

An
Coimisiún
Pleanála

Commission Order
ACP-323510-25

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Reference Number: REF10725

WHEREAS questions have arisen as to:

- (i) Whether the use of 60 Knocknashee as accommodation for 13 students constitutes a material change of use from its authorised use as a single dwelling house;
- (ii) Whether such change of use (if found to exist) constitutes "development" within the meaning of Section 3 of the Act;
- (iii) Whether any such development is exempted development under Section 4 of the Act or the Planning and Development Regulations 2001(as amended).
- (iv) Whether building works, undertaken in apparent conjunction with the change of use (comprising installation of fenestration in the side elevation and replacement of the garage door with fenestration) constitute development requiring planning permission.

AND WHEREAS Sheila Hillis requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 31st day of July 2025, stating that:

- (i) The use of 60 Knocknashee to accommodate 13 students does not constitute a material change of use from its authorised use as a single dwelling house.
- (ii) As no material change of use has occurred, the use does not constitute “development” under section 3(1), and the question of exemption does not arise.
- (iii) The substitution of the garage door with fenestration constitutes “development” and qualifies as “exempted development” pursuant to Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- (iv) However, the installation of fenestration in the side elevation constitutes “development” that is not exempted under section 4(1)(h) of the Planning and Development Act 2000, as amended, as it materially alters the external appearance involving works on a party boundary.

AND WHEREAS Sheila Hillis referred this declaration for review to An Coimisiún Pleanála on the 25th day of August 2025,

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1), 3(1), 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) the concurrent planning appeal ACP-323417-25 which provided floor plans,
- (e) the pattern of development in the area:

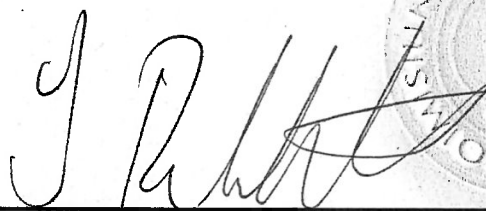
AND WHEREAS An Coimisiún Pleanála has concluded that:

- (i) The use of the property at number 60 Knocknashee, a seven-bedroom dwelling house, to accommodate 13 students does not constitute a material change of use from its authorised use as a single dwelling house, as the property remains within the definition of the house and not student accommodation. As no material change of use has occurred, the use does not constitute 'development' under Section 3(1) of the Planning and Development Act 2000, as amended.
- (ii) (a) The conversion of the garage to residential use is 'development' and is 'exempted development' as it comes within the scope of Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

- (b) The substitution of the garage door with fenestration constitutes 'development' and is 'exempted development' as it does not render the appearance inconsistent with the character of the structure or of neighbouring structures or materially alter the external appearance of the dwelling and comes within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended.
- (iii) The alteration of an existing larger blocked up window opening with the insertion of a smaller high-level window on the side elevation of the converted garage constitutes 'development' and is 'exempted development' as it does not materially alter the external appearance of the structure in a manner which is inconsistent with the character of the existing dwelling and neighbouring properties and comes within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended,

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides hereby decides that:

- (i) The use of 60 Knocknashee to accommodate 13 students does not constitute a material change of use from its authorised use as a single dwelling house.
- (ii) The use of 60 Knocknashee to accommodate 13 students is not development.
- (iii) The conversion of the garage to residential use is development and is exempted development and the substitution of the garage door with fenestration is development and is exempted development.
- (iv) The installation of fenestration in the side elevation is development and is exempted development.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this

19th day of Dec.

2025.

