Appeal under Section 5 of the Planning and Development Act 2000 (as amended)

Property: 93 Church Avenue, Drumcondra, Dublin 9
Planning Authority Reference: 0044/26
Decision Date: 31 March 2026

To:
An Bord Pleanála
64 Marlborough Street
Dublin 1

AN COIMISIÚN PLEANÁLA
LDG- 057308 - 26
ACP-
14 APR 2026
Fee: € 220 Type: Card
Time: 9:21 By: Hand

1. Introduction

I, Deirdre McMahon, am the applicant in respect of a request for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) relating to the property known as 93 Church Avenue, Drumcondra, Dublin 9.

This appeal is made against the declaration issued by Dublin City Council dated 31 March 2026, which concluded that the use of the property for two self-contained residential units, as granted under Ministerial Permission Ref. 529/74, has been abandoned.

It is respectfully submitted that the authorised use has not been abandoned and that the evidence demonstrates a relatively recent change in occupation rather than a permanent discontinuation of the authorised residential subdivision.

2. Planning History and Nature of the Original Layout

Planning Permission Ref. 529/74 granted retention, on appeal, for the subdivision of the dwelling into two residential units.

The original configuration of the property was maisonette-style, with no internal separation between levels, rather than fully independent units in the modern sense. The building remained structurally unified and internally connected, capable of accommodating different residential arrangements without substantial structural alteration.

Over time, the property was further subdivided internally into bedsit-style accommodation. This later subdivision demonstrates continued use of the building in a multi-occupancy configuration rather than a return to single-house use.

3. Physical Condition of the Property Prior to Purchase

Immediately prior to the applicant's purchase in May 2021, the property retained clear physical infrastructure associated with residential subdivision and multiple occupancy.

This included:

- Multiple electrical distribution boards serving different areas
- Three-phase electricity supply
- Upgraded water supply infrastructure sized to support multiple occupants
- External waste and service pipework serving different areas of the building
- Internal layouts consistent with residential subdivision
- Evidence of separate service provision to different rooms

A pre-purchase survey prepared in advance of acquisition noted the presence of "misc fuse boards/supplies throughout which is not ideal if returning to single owner use."

The survey also described:

"misc rooms to mid building such as kitchen, bedroom, passage to side and converted garage."

The professional observations confirm that the property remained configured for multiple occupancy immediately prior to purchase and had not been fully converted into a conventional single-family dwelling.

4. Timeline of Use

The relevant timeline is as follows:

1974 — Permission granted for subdivision into residential units
Subsequent years — Property operated in subdivided residential form and was later further subdivided internally
May 2021 — Property purchased in a physically subdivided condition
January 2022 — Occupation as a single family dwelling commenced
Present — Infrastructure associated with the historic subdivision remains in place

Accordingly, the period during which the property has been occupied as a single dwelling is relatively short in planning terms.

5. Nature of Works Undertaken

Following purchase of the property in May 2021, certain internal partitions and fittings associated with the previous subdivision were removed in order to facilitate occupation as a family dwelling.

These works were limited to internal alterations and maintenance improvements. They did not involve structural changes to the building or the permanent removal of infrastructure associated with the historic subdivision.

The internal alterations undertaken were reversible in nature and did not permanently alter the structural configuration of the building or remove the capability of accommodating separate residential units.

An unauthorised rear extension constructed by previous owners was voluntarily removed following purchase, in order to regularise the structure and improve the condition of the building.

6. Intention to Abandon

There was no intention to permanently abandon the authorised residential subdivision.

Following purchase of the property in May 2021, the applicants occupied the dwelling as a single family home in order to provide suitable accommodation for their young family, including two small children, one of whom was an infant at the time.

The occupation of the property as a single family dwelling occurred during the COVID-19 period, when practical considerations relating to public health restrictions, construction disruption and the immediate housing needs of a young family influenced the manner in which the property was used following purchase.

This arrangement was practical and temporary in nature and did not represent a deliberate or permanent decision to discontinue the authorised residential use.

