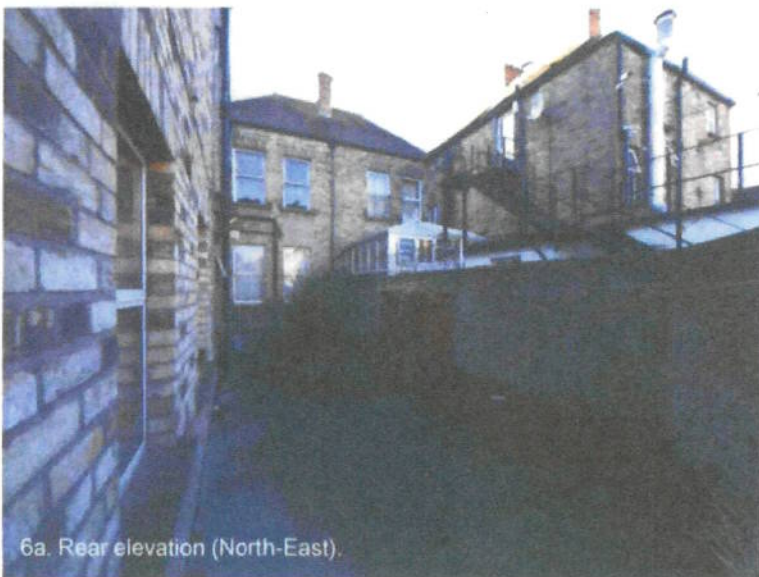


5. Rear passageway (North-East)



6. Rear elevation (North-East)

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6a. Rear elevation (North-East)

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01 APR 2021

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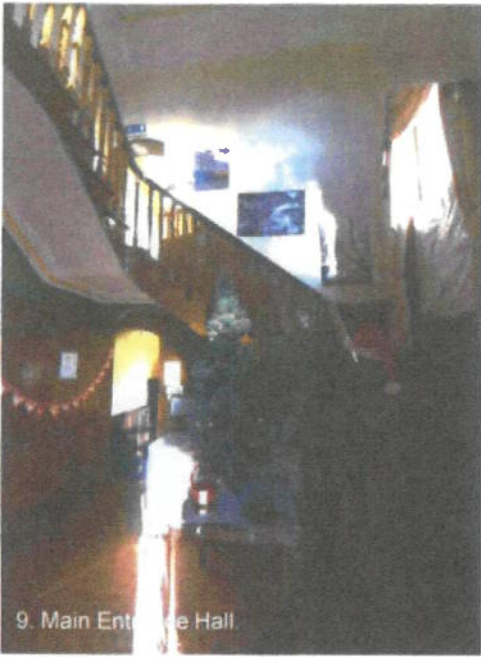
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01 APR 2021

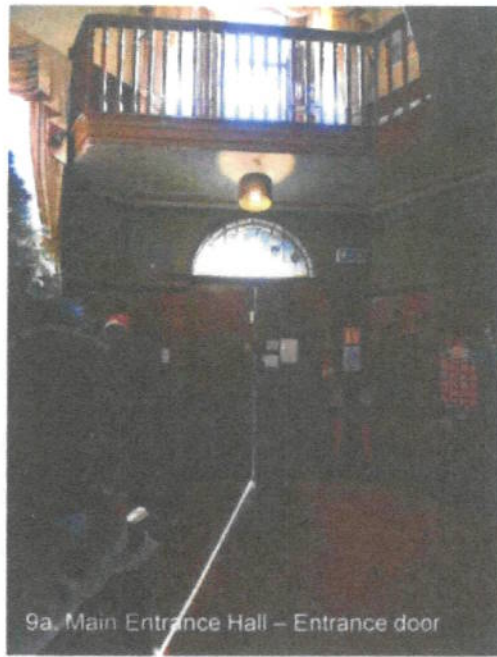
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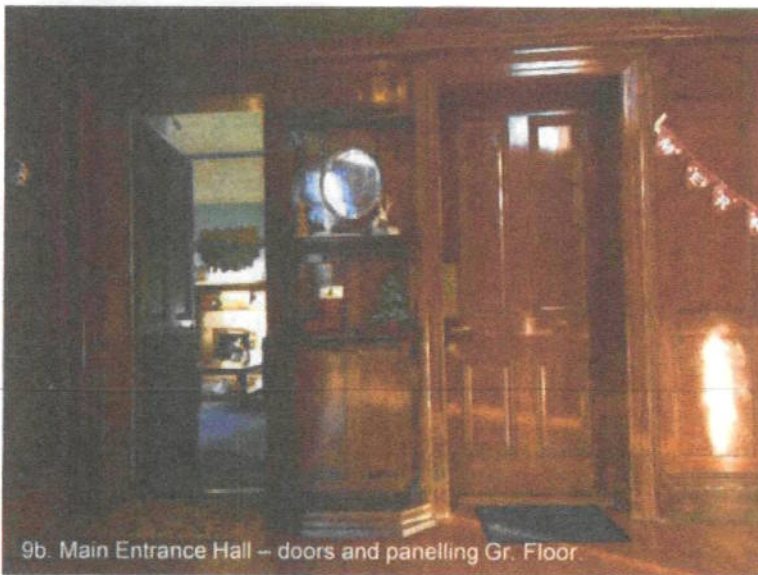
9. Main Entrance Hall.



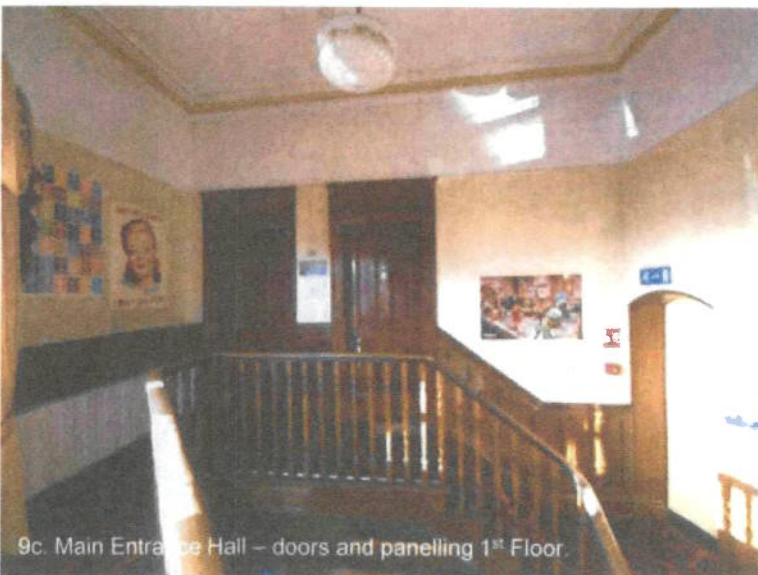
9a. Main Entrance Hall – Entrance door



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9b. Main Entrance Hall – doors and panelling Gr. Floor



9c. Main Entrance Hall – doors and panelling 1st Floor.

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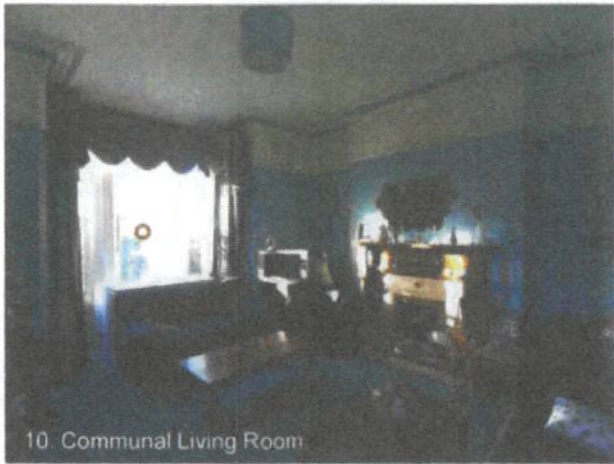
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10. Communal Living Room.



10a. Communal Living Room.



11. Bedsit 11.



11a. Bedsit 11.



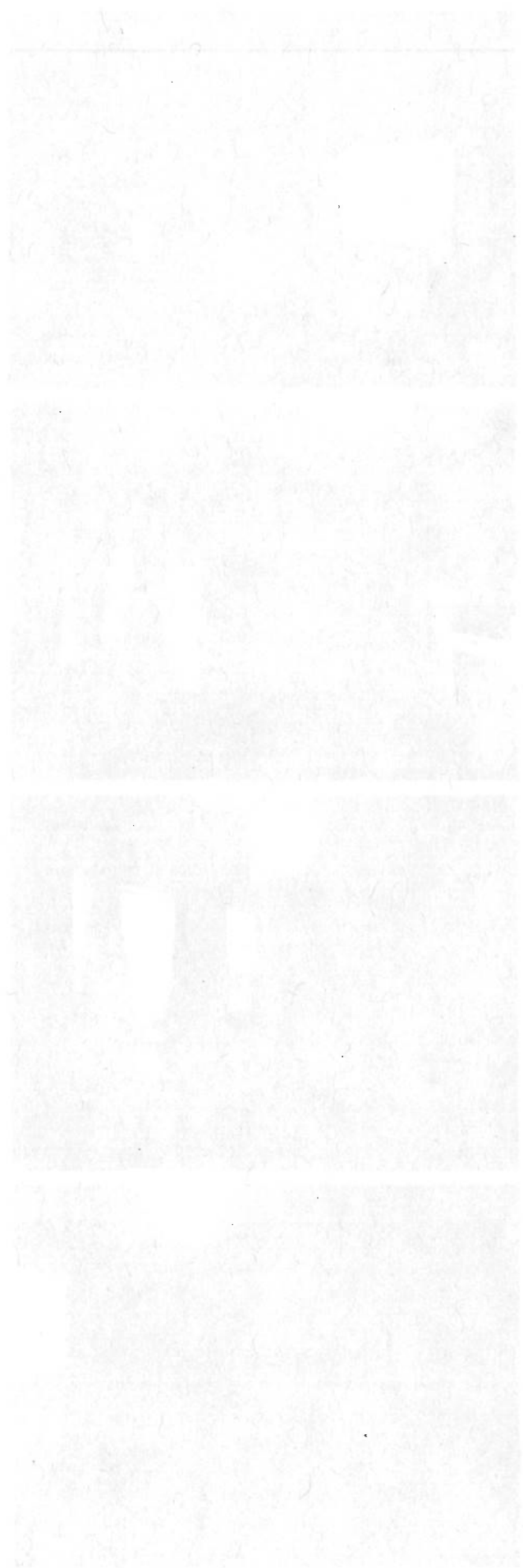
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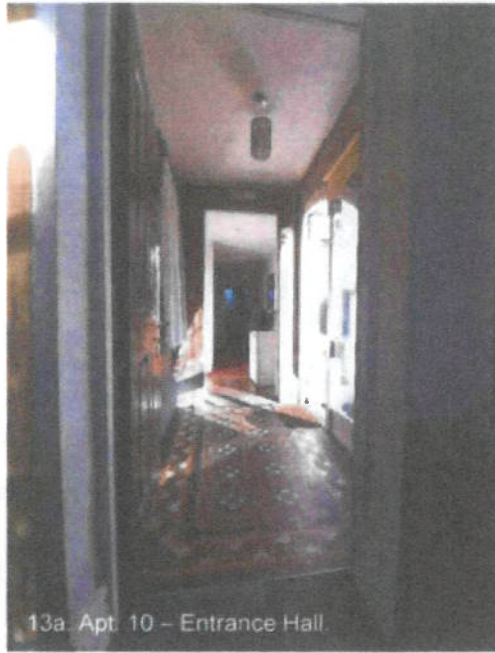
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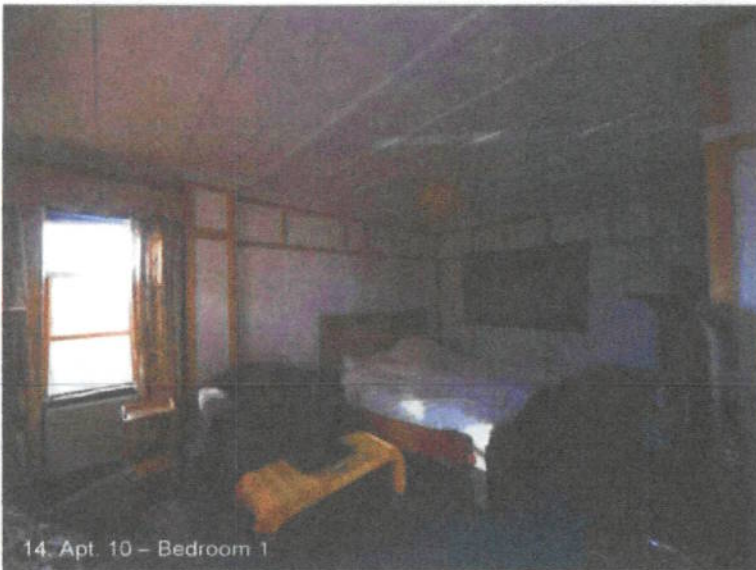
13. Apt. 10 - Entrance Hall Floor.



13a. Apt. 10 - Entrance Hall.



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14. Apt. 10 - Bedroom 1



14a. Apt. 10 - Bedroom 1.

