

Tony Gaynor

40 Ashdale Road,
Terenure,
Dublin 6W
D6WE179

25th May 2025

The Secretary
An Bord Pleanála,
64 Marlborough St,
Rotunda,
Dublin 1,
D01 V902

Re: Section 5 Referral - Park House, Ashdale Road, Dublin, D6W R270
Dublin City Council Planning Reg. Ref. 0447/24

ABP Case Reference: RL295. 322400

Description: Whether the use of Park House is or is not development and whether it is or is not exempted development **and** whether the use of a residential building to house homeless persons is or is not development and whether it is or is not exempted development.

Dear Sir/Madam,

I wish to make an Observation on the following Case Reference;

RL295. 322400, Section 5 Referral - Park House, Ashdale Road, Dublin, D6W R270.

I write in support of the decision made by Dublin City Council regarding the use of Park House, Ashdale Road, Terenure, Dublin 6W which determined that the use of Park House, as a residential dwelling to house homeless persons, does not constitute exempted development.

I support this decision and provide further grounds below for this position.

I have paid the required fee of €50.00 uploaded through the ABP portal.

Yours Sincerely,

Tony Gaynor

Tony Gaynor

TONY GAYNOR : Submission Regarding Park House – Planning Considerations

Question 1

Whether the use of Park House as a residential dwelling, constitutes exempted development or does not constitute exempt development?

I wish to express my agreement with the decision made by Dublin City Council, which concluded that the use of Park House for the accommodation of homeless individuals does not qualify as exempted development. My reasons are outlined below:

1.1 Park House operated continuously as Manor Montessori School and Nursery from 1992 until its closure in 2023. Since then, the building has remained vacant. Claims suggesting residential use post-closure are inaccurate, as no individuals have resided there during this period.

The applicant has claimed that the building reverted to residential use following the closure of the crèche. However, this assertion is inaccurate. I can confirm that the building has not been inhabited as a residence since its closure and has not functioned as a dwelling.

It has also been suggested that the property underwent a "period of disuse" as a crèche prior to its closure. As a long-standing resident living on Ashdale Road since 2001 and form personal experience (as one of my children attended Manor Montessori from 2012-2013), I can confirm that the crèche remained in continuous operation until it closed in 2023.

1.2 Only the "Western section" of the property has been in residential use, comprising five separate units accessed via Ashdale Gardens. Notably, Apartment 5 in the attic was partially associated with the crèche, with a staircase from the residential area serving as an emergency exit from the attic space.

1.3 Re-establishing the use of the crèche building as residential accommodation represents a material change of use and thus constitutes development. Planning permission should be required to ensure compliance with local development plans and to prevent inappropriate or unregulated changes in land use.

1.4 I refer to the continuance of the use of the building as a Crèche from 1997 as a crèche was never challenged by a discontinuance notice from the Local Authority. Under Section 46 of the Planning

and Development Act 2000, development that continues for over seven years without enforcement action is not deemed unauthorised. Accordingly, its lawful use must be recognised as educational and not residential.

Question 2

Whether the use of a residential building, where care is not provided, to house homeless persons, constitutes exempt development or does not constitute exempt development as the change of use raises planning considerations that are materially different to planning considerations relating to the established use.

I support Dublin City Council's conclusion that this change of use raises materially different planning considerations and therefore does not qualify as exempt development. My rationale is as follows:

2.1 Need for Planning Oversight

The proposed use introduces significantly different planning considerations, particularly in terms of density, building compliance, and impact on the local area. A full planning application is necessary to address these issues comprehensively. The property must comply fully with modern Building Regulations to ensure the safety and wellbeing of all future residents.

2.2 Classification as Multi-Unit Development

This proposal amounts to the creation of a multi-unit development. Under the Housing (Standards for Rented Houses) Regulations 2019 (S.I. No. 137/2019), a "multi-unit building" is one containing two or more units with shared access. In addition, Department Circular 33/2022, which addresses fire safety in multi-unit developments, must be considered.

The submitted documentation lacks adequate detail on how the building will be divided or occupied. This is particularly concerning from a health and safety perspective.

2.3 Ambiguity of Use

In early 2025, representatives of the Terenure Residents Association and local TD Ivana Bacik met with Coollebridge, the developers. At that time, Coollebridge indicated that final plans for the building's use were undecided. They suggested the building could accommodate up to 30 people in shared family arrangements, but submitted plans do not reflect this intent and are notably vague.

2.4 Clarification from Authorities

James Geoghegan TD for Dublin Bay South confirmed in March that the Dublin Regional Homeless Executive (DRHE) is not considering this site for homeless accommodation. This suggests the building is instead intended for use as an IPAS (International Protection Accommodation Service) facility—i.e., emergency accommodation for asylum seekers.

Such use may result in an intensification of occupancy. Accordingly, all relevant Building and Fire Safety Regulations must apply based on the maximum number of future occupants.

2.5 Concerns Over Intensification of Use

Plans indicate the conversion of large former classrooms into bedrooms, totalling 12 rooms. However, no information is provided on occupancy per room. This raises concerns about density and compliance with building codes.

Moreover, tenants currently residing in the residential portion have received eviction notices. These residents face displacement to facilitate higher-occupancy most likely driven by a desire for higher profit usage of the asset.

2.6 Need for Formal Planning Application

Only through a formal planning process can the Local Authority establish the building's lawful use—whether as a hostel, bed & breakfast, or IPAS accommodation without care. Clarification is needed on whether the setup will involve communal or self-contained units, as this will affect fire safety, I suggest that only a full Planning Application will ensure the proper development of this very important building in its location. The end use will determine Health and Safety Fire and Part M compliance. All of the above uses need to be confirmed and then adhered to.

2.7 Commercial Use

The proposal appears to be a commercial initiative aimed at profit. Coolbridge markets itself as a leading provider of accommodation centres for IPAS, raising concern that they are attempting to circumvent the planning process, avoiding community engagement and regulatory scrutiny. Common sense should prevail so that an IPAS Centre cannot be established by circumventing the planning laws and building regulations for what is essentially a high occupancy building.

2.8 Building Control and Accessibility

The building does not currently meet accessibility standards. Both staircases are unsuitable as fire escapes, there is no lift, and the main entrance is elevated and inaccessible to those with mobility needs. All works must comply with Building Control Regulations to ensure inclusivity and safety.

There is significant concern that an exemption granted for homeless accommodation could later be used to justify a switch to IPAS use, avoiding public consultation. The lack of clarity in the submitted plans is worrying.

2.9 Context of the Building

Any proposed development should be assessed in the context of its surrounding environment. The area is a quiet, residential neighbourhood with narrow roads and limited pedestrian infrastructure. Increased occupancy could place undue pressure on this environment.

2.10 Heritage and Conservation

A request has been made to include Park House on the Record of Protected Structures. The Western section of the property, a Georgian five-bay structure dating from the early 1800s, holds architectural and historical value. Unfortunately, internal features—including fireplaces and decorative plasterwork—have recently been destroyed. Immediate action is needed to protect what remains.

Conclusion

I strongly support the Planning Authority's view that:

- a) The transition from crèche to residential use **represents a material change of use** and is not exempt from planning requirements.
- b) The conversion of the building to house homeless individuals, without care services, also

represents a material change and requires full planning permission due to the fundamentally different planning considerations involved.

This process must be upheld to ensure responsible and sustainable development within our community.