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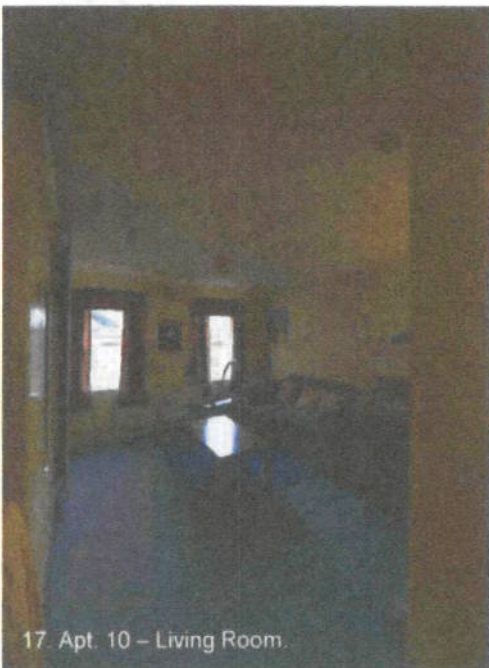
15. Apt. 10 – Bedroom 2.



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16. Apt. 10 – Bedroom 3.



17. Apt. 10 – Living Room.

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18. Bedsit 1.



18a. Bedsit 1



19. Bedsit 2



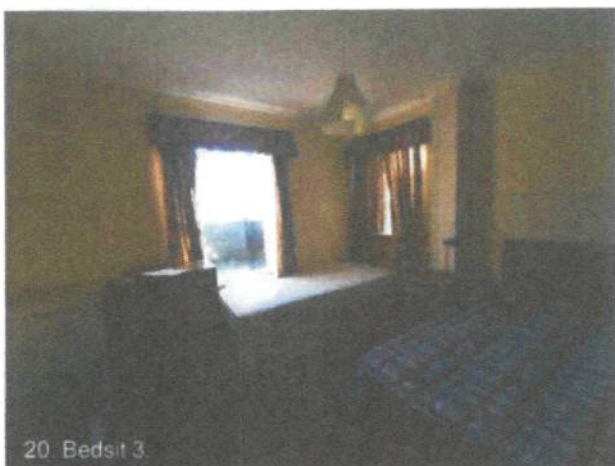
19a. Bedsit 2



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20 Bedsit 3



20a Bedsit 3



21 Bedsit 4



21a Bedsit 4

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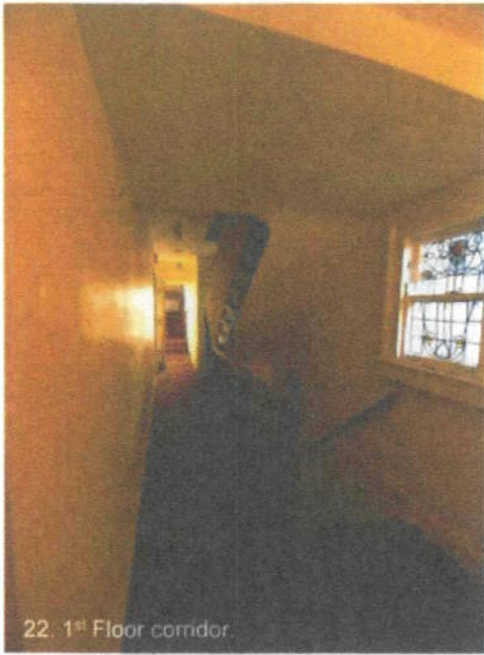
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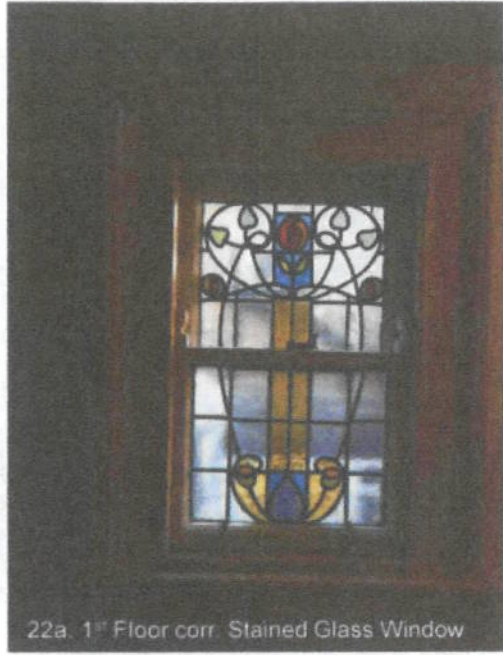
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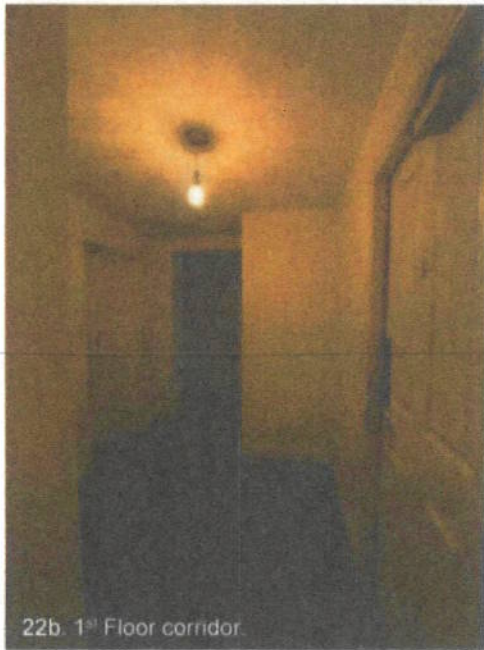
22. 1st Floor corridor.



22a. 1st Floor corr. Stained Glass Window



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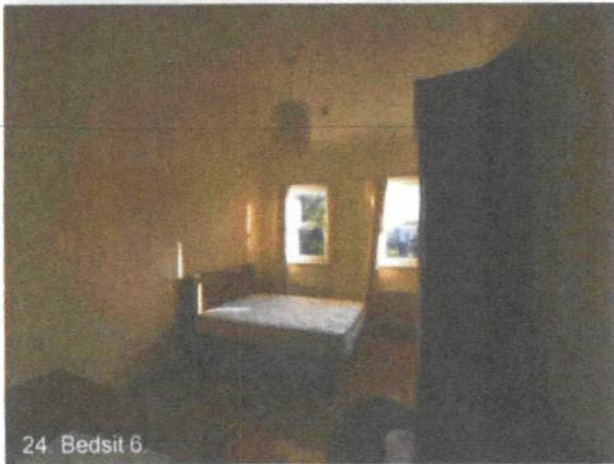
22b. 1st Floor corridor.



23. Bedsit 5



23a. Bedsit 5



24. Bedsit 6



25. Bedsit 7



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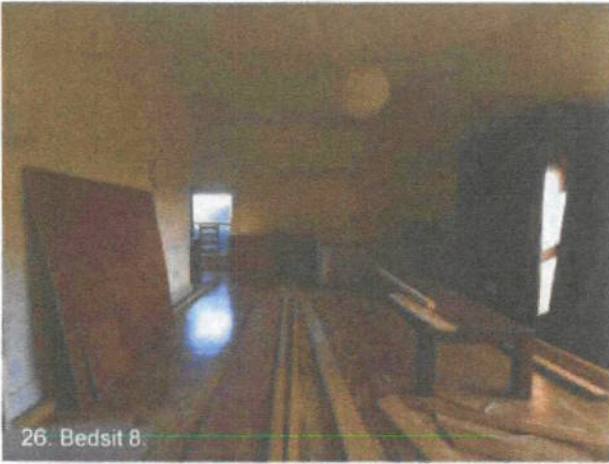
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ABP- _____



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26. Bedsit 8.



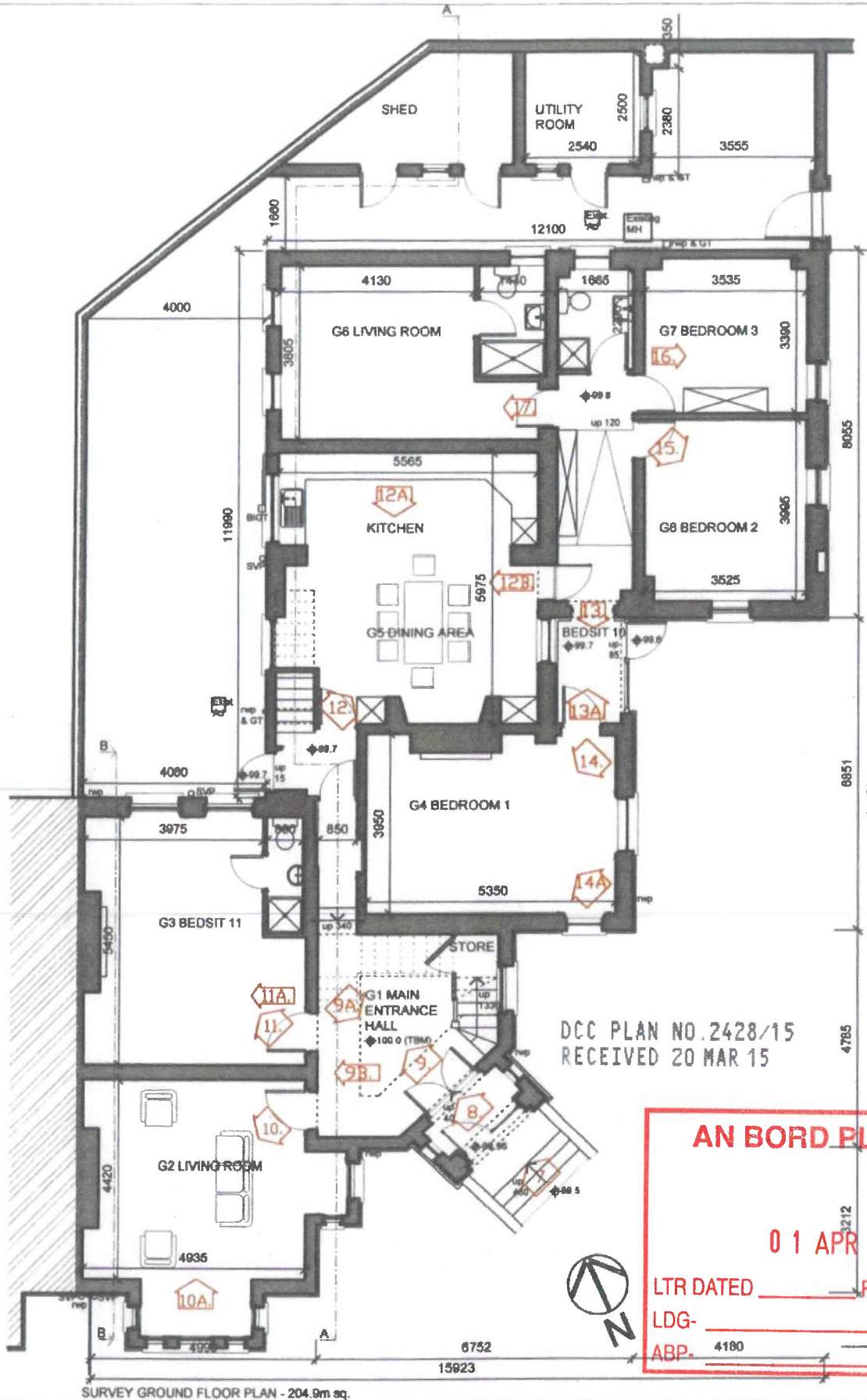
26a. Bedsit 8.



27. Bedsit 9.



27a. Bedsit 9.



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LDG- _____

ABP- 4180

SURVEY GROUND FLOOR PLAN - 204.9m sq.

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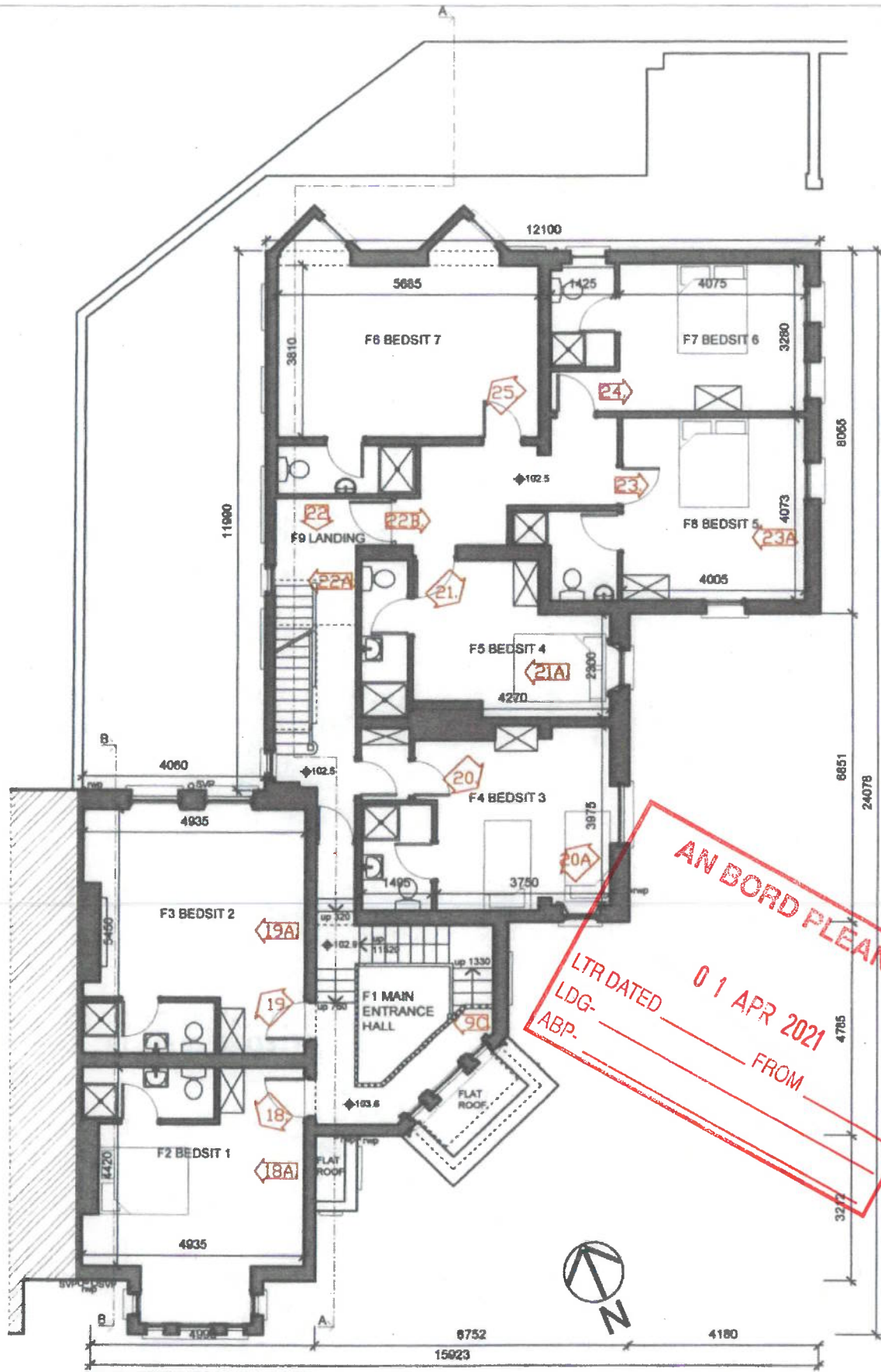
SPECIFICATION		
REVISIONS		
No.	Reason	Date

Drawing Title
Existing Ground Floor Plan

Project
Survey of Copper Beech, 16 Hollybrook Park, Dublin 3

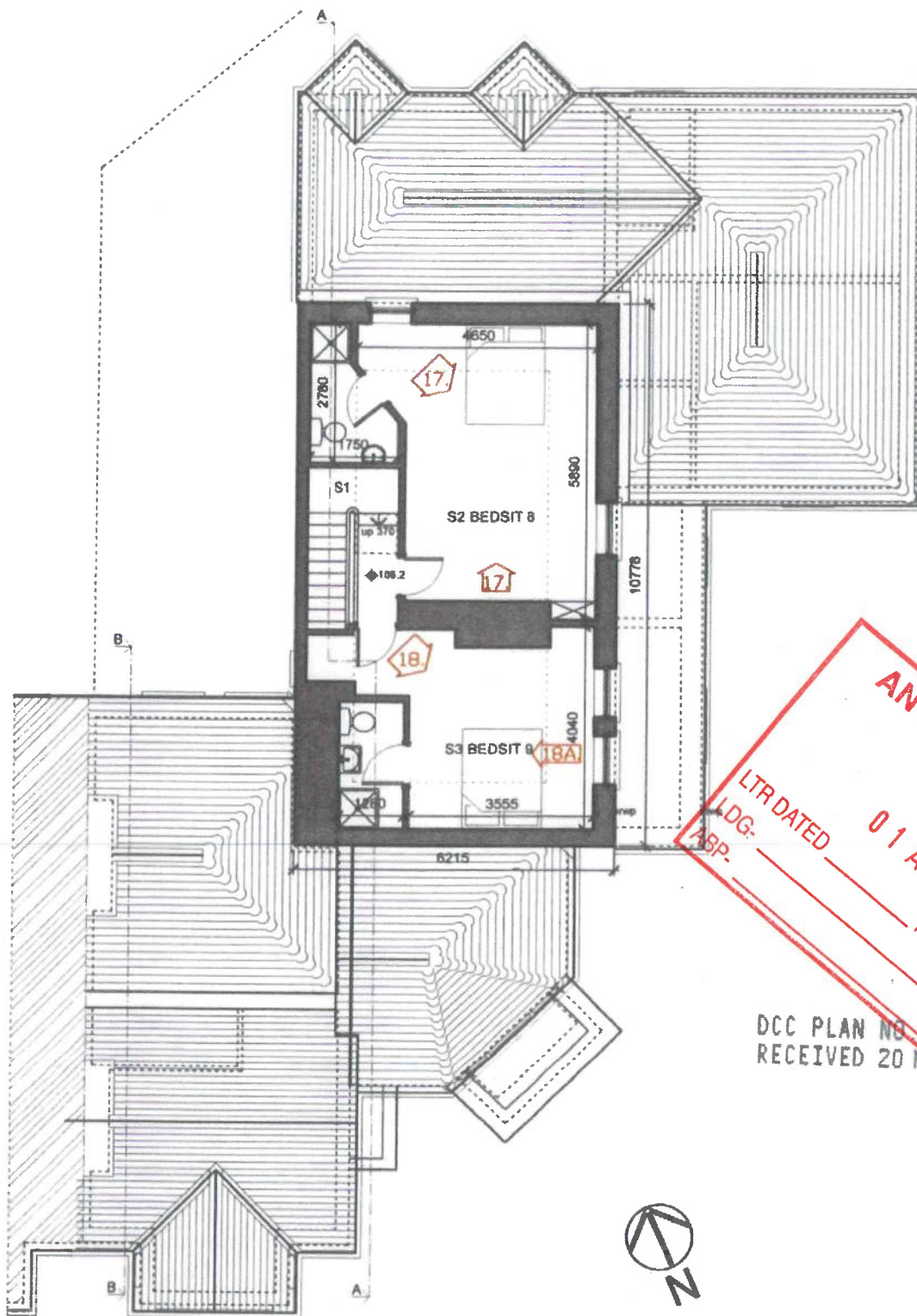
For
Gerard Gannon Properties

Scale 1:125	Date MARCH'15	Dwg. No. 1402-R-02	Rev. -
Drawn by EC	Checked by JD		
DEATON LYSAGHT ARCHITECTS			
44 SOUTH RICHMOND STREET, DUBLIN 2, IRELAND			
Tel: 353-1-4754980			
Fax: 353-1-4754961			
E-mail: mail@dlarch.ie			



SURVEY FIRST FLOOR PLAN - 205.9m sq.

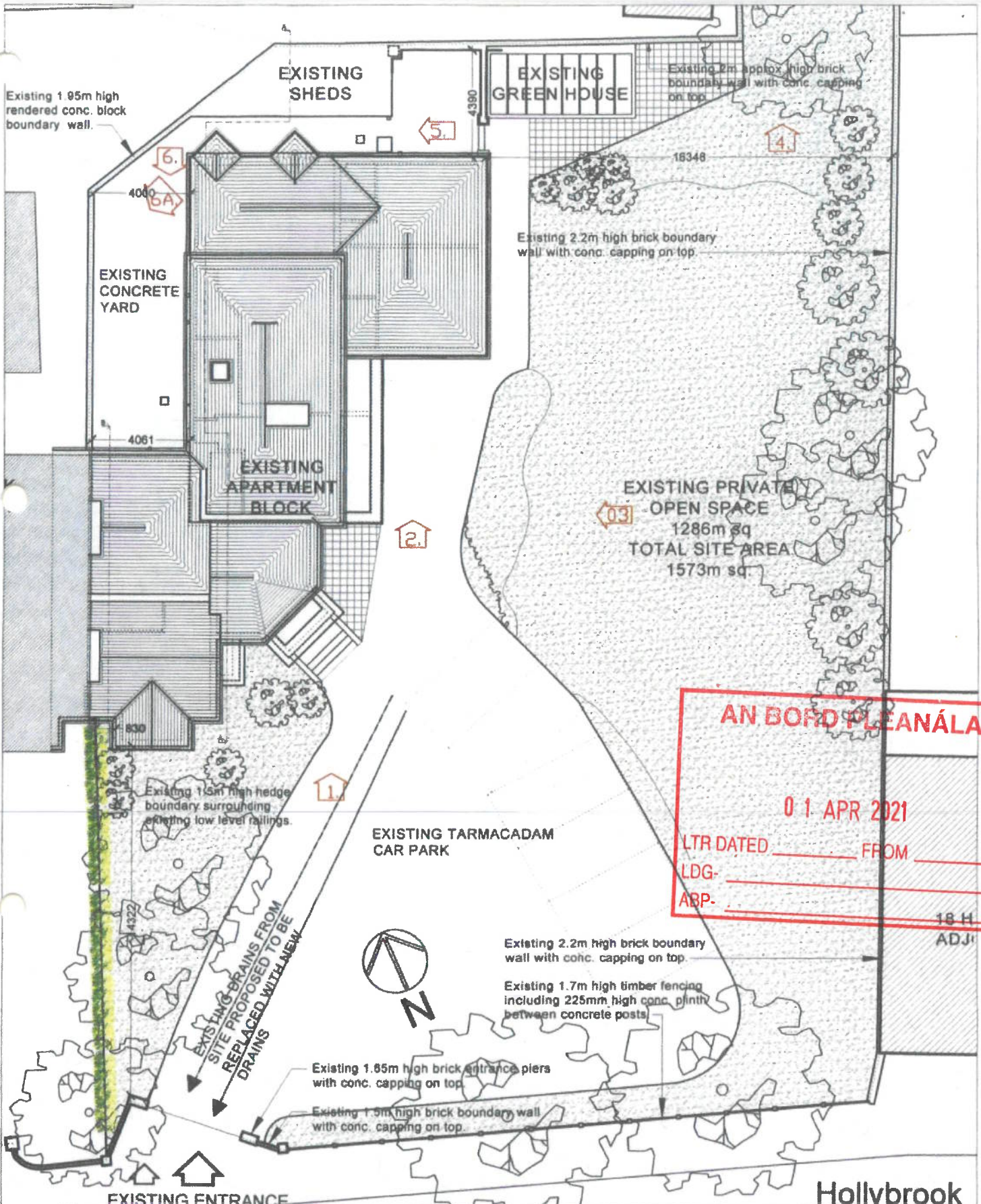
<p>NOTES</p> <p>This drawing has been prepared for the following purposes only:</p> <p>PLANNING It should not be used, nor information contained therein be relied upon, for any other purpose whatsoever.</p> <p>All drawings to be read in conjunction with all other consultations drawings. Architects to be informed immediately of any discrepancies before work proceeds.</p>	<p>SPECIFICATION</p>	<p>Drawing Title: Existing First Floor Plan</p>		<p>Scale: 1:125</p>	<p>Date: MARCH'15</p>	<p>Org No: 1328-R-03</p>	<p>Per: -</p>																	
		<p>DIMENSIONS</p> <p>Figured dimensions only to be taken from this drawing. All dimensions to be checked on site. Architects to be informed immediately of any discrepancies before work proceeds.</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Revision</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Revision	Date																<p>Project: Survey of Copper Beech, 16 Hollybrook Park, Dublin 3</p>		<p>Drawn by: EC Checked by: JD</p>
No.	Revision			Date																				
<p>COPYRIGHT</p> <p>This drawing and any design herein is copyright of Deaton Lysaght Architects and must not be reproduced in whole or in part without their expressed written consent.</p>	<p>For Gerard Gannon Properties</p>		<p>DEATON LYSAGHT ARCHITECTS</p> <p>44 SOUTH RICHMOND STREET, DUBLIN 2, IRELAND Tel: 353-1-4754080 Fax: 353-1-4754081 E-mail: mail@dlarch.ie</p>																					



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 LTR DATED 01 APR 2021
 LDG: FROM
 ABP: FROM
 DCC PLAN NO 2428/15
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SURVEY SECOND FLOOR PLAN - 54.2m sq.

<p>NOTES</p> <p>This drawing has been prepared for the following purposes only: PLANNING It should not be used, nor information contained therein be relied upon, for any other purpose whatsoever.</p> <p>All drawings to be read in conjunction with all other consultants drawings. Architects to be informed immediately of any discrepancies before work proceeds.</p> <p>DIMENSIONS Figured dimensions only to be taken from this drawing. All dimensions to be checked on site. Architects to be informed immediately of any discrepancies before work proceeds.</p> <p>© COPYRIGHT This drawing and any design herein is copyright of Deaton Lysaght Architects and must not be reproduced in whole or in part without their expressed written consent.</p>	<p>SPECIFICATION</p> <p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Revision</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Revision	Date													<p>Drawing Title: Existing Second Floor Plan</p> <p>Project: Survey of Copper Beech, 16 Hollybrook Park, Dublin 3</p> <p>For: Gerard Gannon Properties</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Scale: 1:125</td> <td>Date: MARCH'15</td> <td>Orig. No.: 1328-R-04</td> <td>Rev.: -</td> </tr> <tr> <td colspan="2">Drawn by: EC</td> <td colspan="2">Checked by: JD</td> </tr> </table> <p>DEATON LYSAGHT ARCHITECTS</p> <p>44 SOUTH RICHMOND STREET, DUBLIN 2, IRELAND. Tel. 353-1-4754880 Fax 353-1-4754881 E-mail: mail@dlarch.ie</p>	Scale: 1:125	Date: MARCH'15	Orig. No.: 1328-R-04	Rev.: -	Drawn by: EC		Checked by: JD	
No.	Revision	Date																								
Scale: 1:125	Date: MARCH'15	Orig. No.: 1328-R-04	Rev.: -																							
Drawn by: EC		Checked by: JD																								



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SPECIFICATION		
REVISIONS		
No.	Revision	Date

Drawing Title:
Existing Site Plan

Project:
Survey of Copper Beech, 16 Hollybrook Park, Dublin 3

For
Gerard Gannon Properties

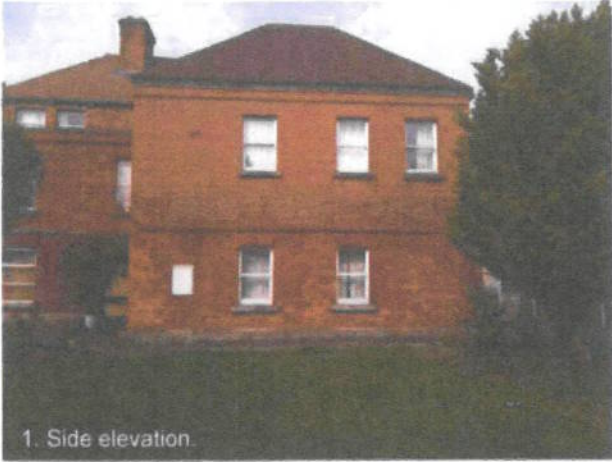
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Date: MARCH'15
Dwg No: 1328-R-01

Drawn by: EC
Checked by: JD

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44 SOUTH RICHMOND STREET,
DUBLIN 2, IRELAND
Tel: 353-1-4754900
Fax: 353-1-4754901
E-mail: mail@dearch.ie

Page: 1 of 1
Job: SURVEY/1402/1402-Existing house/Survey/1402-5-01A.dwg 1402 R 01



1. Side elevation.



2



3



4



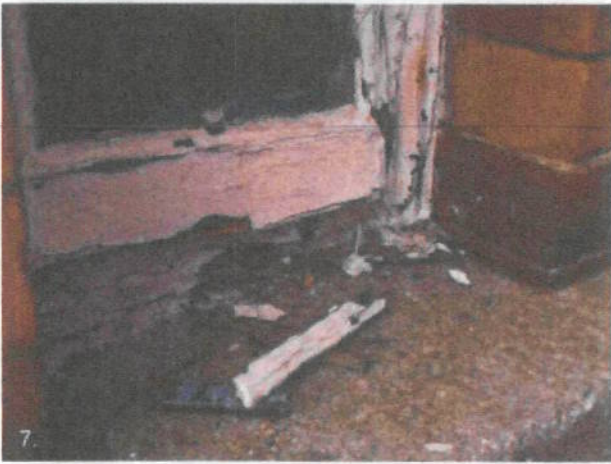
EXTERNAL FACADE - TYPICAL AREAS TO BE REPAIRED

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01 APR 2021
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EXTERNAL FACADE – TYPICAL AREAS TO BE REPAIRED



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EXTERNAL FACADE – TYPICAL AREAS TO BE REPAIRED



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**DUBLIN CITY COUNCIL.
SITE NOTICE**

I/ WE GERARD GANNON PROPERTIES _____ ²

INTEND TO APPLY FOR ⁽³⁾

- PERMISSION
- RETENTION PERMISSION
- OUTLINE PERMISSION
- PERMISSION CONSEQUENT ON THE GRANT OF
OUTLINE PERMISSION (Outline Ref. No. _____)

For development at this site Copper Beech, 16 Hollybrook Park, Dublin 3 _____ ⁴

The development will consist/~~consists~~ ⁵ of conversion of 14-bedroom long-stay guest house to 4 one-bedroom and 2 two-bedroom apartments with associated works: re-ordering of rooms, new partitioning, facilities and services, roof-mounted solar thermal collectors, dry-lining walls and insulating ceilings, alteration to windows and new balcony on east elevation, extension of sheds to provide apartment stores and boiler room, associated site-works, landscaping and removal of greenhouse at "Copper Beech", A Protected Structure _____ ⁶

The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of Dublin City Council, Planning Department, Block 4, Ground Floor, Civic Offices, Wood Quay, Dublin 8 during its public opening hours (9.00a.m.- 4.30p.m.).

A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee (€20.00) within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

Signed:  _____ ⁷

DCC PLAN NO. 2428/15
RECEIVED 20 MAR 15

Agents Address [if applicable] Deaton Lysaght Architects,
44 South Richmond street, Dublin 2 _____

Date of erection of site notice 13-03-2015 _____ ⁸

Dublin City Council Website: www.dublincity.ie



Surveyed 1971
 Revised 2014
 Levelled 1991

Urban PLACE Map

DCC PLAN NO. 2428/15
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TTM CENTRE PT COORDS
 719688, 736630

DESCRIPTION

MAP SHEETS

1:1000
 3198-14

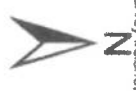


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 Rathnew, Co. Wick., Dublin 14
 On behalf of Ordnance Survey Ireland,
 Phoenix Park, Dublin 8

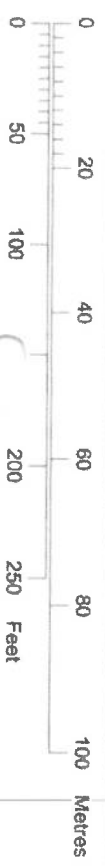
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 Scála:- 1:1,000



Plot Ref. No. 25216636_1_2
 Plot Date 16-JAN-2015



2428/15

LDO: 23/4

Observations On-Line Cover Sheet	
	2428/15
Location:	Copper Beech, 16, Hollybrook Park, Clontarf, Dublin 3
Observers Name:	Mr. Kenny Thomas
Date Received	22 April 2015
Receipt Number	524043
Observer Address:	Apartment 10, 16, Hollybrook Park Clontarf Dublin 3

Comments:



Kenny Samuel Thomas

Apt 10
16 Hollybrook Park
Clontarf
Dublin 3.

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____
LDG- _____
ABP- _____

-The address of the proposed development-

Copperbeech, 16 Hollybrook Park, Dublin 3

Planning Application Reference: 2428/15

Subject- Obeservation

Dear Sir/ Madam,

I would like to start my letter by stating I do not support(I object) to this planning application.

In my opinion there are many errors to the proposed application and is quiet misleading to the extent that the applicant does not consider the house as a 'Protected structure'.

I am a current tenant living in this house and it is my observation on the proposed planning permission as follows :-

1. The plans proposed to change the house are very vague in description and doesnot show a clear picture to alterations or detalis that would involve to the protected structure.
2. The proposed changes of elevation,additions and removals to the house and structure will change the purpose of preseving the house as a 'Protected structure'.
3. The additions of New windows, Patio doors at the Rear of the house would mean to remove the two existing windows and install patio doors.
4. The alteration of the kitchen area its windows and the main chimney area that leads from a large heritage stove is not showing in the proposed plan.
5. The rooms in the house could be utilized by addition of doors between two rooms and lay out a room grouping plan to support the house's preservation in its whole originality.

P.T.O.

5458/12

6. The proposed plan would alter the interior extensively in Rewiring, PLumbing, Electrical circuit divisioning and Breaking walls with in the house.
7. The introduction of glass balustrade on the roof top would interrupt the veiw from the rooms and most of all it would change the appreance on the view of the whole house. The owner has carried out work in the recent years which I believe is against the 'protected structure' legislation.
8. The Main door entrance is of hardwood and can be seen that in 2012 the owner/workers painted the wooden doors blue and they consisted of stained glass design which is now concealed behind wooden planks nailed to the doors hence no light coming in.
9. The onwer then proceeded in another few months to cover some of the windows, again using wood planks nailed to them and no light coming in.
10. There was a green shed (with sofas and raised decking) that was located a few meters away from the green house beside the side wall; this shed particularly till today remain a mystery as it was quite worn down and the owner decided to strip it down and is vanquished all together, There is just some raised stones and grass in its place. I suspect that this Green shed was a 'Protected structure' and was removed in 2012 without permission.
12. The glass panels in the glass house where not replaced TILL NOW, I requested many times for repair after it had cracked and broken peices from the gusty weather in early 2014.
13. The sewage system was recently reconstructed that flows through the right side of the main gate of the house.
14. The lawn has been ignored and its upkeep since 2013 November with two uplifted tree trunks left in the center of the lawn that had fallen due to the stormy weather in early 2014.
15. The Fire door at the rear of the house consists of stained glass extensive design which again is covered by wooden planks nailed to the door and brings no natural light in.
16. The boiler room is infact the utility room and there are two other rooms for storage and laundry, in the house survey plan there is only shed and utility room stated.
17. Dividing the house to few apartment blocks inside would render the purpose to rewiring and central heating change in the whole house as this is quite the challenge for a house this old.
18. The current fire safety plan for the house is in good order compared to proposed plan for a protected structure.
19. Ultimately the owner has left this property maintenance and upkeep of this house in negligence over the past many years and has hence failed to preserve the house and its surrounding in general.
20. Installing many kitchens in one house would only increase the vulnerability of a more careful fire plan and introduction of kitchen vents through each apartment.
21. This glass house is a Protected structure and its removal will affect the character of the house.

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0 1 APR 2021

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ABP- _____

It is my humble request to reconsider any approval for this application, My Wife and I are tenant in this house for nearly a decade (10 years) and would hate to see the changes as proposed and instead we would love to see if the house could be maintained as it is without any major works and preserved to its original character.

This house is one of the oldest houses in the neighbourhood with so much character and history please protect it.

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01 APR 2021

LTR DATED _____ FROM _____

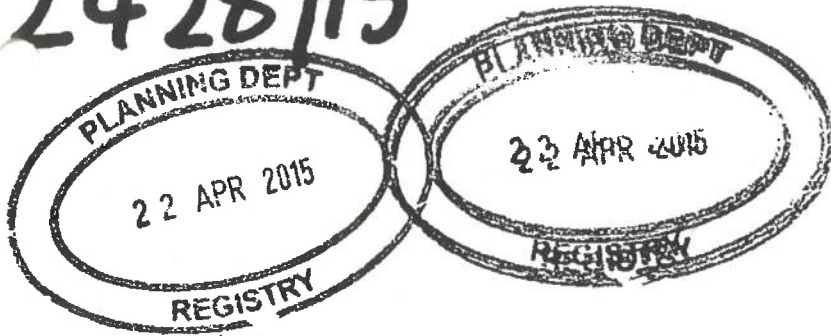
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2428/15

LD: 23/4.



Aashish Parkash

Apt-11
16 Hollybrook Park,
Clontarf,
Dublin-3

The address of the proposed development:

Copper Beach, 16 Hollybrook Park, Clontarf, Dublin-3.

Reference number-2428/15

Subject- Observation (Objection)

Dear Sir/Madam,

I am currently residing on the property and I object to the planning permission application applied for the property.

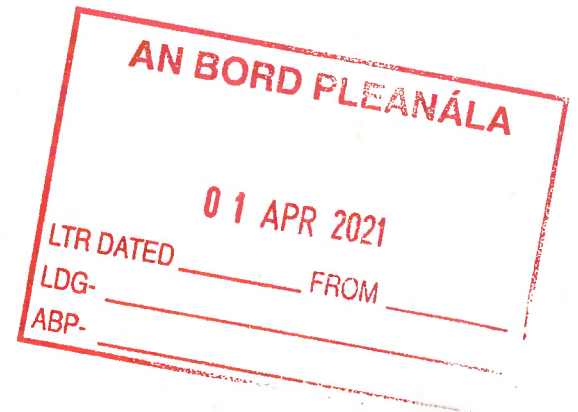
Reasons are as follows:

1. Proposed plan for the property will take away the heritage and character of the protected structure.
2. There are parts/provisions, which has been omitted whilst showing the current and the proposed plan of the property.
3. The rear elevation (north east) has many additions to the proposed plan resulting in alterations to the original state of the house.
4. The applicant has not clearly shown the whole side of the rear elevation (in pictures provided of photographic survey) which would clearly show there are four large windows and a FIRE DOOR.
5. The owner has failed to carry out the regular maintenance work even on informed numerous times in order to preserve the shape and condition of the property.

Brief explanation to the point motioned above:

1. The proposed plan shows that there are major alterations which will be carried out to the property to convert it into an Apartment Building Complex, which will consist of breaking walls, removing heritage windows and doors and the removal of original style kitchen. The proposed plan in the installation of the glass balustrade on the roof of the house will change the appearance of the house altogether.

All this alteration at any possible cost will not be able to keep the historic value and true character of the house rather than just becoming an Urban Building which will destroy the local heritage community and neighbourhood.



P.T.O. 21.

5458/12

2. The sewage system is incorrectly shown on the surveyed plan, which apparently is running through the right side of the main gate of the house. There exists a partition in the shed which separates storage space from the boiler room, which has not been mentioned in the survey plan. The utility room is in fact a laundry room apparently.

3. The area of the rear elevation is not clearly shown in the photographic survey as it has part of side windows and a fire exit door not mentioning any details to its preservation or alterations to take place.

4. In relation to the maintenance of the property, the owner is doing everything in their power to avoid taking care of the property so as to degrade its condition. The Lawn has not been mowed since November 2013, and the tree trunk which was left over from the tree pulled by the storm was thrown onto the lawn as an example to show that the property needs alteration where it can be done by just simple maintenance for the lawn.

5. The corridor between the kitchen and main entrance is missing in the pictures shown in the photographic survey and hence I would say the intention of such a planning application are not clear for a protected structure.

>>> Why I have an objection on the planning permission of the property?

>>> The main entrance door which is made of hard wood consisted of a stained glass was painted blue and the glass concealed with the ply wood board and nailed, at the same time covering the side windows as well with wooden ply boards. Later on the fire door as well which had the similar stained antique glass panel in it has been nailed with the ply wood which has stopped the natural light coming through to the house. The alterations would include or the proposed works will include the re electric wiring plumbing and rerouting of the central heating system for the whole house, this painstaking process which would result in removal of flooring panels at each level of the house will put the house at risk in the preservation process.

Slowly the owner proceeded to the hand rails on the entrance stairs and nailed them with the ply wood too.

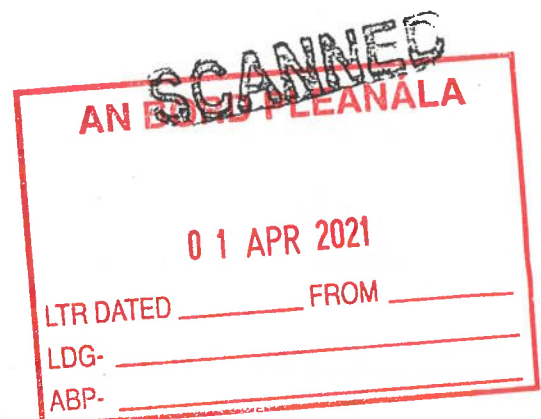
This was all done without any permission from the city council or the protected structure department.

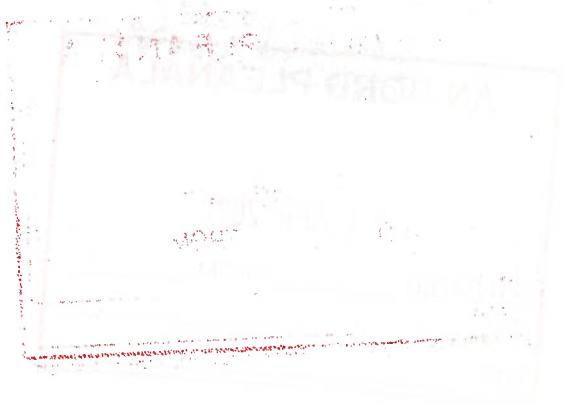
I am requesting to you sincerely avoid the approval off this plan as it poses more questions than answers for this house.

Thanking you for your patience and time.

Kind regards

Aashish Parkash





Planning Registry & Decisions, Planning Department
Civic Offices, Wood Quay, Dublin 8

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Date 26-Jun-2015

Deaton Lysaght Architects
44, South Richmond Street
Dublin 2

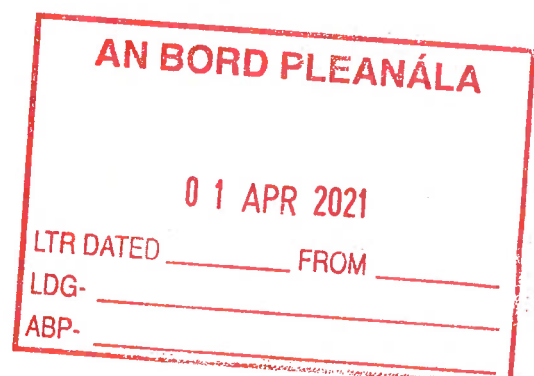
Application No.	2428/15
Registration Date	10-Jun-2015
Decision Date	25-Jun-2015
Decision Order No	P1804
Location	Copper Beech, 16, Hollybrook Park, Clontarf, Dublin 3
Proposal	PROTECTED STRUCTURE: Conversion of 14 bedroom long stay guest house to 4 one-bedroom and 2 two-bedroom apartments with associated works: re-ordering of rooms, new partitioning, facilities and services, roof-mounted solar thermal collectors, dry-lining walls and insulating ceilings, alteration to windows and new balcony on east elevation, extension of sheds to provide apartment stores and boiler room, associated site-works, landscaping and removal of greenhouse.
Applicant	Gerard Gannon Properties
Application Type	Permission

NOTIFICATION OF DECISION TO GRANT PERMISSION

In pursuance of its functions under the Planning & Development Acts 2000 (as amended) Dublin City Council, being the Planning Authority for the City of Dublin has by order dated 25-Jun-2015 decided to GRANT PERMISSION for the development described above, subject to the following condition(s).

CONDITION(S) AND REASON(S) FOR CONDITION(S)

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Date 26-Jun-2015

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made there under are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 10/06/2015, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

3. (c) Part V - Social Housing

Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000 (as substituted by Section 3 of the Planning & Development Amendment Act 2002) in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy unless the applicant has applied for and been granted an Exemption Certificate under Section 97 of the Planning & Development Act 2000 (as amended).

Reason: To comply with the requirements of Part V of the Planning & Development Act 2000 - 2002.

4. The requirements of DCCs Conservation Architect shall be undertaken as follows

A.) All alterations and works proposed shall be carried out in accordance with best conservation practise, and in accordance with the Architectural Heritage protection

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Date 26-Jun-2015

Guidelines and the Advice series issued by the department of the Environment, Heritage and Local Government.

B.) The stained glass to the main building entrance shall be refurbished and left uncovered

Reason: To ensure that the integrity of the protected structure is maintained and that the proposed repair works are carried out in accordance with good conservation practice.

5. Development shall not commence until a landscape scheme prepared by a suitably qualified person comprising full details of the size, species and location of all trees and shrubs to be planted and the treatment of all external ground surfaces, has been submitted to and agreed in writing by the Planning Authority and implemented in the first planting season following completion of the development, and any trees and shrubs which die or are removed within 3 years of planting shall be replaced in the following planting season. (The landscaping scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, available from the Parks and Landscape Services Division).

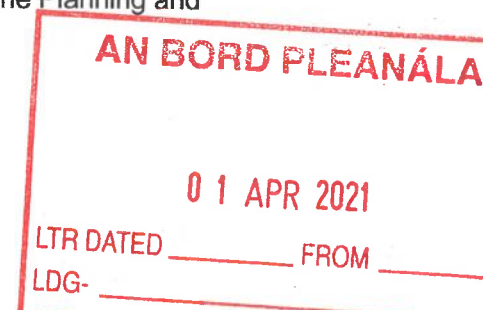
Reason: In the interests of amenity, ecology and sustainable development.

6. All trees shown to be retained on the site shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: In the interests of amenity, ecology and sustainable development

7. The developer shall pay the sum of €4000 per residential unit (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2) (c) of the Planning and Development Act 2000, as amended, in respect of public open space.

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This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

8. The requirements of the DCC's Roads & Traffic Planning Division shall be undertaken as follows:

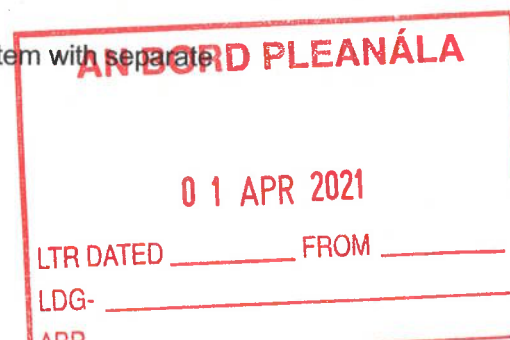
- a) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- b) Cycle parking (minimum of 6 spaces) shall be provided on the site and shall be secure, sheltered and well lit.
- c) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: in the interests of traffic safety.

9. The requirements of the DCC's Drainage Division shall be undertaken as follows:

- a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
- b) There is no objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
- c) The development is to be drained on a completely separate system with separate

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Date 26-Jun-2015

connections to the public foul and surface water systems.

d) The development shall incorporate Sustainable Drainage Systems in the management of stormwater.

Reason: In the interests of public health

10. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads Streets & Traffic Department and the Noise & Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

11. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

(b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

12. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

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Planning Registry & Decisions, Planning Department
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13. The application shall comply with the following waste management requirements in the planning process:

(a) The requirements set out in the separate Bye-Laws for the Collection, Storage and Presentation of both Household and Commercial waste and certain related waste management matters must be adhered to and, in particular, the requirements in the Bye-Laws to segregate waste into separate fractions to facilitate the collection dry recyclable, organic kitchen/garden waste and residual waste.

(b) Bins that comply with IS EN 840 1997 must be used. Ideally, 1,100 Litre bins should be used with dimension of 1.3 metres long by 1.0 metres wide by 1.3 metres high and with a load capacity of approximately 0.5 tonnes. Other types of receptacles may only be used with the written consent of Dublin City Council.

(c) For commercial developments there must be enough storage space for a minimum of 1 no. 1,100 litre bin per 10 bags to be collected. For apartment schemes, these must be sufficient storage space for a minimum of 1 no. 1,100 litre bin per fifteen people availing of the communal apartment collection scheme.

(d) Sufficient space must be provided to accommodate the collection of dry recyclable and organic kitchen waste/ garden waste. Provision should also be made for the collection of glass (separated by colour) in Bottle Banks within the curtilage of the Development. The Total footprint of each of these banks is 4 metres by 2 metres wide. The location must be external, with the sufficient access and clearance for servicing using a crane.

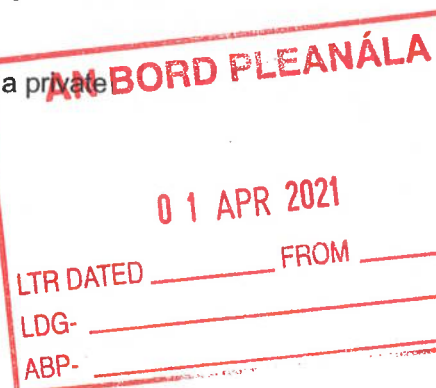
(e) The bin storage areas must not be on the public street and should not be visible or accessible to the general public.

(f) The bin storage areas should be designed so that each bin within the storage area is accessible to occupants/employees of the development (including people with disabilities).

(g) Suitable wastewater drainage points should be installed in the bin storage area for cleaning and disinfecting purposes.

(h) A waste collection contract must be signed with Dublin City Council or a private

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Date 26-Jun-2015

waste collector who is the holder of a Waste Collection Permit, prior to the commencement of the collection of waste.

(i) Sufficient access and egress must be provided to enable bins to be moved easily from the storage area to an appropriate collection point on the public street nearby. The access and egress area should have no steps and have a minimal incline ramp.

Reason: In order to ensure a satisfactory standard of development.

14. Prior to the commencement of development, the developer shall lodge with the planning authority a deposit, a bond of an insurance company/bank, or security to secure the satisfactory completion, and maintenance of services (including maintenance until taking-in-charge by the Local Authority of roads, open spaces, car parks, public lighting, sewers, watermains and drains.) The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development.

In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

The applicant should note that development on foot of this **Decision to Grant** may not commence before a notification of final grant has been issued by the Planning Authority or An Bord Pleanála following consideration of an appeal.

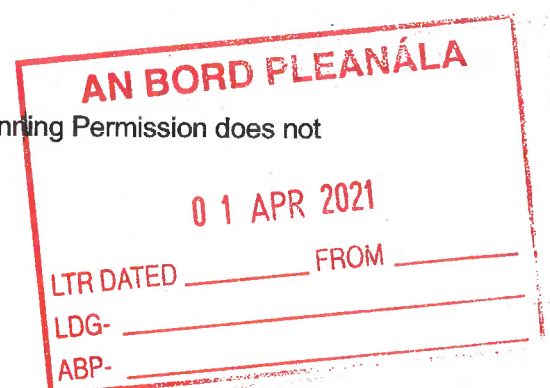
- **Your attention is drawn to the requirements of the attached "Codes of Practice".**

Schedule A: Drainage Division
Schedule B: Roads, Streets & Traffic Division
Schedule C: Air Quality Monitoring and Noise Control Unit

N.B.

- It should be clearly understood that the granting of Planning Permission does not

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Date 26-Jun-2015

relieve the developer of the responsibility of complying with any requirements under other Codes or legislation affecting the proposal, including the requirements of the Building Regulations, and Waste Management Acts.

- A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
- A grant of Planning Permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.
- Any observations or submissions received by the Planning Authority in relation to this application have been noted.

NOTES TO APPLICANT:

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- Appeals must be received by An Bord Pleanála within **FOUR WEEKS** beginning on 25-Jun-2015. (N.B. not the date on which the decision is sent or received). This is a strict statutory time limit and the Board has no discretion to accept late appeals whether they are sent by post or otherwise. The appeal **MUST BE FULLY COMPLETE** in all respects - including the appropriate fee - when lodged. It is not permissible to submit any part of it at a later date, even within the time limit.
- Refund of Fees submitted with a Planning Application. Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months, where the full standard fee was paid in respect of the first application, and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of the Planning Authority's decision on the second application.

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AN BORD PLEANALA

01 APR 2021

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Civic Offices, Wood Quay, Dublin 8

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- In relation to the Financial Contribution conditions, please note that this figure may be increased from January 2010 in line with the Wholesale Price Index (Building and Construction Materials).
- In relation to Compliance conditions three copies of compliance drawings will be required by the Planning Authority.

Signed on behalf of the Dublin City Council:

For Assistant Chief Executive

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

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ABP- _____

AN BORDUL PLANĂLA
11 APRIL 2011
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An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

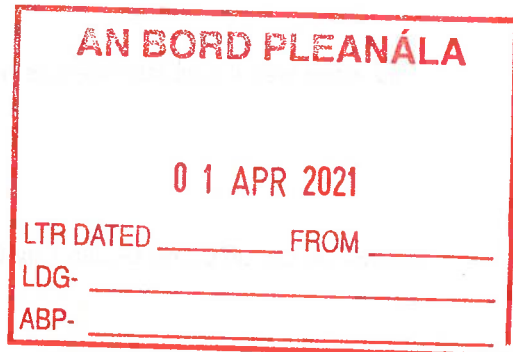
Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T. (01) 222 2288

E: decisions@dublincity.ie

23-Feb-2021

Hughes Planning & Development
Consultants
70, Pearse Street
Dublin 2



Application Number	0025/21
Registration Date	25-Jan-2021
Decision Date	19-Feb-2021
Decision Order No.	P2608
Location	16 Hollybrook Park,, Clontarf,, Dublin 3.
Proposal	EXPP, PROTECTED STRUCTURE, Whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to Dublin City Council/ Dublin Regional Homeless Executive to accommodate homeless people, is or is not development and whether development constitutes exempted development or does not constitute exempted development ?
Applicant	Copperwhistle Ltd,

- **If you have any queries regarding this Request, please contact the email shown above**

Please note that the effective lodgement date of your application will be the date on which this notice has been complied with.

Dear Sir/Madam,

With reference to the above application, I am directed by the Assistant Chief Executive to formally request that you submit the following ADDITIONAL INFORMATION in accordance with Section 5 of the Planning and Development Act 2000 (as amended).

1. In relation to the existing and proposed/continued use of the building as per Class 6, Part 4, Schedule 2 of the Planning & Development Regulations 2001 (as amended) the applicant is requested to provide evidence that the currently vacant building at No.16 Hollybrook Park was previously used as a guesthouse as per permission granted under Reg. Ref. 1586/96 as amended by Reg. Ref. 2161/96, and

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An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

**Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.**

T. (01) 222 2288

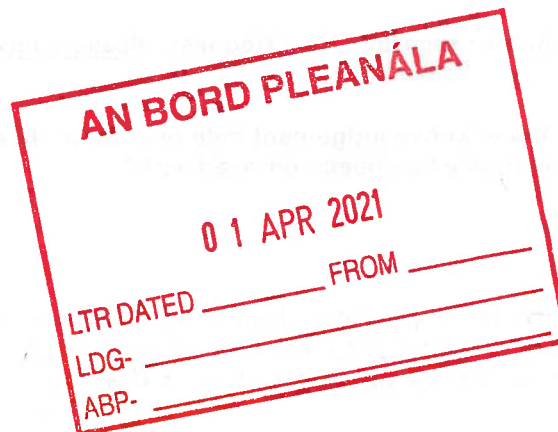
E: decisions@dublincity.ie

23-Feb-2021

if so when was it was last used as a guesthouse prior to its current vacancy

Signed on behalf of the Dublin City Council _____

for Assistant Chief Executive



EXPP: 0025/21

APPLICANT: Copperwhistle Ltd.

ADDRESS: Copper Beach, 16, Hollybrook Park, Clontarf, Dublin 3

PROPOSED DEVELOPMENT/QUESTION POSED:

Whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to Dublin City Council/ Dublin Regional Homeless Executive to accommodate homeless people, is or is not development and whether development constitutes exempted development or does not constitute exempted development?

SECTION 5 RECEIVED ON: 25/1/2021

Zoning: Z2' Residential Neighbourhoods (Conservation Areas) with the objective 'To protect and/or improve the amenities of residential conservation areas

Legislative context

The following statutory provisions are relevant in this instance.
Planning Acts

Section 2 (1) 'Interpretation' of the 2000 Planning and Development Act (as amended) states as follows:-

"In this Act, except where the context otherwise requires-

"development" has the meaning assigned to it by Section 3 ... development" has the meaning assigned to it by section 3, and "develop" shall be construed accordingly;

"exempted development" has the meaning specified in section 4;

*"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—(a) where the context so admits, includes the land on, in or under which the structure is situate, and (b) in relation to a protected structure or proposed protected structure, includes— (i) the interior of the structure,(ii) the land lying within the curtilage of the structure,(iii) any other structures lying within that curtilage and their interiors, and(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii); *"use", in relation to land, does not include the use of the land by the carrying out of any works thereon;*

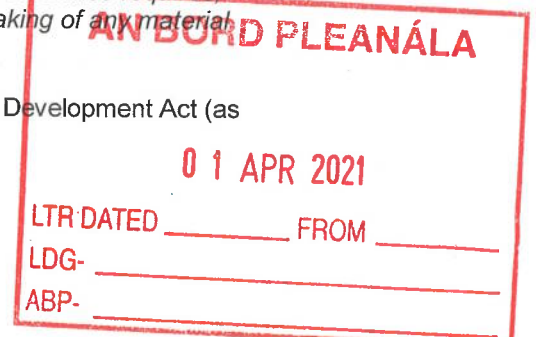
"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1) 'Development' of the 2000 Planning and Development Act (as amended) states as follows:-

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

Section 4 (1) (h) 'Exempted Development' of the 2000 Planning and Development Act (as amended) states as follows:-

REP1 letter



“..development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;”

Planning & Development Regulations 2001 (as amended)

Part 2 – Exempted Development

Article 5 ‘Interpretation for this Part’

“care” means personal care, including help with physical, intellectual or social needs;

Article 10 (1) –

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Class 14 (*Change of Use*), Part 1, Schedule 2

(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,

(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and

Part 4, Schedule 2 *Exempted development- Classes of Use* (Art 10(1) refers.)

CLASS 6

Use as a residential club, a guest house or a hostel (other than a hostel where care is provided)

Class 9

Use—

(a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),

(b) as a hospital or nursing home,

AN BORD PLEANÁLA

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AMERICAN OVERSEAS BANKING CORPORATION
NEW YORK, N.Y.
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(c) as a residential school, residential college or residential training centre

Planning History

Reg. Ref. Decision/Description

Expp 0049/21 PROTECTED STRUCTURE: Tthe use of the property as a guest house which provides rooms on a nightly basis offering Bed and breakfast to Dublin City council/Dublin regional homeless Executive to accommodate homeless people (Concurrent submission)

Expp 0405/20 PROTECTED STRUCTURE: Whether or not the change of use of 'Copper Beech' (Protected Structure) at No. 16 Hollybrook Park, Clontarf, Dublin 3 from a guesthouse to a residential facility for accommodation of the homeless, is or is not development, and is or is not exempted development for the purposes of the Planning and Development Acts 2000, as amended.

DCC Decision:

The subject change of use is considered to be 'development' as defined by Section 3(1) of the Planning & Development Act 2000(as amended); and

that the change of use from a guesthouse to a residential facility for the accommodation of the homeless where care is provided is not exempted development as per Article 10(1) and Class 6, Part 4, Schedule 2 of the Planning & Development Regulations 2001(as amended)

Expp 0371/20 PROTECTED STRUCTURE: EXPP: 1) The removal of Whiterock sheeting from WCs proposed throughout; tiling proposed as a replacement. 2) Repair/replacement of existing non-original light fittings, sockets, switches, fire detectors and fire signage where damaged throughout. 3) Sanding of existing rear timber staircase. No further sanding proposed.4) Sanding of threads and landings to existing principal timber staircase. Proposed repair and treatment of same. No further sanding proposed. 5) Cleaning of original timber floorboards throughout. 6) The replacement of an existing boiler. 7) Repair and replacement of extant historic timber panelling to entrance hall; to include the replacement of timber panels where absent. 8) Removal of non-original phone to entrance hall panelling. 9) Repair of tiled heath to fireplace in RM 1.04, using extant loose original tiles. 10) Provision of 1 no. new hatch door to attic. 11) Provision of sliding sash window to RM 1.06 on a like for like basis. 12) Provision of new timber flooring to RM 1.07, RM 1.08, RM 1.09 and RM 1.10. 13) Minor roof repairs to tiles where required. Replacement on a like for like basis, and 14) Removal of external plywood covering to 2 no. sidelights at front entrance porch.

Deemed Exempt:

1. *The removal of Whiterock sheeting from WCs proposed throughout; tiling proposed as a replacement. The removal of existing modern whiterock sheeting and replacement with tiling is not considered to materially affect the character of the protected structure and is therefore considered exempted development.*

2. *Repair/replacement of existing non-original light fittings, sockets, switches, fire detectors and fire signage where damaged throughout. The removal of existing modern light fitting, sockets, switches, fire detectors and fire signage and replacement with new ones is not considered to*

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materially affect the character of the protected structure and is therefore considered exempted development.

3. Sanding of existing rear timber staircase. No further sanding proposed. The sanding has already taken place. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

4. Sanding of threads and landings to existing principal timber staircase. Proposed repair and treatment of same. No further sanding proposed. The sanding has already taken place. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

5. Cleaning of original timber floorboards throughout. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

6. The replacement of an existing boiler. The boiler has already been replaced. It is located in an existing outbuilding and replaced an existing one. Replacement was on a like for like basis. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

7. Repair and replacement of extant historic timber panelling to entrance hall; to include the replacement of timber panels where absent. It is proposed to repair and reinstate missing panelling where absent. It is proposed to repair using softwood and birch plywood. This work is considered exempt where carried out on a like for like basis using matching original materials and painted to match existing. Therefore this work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

8. Removal of non-original phone to entrance hall panelling. The removal of a non-original phone to entrance hall is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

9. Repair of tiled hearth to fireplace in RM 1.04, using extant loose original tiles. The repair of an existing fireplace hearth with surviving original tiles is proposed. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

10. Provision of 1 no. new hatch door to attic. The replacement of a previously existing roof hatch at this location is proposed. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

11. Provision of sliding sash window to RM 1.06 on a like for like basis. It is proposed to reinstate the upper window sash (now missing) with a new sash to match historic details of surviving sash window. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development. Note: traditional putty detail to be used to window and glazing type to match original detail.

12. Provision of new timber flooring to RM 1.07, RM 1.08, RM 1.09 and RM 1.10. It is proposed to lay new timber flooring to the later extension bedrooms. The floors were previously carpeted. This work is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

13. Minor roof repairs to tiles where required. Replacement on a like for

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01 APR 2021

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like basis. Small-scale localised repairs on a like for like basis is not considered to materially affect the character of the protected structure and is therefore considered exempted development.

14. Removal of external plywood covering to 2 no. sidelights at front entrance porch. The removal of the external plywood covering to the front entrance porch sidelights is not considered to materially affect the character of the protected structure and is therefore considered exempted development

Not Exempt:

1. Repair and replacement of extant historic timber panelling to entrance hall; to include the replacement of timber panels where absent. The use of materials and finishes which do match the original would be considered to materially affect the character of the protected structure and therefore would not be considered exempted development

0297/20

EXPP; PROTECTED STRUCTURE; maintenance, repair & renewal works comprising the following,
Removal of external plywood covering to rear entrance door. Repair of stained glass to same.
Repair stained glass on the main front doors.
Complete all painting, both interior and exterior, including all windows,
Complete fitting of kitchen.
Refit the remaining toilets.
Lay Floor covering to all existing concrete floors.
Replace 3 no. door frames to the outside shed, paint and provision of appropriate ironmongery to same.
Repair cast iron ogee gutters on a like for like basis, where required.
Remove all vegetation from guttering and chimneys and repoint where necessary.
Reinstate repair non-original concrete kerbing, where broken or missing.
Repair and paint garden lights.
Repair and repaint original gate to front entrance.
Repair, clean and paint the centre front door light and
Reinstatement of rendered concrete boundary wall to No 14 Hollybrook Park where unauthorised opening has been made, No new foundations required

Deemed Exempt

2428/15

PP GRANTED for Conversion of 14 bedroom long-stay guest house to 4 one-bedroom and 2 two-bedroom apartments with associated works: re-ordering of rooms, new partitioning, facilities and services, roof-mounted solar thermal collectors, dry-lining walls and insulating ceilings, alteration to windows and new balcony on east elevation, extension of sheds to provide apartment stores and boiler room, associated site-works, landscaping and removal of greenhouse. (not implemented)

2161/96

PP GRANTED for Construction of 2 storey extension to rear and first floor extension over existing garage for use as guest house bedrooms at existing house. (listed:grade 2)

1586/96

Split Decision Change of use of existing Grade 2 listed house to guest house and for construction of 2 storey extension to rear and first floor extension over existing garage to side and additional car parking spaces.

Condition

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01 APR 2021

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This permission shall apply only to the use of the existing residence for overnight guest accommodation purposes and provision of additional parking facilities as indicated in the submitted plans.

Reason: In the interests of clarity and development control.

REFUSED:

The proposed extension, by virtue of its length, bulk, flat roof, window detailing and unrelieved walls would be out of character with this List 2 building, would be injurious to its design integrity and the visual amenities of this residential conservation area and would accordingly be contrary to the proper planning and development of the area and the provisions of the 1991 Dublin City Development Plan.

REPORT/ASSESSMENT

The previous 3rd party applicants under EXPP0405/21 noted that the 2015 application 'incorrectly' referred to the existing structure as 'long stay guest house', whereas they noted that the 1996 permission was for a change of use of existing Grade 2 listed house to guest house etc. They noted that a specific condition stated that the subject permission shall apply only to the use of the existing residence for overnight guest accommodation purposes and provision of additional parking facilities as indicated in the submitted plans. The 3rd party applicants had noted that to date the 2015 permission has not been implemented and was due to expire in 2020.

The questions asked by the previous party was whether or not the change of use from a guesthouse to a residential facility for accommodation of the homeless, is or is not development, and is or is not exempted development for the purposes of the Planning and Development Acts 2000, as amended.

At that stage it was considered that as the proposal involved a 'change of use' that it constituted 'development' as per Section 3(1) of the Planning & Development Act 2000(as amended).

It was also considered at that stage based on the information provided that the nature of the service provided by a homeless facility would come under definition of "care" as provided under Art.5 of the P&D Regs. 2001 (as amended). No submission had been received by the notified party (owner) to the previous 'Section 5' application.

While the site is adjacent to the Hollybrook Road Architectural Conservation Area (ACA) it is noted that no works are proposed as part of the applicant's submission that would affect the character and visual amenity of the ACA.

As before it is noted that there are exemptions for change of guesthouses (amongst other uses) under Class 14, Part 1, Schedule 2 of the P&D Regs 2001(as amended) in relation to accommodating 'protected person' i.e. refugees (who could be homeless) – but again is not fully applicable in this instance in terms of the stated primary use of the property.

In this instance as before it is considered that the existing permitted use for a guesthouse would come under the use classes set out in Class 6 of Part 4, Schedule 2 of the P&D Regs. 2001(as amended).

It was considered under the previous 'Section 5' application that a homeless facility where care was provided would fall under the stated exclusions for Class 6 use classes, whereas instead a facility where care was being provided would come under the use classes set out under Class 9, Part 4, Schedule 2 of the P&D Regs. 2001(as amended) – with no exemption being provided under planning legislation to allow for a change from a 'Class 6' use to a 'Class 9' use.

It is noted that the previous 3rd party applicants in their submission had cited a recent An Bord Pleanála '3rd party' referral case (ABP-307064-20 refers) - which asked the question whether - a change of use from a commercial guesthouse to a homeless hostel run by an Approved Housing Body was development and whether or not it was exempted development. An Bord Pleanála concluded in relation to the cited referral stated that-

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01 APR 2021

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(a) the permitted use on site is as a guesthouse and is, therefore, a use coming within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely use as a guesthouse;

(b) the current use is as a homeless hostel wherein the approved housing body provides support to the residents. This support is stated to include, 'supporting them to address any presenting challenges that may inhibit accessing private rental accommodation or transitioning to more permanent solutions', as recorded in an email correspondence from Clare County Council dated 18th March, 2020, on file;

(c) the provision of the support described above falls within the scope of "care" as defined at Article 5 of the Planning and Development Regulations 2001, as amended, namely 'personal care, including help with...social needs';

(d) the current use does not therefore come within the scope of Class 6 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely use as a hostel (other than a hostel where care is provided) as the current use includes the provision of care to residents and instead falls within the scope of Class 9 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, namely the provision of residential accommodation and care to people in need of care;

(e) the current use, therefore, constitutes a change of use from the permitted use and which is a material change of use by reason of providing a different service to a different user group;

(f) this material change of use would not come within the scope of Article 10(1) of the Planning and Development Regulations 2001, as amended, as it does not constitute a change of use within any one Class;

(g) there are no other exemptions available for this material change of use within existing legislation:

And

...the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, County Clare is development and is not exempted development.

In this instance the owner of the property has submitted the subject 'Section 5' application. The applicant states that while individuals from the homeless lists are being accommodated that no on-site "care" is to be provided by any organisation, concluding that as the subject guest house is being used for short term accommodation that the use of the building remains as per Class 6 - i.e. a 'guesthouse' and so therefore no material change of use will occur.

The applicants note that 14no bedrooms, a communal kitchen and laundry facilities are provided over three levels of the currently vacant property –which will be used for emergency accommodation for homeless families. The applicant notes that rooms will be leased on a nightly basis and a full guest house service will be provided including the provision of clean linen, breakfast and room cleaning. The applicant notes that as with all guest houses staff will be present 24 hours a day.

The applicant states that the management of the guest house and the provision of staff will solely be the responsibility of the guest house owner. They again state that no element of "care" be it social, physical or emotional will be provided to guests at this guest house, nor will any non-governmental organisation or approved housing body be involved.

A letter is attached from the Dublin Regional Homeless Executive (DRHE) who note that the Section 5 application from local stakeholders stated that the existing building was a homeless facility. The DRHE letter noted that the Heads of Terms have been agreed with the owner, and that no Approved Housing Body or a NGO will be involved in the running of the subject guesthouse.

The applicant's submission notes that planning legislation does not provide a definition of the

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phrase 'material change of use' as used in Section 2 (1) of the Act.

They note that in order to determine the 'materiality' of the change that the practical impacts and effects of the proposed change of use would have to be considered by the planning authority. Case law is cited in relation to how adjudge 'materiality.'

The applicant's submission notes that the guesthouse use, which was permitted under Reg. Ref. 1586/96 will continue its use as a guesthouse whilst providing temporary accommodation to the DRHE. They states that the only 'change' will be a change of socio-economic class associated with the inhabitants occupying the subject guesthouse rooms- which in itself would not equate to a material change of use as per case law cited by the applicant.

The applicant notes that a planning authority would never attach a condition to a planning permission for a guesthouse proposal that would exclude the use of the premises by any particular socio-economic grouping, nor would it attach a condition that would prevent any block booking of guesthouse rooms.

The applicant notes that the subject premises will continue to operate as a guesthouse and will be advertised and available for any member of the public to book guesthouse accommodation – and will also be available for block bookings for any party.

In relation to the existing building the applicant notes that there are no conditions were attached to Reg. Ref. 1586/96 that limit the length of stay, class or guest nor the ability to block book rooms.

The applicant submits that the continued use of the premises as a guest house will have no material affects on the area or that of local residents and therefore there will be no apparent material change of use.

The applicant notes that there is precedence for a guesthouse being used to accommodate homeless people in the form of No.14 Hollybrook Park adjacent to the subject site. In relation to the neighbouring property the applicant notes that following an investigation the Planning Authority concluded that permission for a guesthouse had been granted under Reg. Ref. 1957/96 (E0931/10 refers).

The applicant does notes that a required reduction in bedrooms as part of the neighbouring guesthouse planning permission never occurred - but that enforcement action against the breach of condition is statute-barred as 10 years had passed since permission was granted for the development at No.14. Hollybrook Park - as was noted by the Enforcement officer at that time.

The applicant again notes that the example at No.14 is pertinent to that of the subject proposal at No.16 - as the similar approved use as a guest house will likewise continue at the subject property for a similar clientele.

Overall it is agreed that if "care" as defined by Article 5 of the Planning & Development Regulations 2001 (as amended) is not being provided then any continued use of the subject premises as a guesthouse –does not breach its overall permitted use (as a guesthouse) and is not 'de-exempted' from its use as defined by Class 6 of the Planning & Development Regulations 2001 (as amended) – with the operation of the guesthouse not being under the management of any Approved Housing Body or related NGO but by the private owner of the guesthouse. It is agreed that there is nothing within planning legislation that prevents the use of guesthouse by any socio-economic group or for that matter who provides the funds for stays in a guesthouse.

As posed by the applicant then none of the 'limitations' under Article 10(1) of the Planning & Development Regulations 2001 (as amended) applies or affects the use of the premises as a permitted guesthouse - as the use remains unchanged. As noted there are limiting conditions attached to the parent permission including that the parent ...*permission shall apply only to the use of the existing residence for overnight guest accommodation purposes* ... but that this wording does not limit the length of stay of any guest at a guesthouse as with any stay at an hotel or B&B for that matter. It is noted that if the 'proposed' use remains unchanged from that of the permitted use as per the use class set out in Class 6 then the development would not materially impact upon the area by the lack of any change of its planning status.

While the recent 3rd party Section 5 application made in response to the subject Section 5 will be

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reviewed separately, albeit that many of the issues raised are addressed in the foregoing assessment, it is noted that a de novo issue has been raised by the 3rd parties from their previous Section 5 application in that they now claim that the No.16 Hollybrook Park was never used as guesthouse but rather as residential accommodation.

As such it is recommended that applicant provide evidence that No.16 Hollybrook Park was used as a guesthouse as per its 1996 permissions, and if so when was it last used as a guesthouse prior to its current vacancy. This would have relevance to the limitation to change of use under Article 10(1) (d) which states ... *be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

Conclusion

It is recommended that Further Information is sought from the proposal as follows:

In relation to the existing and proposed/continued use of the building as per Class 6, Part 4, Schedule 2 of the Planning & Development Regulations 2001 (as amended) the applicant is requested to provide evidence that the currently vacant building at No.16 Hollybrook Park was previously used as a guesthouse as per permission granted under Reg. Ref. 1586/96 as amended by Reg. Ref. 2161/96, and if so when was it last used as a guesthouse prior to its current vacancy.

Diarmuid Murphy SEP

19/2/21





C/O 425 Clontarf Road, Clontarf, Dublin 3, D03 T251

22nd February 2021

Mr Richard Shakespeare
Assistant Chief Executive
Planning & Property Development
Dublin City Council
Wood Quay
Dublin 8

Re: 16 Hollybrook Park, Clontarf, Dublin 3



Dear Mr Shakespeare

We are writing to you in connection with the above property which is the subject of some unusual planning circumstances.

Previous Planning History

The property is a Protected Structure adjacent to the Hollybrook Road, Architectural Conservation Area (#22). It has been used variously as a private home, as a guesthouse and divided into bedsits.

Application #	Purpose	Approved
1586/96	Change of use from Grade 2 listed house to guest house	22/10/96
2161/96	Extension to rear for use as guest house	08/01/97
2428/15	Conversion of 14 bed guest house into four 1bed and two 2bed apartments	07/08/15

Current Planning History

Despite the fact that there is a planning permission in place to allow for the conversion of the property into apartments, the current owner is seeking to change the use of property once again but on this occasion to do so without the adhering to the normal planning process which allows for public involvement. Indeed, the developer also sought to undertake works on the property without planning permission and only applied for same following intervention from DCC Enforcement Section despite the fact that this is a Protected Structure.

Planning application 0405/20 sought a decision from DCC as to whether the conversion of this property into homeless accommodation was or was not exempted development under the meaning of the Act. DCC found that the development outlined in the application was not exempted. The purpose of the application was simply to ensure the proper and fair application of the planning laws in the case of any proposed change of use for this property.

Having had the decision that the change of use was not considered exempted development, the owners have now sought a further decision from DCC with slightly changed circumstances outlined in their application (0025/21). The difficulty here is that, while there is nothing in the Act that specifically prohibits the making of observations in these applications, there is equally no procedure to allow for such observations. This is, in our view, an obvious deficit in the democratic process.

Application 0025/21

"Whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to Dublin City Council/ Dublin Regional Homeless Executive to accommodate homeless people, is or is not development and whether development constitutes exempted development or does not constitute exempted development ?" Downloaded from dublincity.ie planning search 15/02/2021.

Guest House

The exemption sought by the developer references *"the use of the property as a guest house"*. The term *"guest house"* is legally defined under the Tourist Traffic Acts and responsibility for these Acts rests with Fáilte Ireland.

"Under the Tourist Traffic Acts 1939–2016, any tourism business calling itself a guest house must be registered with Fáilte Ireland."

In order to become registered as a guest house, your business should have a minimum of seven guest bedrooms with private en-suite bathrooms, and no more than 30 guest bedrooms also with private bathrooms. Breakfast should be provided." Fáilte Ireland website downloaded 15/02/2021.

It is our understanding that #16 does not meet these standards and furthermore that it has not been registered as a guest house with Fáilte Ireland for many years.

"Fáilte Ireland's role is to support the long-term sustainable growth in the economic, social, cultural and environmental contribution of tourism to Ireland." Fáilte Ireland website downloaded 15/02/2021.

We would contend that given Fáilte Ireland's role is tourism related and that guest houses are required to be registered with Fáilte Ireland, that said registration indicates that such use is for tourism purposes and not for the provision of homeless facilities.

"Quick definitions: Visitor: a traveller taking a trip to a destination outside his/her usual environment, for less than a year, for any main purpose other than to be employed by a resident entity in the country or place visited. Tourist: a visitor whose trip includes an overnight stay. Holidaymaker: a tourist whose main reason for travelling is holiday/ leisure/recreation." Fáilte Ireland Tourism Facts 2018.

Even if #16 did meet the guest house criteria indicated above and it was registered with Fáilte Ireland we would argue that the provision of homeless accommodation is not the same as the provision of guest house accommodation for "tourists" as defined by Fáilte Ireland.

Conflict of Interest

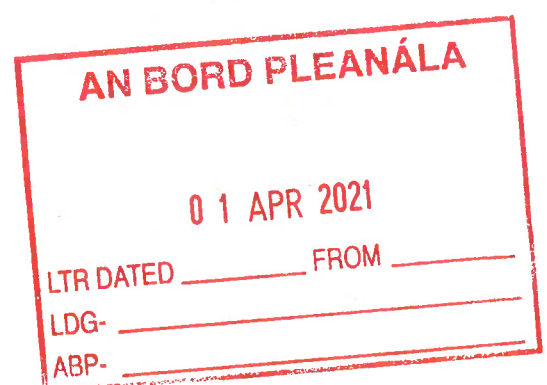
There is also a question of conflict of interest in this case as the developer is applying to one arm of DCC for an exemption from planning in order to enter into a contract for the provision of service to a separate arm of DCC.

Summary

We would ask that this matter be referred to An Bord Pleanála for determination in an open and transparent manner which allows for public participation.

Yours sincerely

Deirdre Nichol
Chairperson
Clontarf Residents' Association





Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Phleanála & Forbairt Maoin
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
Oifigeach Poiblí Ainmnithe faoin Acht um Brístocaireacht a Rialáil 2015

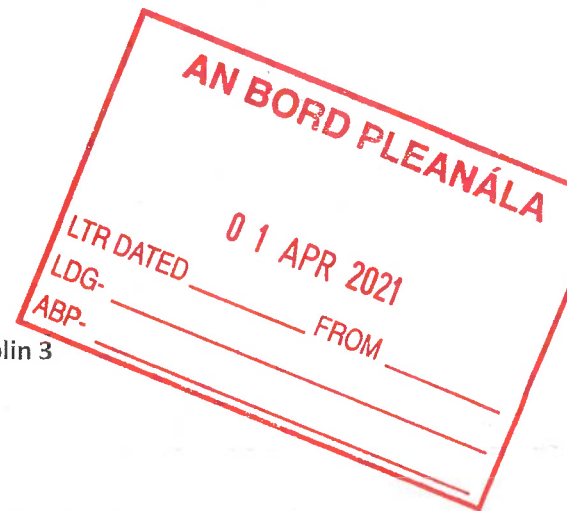
Planning & Property Development Department,
Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8.
Designated Public Official under the Regulation of Lobbying Act 2015

T. 01 222 3319 F. 01 222 2278 E.mary.conway@dublincity.ie

1st March 2021

Deirdre Nichol,
Chairperson, Clontarf Residents Association,
C/O 425 Clontarf Road,
Clontarf,
Dublin 3.

Ref: 16 Hollybrook Park, Clontarf, Dublin 3



Dear Ms Nichol,

I refer to your letter dated 22nd February 2021 concerning the established and proposed use of no. 16 Hollybrook Park, Clontarf.

As you clearly set out, there have been a number of submissions lodged with the Planning Authority in accordance with Section 5 of the Planning and Development Act 2000. One of these applications (Ref No. 0025/21) is currently the subject of a request for Further Information to clarify the established use of the building. This information is necessary to enable the Planning Authority to make a decision on this matter. The most recent application (Ref No. 0049/21) is due for decision by 9th March.

In general, the purpose of a Section 5 application is to address the specific legal question(s) asked by the applicant having regard to the facts of the case and the Planning Acts and Regulations. The merits or otherwise of the proposed development are not taken into consideration, as would be the case with a planning application.

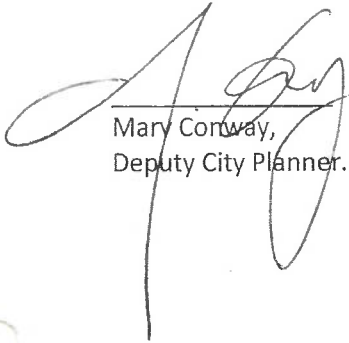
In this particular instance, the question posed is whether the proposed use constitutes a change of use from the established /approved use on site and hence is development requiring planning permission, or whether the proposed use by falling within the same use class as the established use constitutes exempted development and therefore does not require planning permission.

As the Planning Authority will not be referring the applications to the Housing Department, I do not see any conflict arising between different arms of the City Council.

I can confirm that any party who seeks a Section 5 declaration can appeal the decision of the Planning Authority to An Bord Pleanála. In the case of the most recent application (Ref No. 0049/21) the decision can be appealed by either the Hollybrook Park/Hollybrook Road Residents who lodged

the application in the first instance or by the owner of the property. This allows for full participation by the parties directly involved in the Section 5 application.

Yours faithfully,



Mary Conway,
Deputy City Planner.



An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

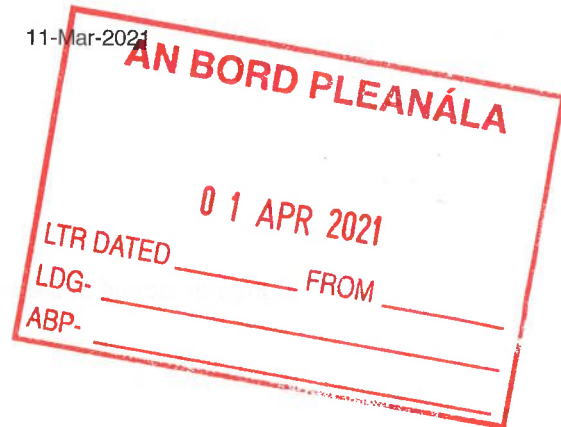
Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T. (01) 222 2288

E: decisions@dublincity.ie

Martin & Grove
SOLICITORS,
36 CHARLES STREET WEST,
DUBLIN 7.

Application Number	0049/21
Registration Date	10-Feb-2021
Decision Date	09-Mar-2021
Decision Order No.	P2735
Location Proposal	16 Hollybrook Park,, Clontarf,, Dublin 3. EXPP;PROTECTED STRUCTURE; The use of the property as a guest house which provides rooms on a nightly basis offering Bed and breakfast to Dublin City council/Dublin regional homeless Executive to accommodate homeless people
Applicant	Mark & Hilary McCaughey, Eileen Appleyard, Aidan Long, Ailbhe Tarrant, Conor Shields



- **If you have any queries regarding this Request, please contact the email shown above**

Please note that the effective lodgement date of your application will be the date on which this notice has been complied with.

Dear Sir/Madam,

With reference to the above application, I am directed by the Assistant Chief Executive to formally request that you submit the following ADDITIONAL INFORMATION in accordance with Section 5 of the Planning and Development Act 2000 (as amended).

It is recommended that the applicant of the subject 'Section 5' application be advised that as the applicant under EXPP0025/21 i.e. the owner of No.16 Hollybrook Park has yet to respond to the recent further information request that therefore the planning authority are currently not in a position to make a declaration on their submission as per Section 5.(2)(ba)(i) of the Planning & Development Act 2000(as amended)

NOT1exp-ai

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

**Planning & Property Development Department, Block 4, Floor 3
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.**

T. (01) 222 2288

E: decisions@dublincity.ie

11-Mar-2021

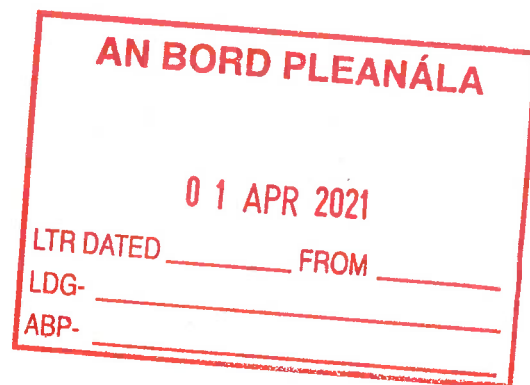
Signed on behalf of the Dublin City Council _____

for Assistant Chief Executive



By email: barbara@mglaw.ie

Ms Barbara Grove
Martin & Grove Solicitors LLP
36 Charles Street West
Dublin 7



Ref: FOI 2226

10th March 2021

Dear Ms Grove

I refer to your request received by email on 10th February 2021 made under the Freedom of Information Act, 2014 for the following records:

Confirmation that the premises at 16 Hollybrook Park, Clontarf, Dublin 3 is not, and has not been, valued for rating purposes during the period for which you hold records, and the date of commencement of records held by you in this respect

I made a final decision on your request on 10th March 2021. I may be contacted by telephone on **01 8171096** or by email gerard.kelly@valoff.ie should you have any questions or concerns about your request.

A schedule of records is attached.

In relation to your request please see attached record numbers 1-4 as detailed on attached schedule.

Please note: I have researched Valuation Office records for 16 Hollybrook Park - Property No. 618161. The property does not appear on a current Valuation List and is therefore not liable currently for commercial rates. The property was rated for commercial rates from 2000 until 2013, Revaluation of Dublin City Council List published 31st of December 2013.

Your right of appeal

If you are dissatisfied with this reply, you are entitled to appeal to this Office for a review of the case. The review is a full and new examination of your request, carried out by a more senior member of staff.

In the event that you need to make such an appeal, you can do so by writing to Ms. Catherine English of this Office, at the address given below. You would normally have four weeks after receipt of this decision in which to lodge the appeal. This Office will, however, allow the appeal to be made late in appropriate circumstances.

Yours sincerely,



Gerard Kelly
Freedom of Information Officer.



FOI Request 2225										
Schedule of Records: Summary of Decision Making										
Record	Date	Brief description of record	No. of Pages	Decision Grant/Part	Basis of Refusal: Section of Act	Reason for Decision	Public Interest consideration (for and against release)	Record Edited/identify deletions		
1	10th March 2021	Copy of Valuation Office archive book - 16 Hollybrook Park - 1964 - 1996	1	Grant	N/A					
2	10th March 2021	Copy of Valuation Office record Lot 16 Hollybrook Park - 1996 - 2000	1	Grant	N/A					
3	10th March 2021	Copy of Valuation Office record Lot 16 Hollybrook Park - 2000 - 2013	1	Grant	N/A					
4	10th March 2021	Copy of Valuation Office record - 16 Hollybrook Park - 2013 to present date	1	Grant	N/A					

AN BORD PLEANÁLA

0 1 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

THE
LIBRARY
OF THE
UNIVERSITY OF
TORONTO
130 St. George Street
Toronto, Ontario
M5S 1A5
Canada

Reference to Map.	Local Number	DECREE.	NAME.	Description of Treatment.	ATEL.	SIZES ANNUAL VARIATION.			S. R. (Per Acre)	OBSERVATIONS.
						Lands.	Buildings.	Railways, Fisheries, Ponds, etc.		
46/16	319B-14		Hollybrook Park	No. water to off yd + garden		250	60-00	60	9/1866	
			Pete Pappan Hollybrook Park							

Electoral Division or Ward *Blanchard West*

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Property

County
 LA
 District
 ED
 Townland
 Town
 Estate
 Street

Descr.

 Area (ARP) (H)
 Prop Type
 List Status

Ratepayer Details

Property No.
 Date Created
 Request Type
 Outcome
 Issued
 Official
 Effective Date

Occupier
 T/A
 Imm. Less.
 Lot No.
 Rating No. Parent Rating No.
 L.A. No.

OS Refs Revision
 MV Refs Appeal
 NB Refs Tribunal
 CF/SCF

RV Totals
 Land Bldgs Others Total Dem.

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____

LDG- _____

Property	Contact Details	0 Requests / 2 Archives	No Notes	Scanned Files	No Map
County <u>DUBLIN</u> L.A <u>DUBLIN CITY COUNCIL</u> District <u>CLONTARF WEST</u> ED <u>CLONTARF WEST C</u> Townland <u>SUNDRY TOWNLANDS</u> Town <u>DUBLIN</u> Estate <u>NO ESTATE</u> Street <u>HOLLYBROOK PARK</u>	Descr. <u>HOUSE</u> <u>HOSTEL</u> - - - Area (ARP) <u>0</u> <u>0</u> <u>0</u> (H) <u>0</u> Prop Type <u>Mixed - VO Apportionment</u> List Status <u>LR</u> <u>COMMERCIAL</u>	VO Property No. <u>618161</u>  Date Loaded : 03/04/02 Show All			
Occupier <u>FRANCIS CAMPBELL</u> T/A _____ Imm. Less. <u>VERNAN ESTATE</u> Lot No. <u>4b (local no 16)</u> Rating No. <u>1430122</u> <u>0</u> <u>9</u> Parent Rating No. <u>0</u> <u>0</u> <u>0</u> L.A No. <u>1430122000</u>	OS Refs <u>3198-14</u> MV Refs <u>ADJ22422</u> Revision <u>00/04</u> <u>Appeal</u> <u>00/04</u> NB Refs <u>SCAN</u> Tribunal _____ <u>53/190</u> CF/SCF _____	Last Updated <u>12/10/2001</u> Req Type <u>APPEAL</u> Outcome <u>UPDATED</u> Official <u>FORKIN C</u> Issued <u>Y</u> <u>18/09/2001</u> Effective Date <u>10/11/2000</u>	RV Totals Land <u>€0.00</u> Bldgs <u>€171.41</u> Others <u>€0.00</u> Total <u>€171.41</u> Dom. <u>€19.05</u>		

AN BORD PLEANÁLA

01 APR 2021

LTR DATED _____ FROM _____
 LDG- _____
 ABP- _____

Photo
 Scan
 Map
 Plans
 History

Property Pho



ID	Date Filed	Description
1	03/04/2002 00:00...	
2	03/04/2002 00:00...	
3	03/04/2002 00:00...	

AN BORD PLEANÁLA
 01 APR 2021
 LTR DATED _____ FROM _____
 LDG- _____
 ABP- _____

Extended Onfile
[View Extra Property Details](#)

REVISION APPEAL

County	DUBLIN	Rating No	1430122	0	9
LA	DUBLIN CITY COUNCIL	Req. Type	REVISION APPEAL		
District	CLONTARF WEST	Issued	18/09/2001		
Deed/Ward	CLONTARF WEST C	Eff. Date	10/11/2000		
Townland	SUNDRY TOWNLANDS	List Status	Non List	PropType	Mixed - VO App
Town/City	DUBLIN	Last Update	Colman Forkin	Date	12/10/2001
Street	HOLLYBROOK PARK	Outcome	UPDATED		
Postcode	NONE AVAILABLE	Valuation	0		
Building Name	NONE AVAILABLE	Prop No	618161	Req. No	3713841
Lot No.	4b (local no 16)	Parent No	0	Eircode	
Floor		Occupier	FRANCES CAMPBELL		
Locality	NONE AVAILABLE	Trading As			
Estate Sh/Cntr	NONE AVAILABLE	Imm Less	VERNAI ESTATE		
Mail/S St	NONE AVAILABLE	Nature Rev	NONE		
LA No	1430122000	Nature Details			
Description	HOUSE	Origin			
	HOSTEL	Date: Rev	06/12/2000		
	-	Tribunal Ref			
	-				
	-				

Begin forwarded message:

From: "Connors, Declan" <connorsd@THEAA.IE>
Date: 3 March 2021 at 12:45:59 GMT
To: "hilaryjwm@gmail.com" <hilaryjwm@gmail.com>
Subject: 16 Hollybrook Park, Clontarf

Dear Hilary,

Further to our recent conversations, I can confirm that it would appear that the premises of 16 Hollybrook Park, Clontarf was at some stage accredited by The AA for the provision of Guest Accommodation.

However our current system does not record properties that are no longer participating in the accreditation scheme in the last 10 years. Having been involved with AA Hospitality Services for next to 20 years, I have not inspected this property during my tenure.

I can confirm that the style of AA plaque displayed to the left of the main entrance was discontinued back in 2007, when stars replaced diamonds as our classification grades for Guest Accommodation.

I trust this answers your concerns, and thank you for bringing the illegal display of our logo to our attention.

Best regards,

Declan

Declan Connors
Manager, Hospitality Services
The AA

(a): The AA, Maryland House, 20/21 South William Street, Dublin.2
(m): +353 (87) 2032875
(e): connorsd@theAA.ie
(w): www.theAA.ie



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