Importantly, the physical infrastructure associated with the historic subdivision remained largely intact and capable of supporting residential subdivision.

7. Application of the Abandonment Test

The Planning Authority referred to the principles established in Kildare County Council v. Goode in assessing abandonment.

When those principles are applied to the present case:

- period of single dwelling occupation has been relatively short
- the physical configuration of the building remained consistent with subdivision
- the change in occupation was practical rather than permanent
- the building retained the capability to accommodate multiple residential units
- the original maisonette-style layout remained structurally unified and adaptable

Accordingly, the evidence does not support a conclusion that the authorised use has been permanently discontinued.

8. Planning Context

The proposed reinstatement of residential units within an existing dwelling aligns with current planning policy objectives which seek to support the efficient use of existing housing stock and the provision of additional residential accommodation within established urban areas.

9. Conclusion

Having regard to:

- the physical condition of the property immediately prior to purchase
- the recent configuration of the building for multi-occupancy use
- the relatively short period of single dwelling occupation
- the absence of any intention to permanently abandon the authorised use
- the continued presence of infrastructure capable of supporting subdivision
- the historically unified maisonette-style structure of the building

it is respectfully submitted that the authorised use of the property for two residential units has not been abandoned.

It is therefore requested that An Bord Pleanála determine that the reinstatement of the internal layout of the property to provide two residential units, as previously permitted under Permission Ref. 529/74, does not constitute a material change of use.

Signed:

Deirdre McMahon

Deirdre McMahon

Date: 15/04/206

An Coimisiún Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name	Deirdre McMahon
(b) Address	93 Church Avenue, Drumcondra, D09 Y1R8

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name	Not applicable
(b) Agent's address	Not applicable

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1	☑	**The agent at the address in Part 2**	☐

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Dublin City Council

(b) Planning authority register reference number

(for example: 18/0123)

0044/26

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

93 Church Avenue, Drumcondra, Dublin 9, D09 Y1R8

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Attached separately

Supporting material

6. If you wish you can include supporting materials with your appeal. Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

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. planning@dublincity.ie

01-Apr-2026

Deirdre McMahon
93, Church Avenue
Drumcondra
Dublin 9

Application Number	0044/26
Application Type	Section 5
Registration Date	12-Mar-2026
Decision Date	31-Mar-2026
Decision Order Number	P2810
Location	93 Church Avenue, Drumcondra, Dublin 9
Proposal	EXPP: Internal reinstatement of the property to the previously granted/permitted layout of two self contained residential units, as granted under Ministerial Permission Ref: 529/74. Works consist only of reinstating former internal partitions, kitchens, bathrooms and reconnecting existing internal services. No external works, no changes to the external appearance and no extensions are proposed.
Applicant Details	Deirdre McMahon

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

Note:
Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by An Bord Pleanála within four weeks of the date of the issuing of the declaration.

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the Planning & Development Act 2000 (as amended), Dublin City Council has by order dated 31-Mar-2026 decided to issue a Declaration that the proposed development is NOT EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Act 2000 (as amended) for the following reason:

1. It is considered that the use of the property for two self contained residential units, as granted under Ministerial Permission Ref: 529/74 has been abandoned and the resumption of a residential use of the property for two self contained residential units constitutes a material change of use. As such the proposed resumption of the use of the property for two self contained residential units is development and would not constitute 'Exempted Development' and would require planning permission.

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.

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01-Apr-2026

Signed on behalf of Dublin City Council

For Administrative Officer

13. Electricity

Finish

Mains circuits throughout

Type

Mains electricity

Condition

Poor

No heat dectection in kitchen

No smoke heads to bedrooms

Some upgrades done recently

Main electrics are dated

More condition details

Some regulations issues

Misc fuse boards/supplies throughout which is not ideal if returning to single owner use

Multiple electric showers is against regulations

Recommendations if any:

Maintenance as standard at minimum

Important:

Updates are essential

Install heat detector to kitchen

Install smoke heads to bedrooms

Test wiring

Test alarm

EXTRACTS FROM PRE PURCHASE SURVEY NOTING LAYOUT SUITED MULTIPLE USERS

Budget Required

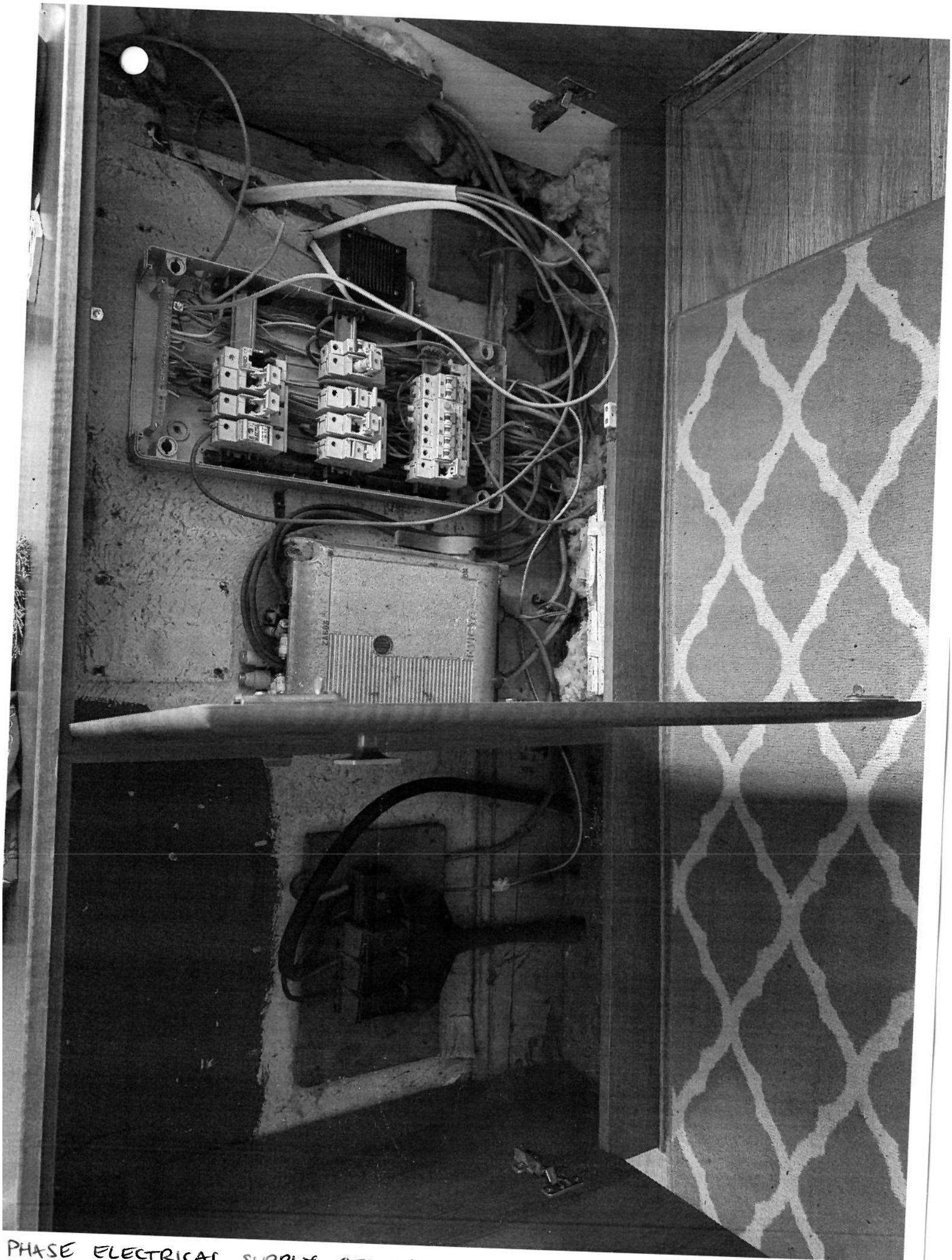
Budget required?	Yes
Full refurbishment	200k+ as guideline
Chimney repair-work	1-2k as guideline
Additional Works	The property may need to be reinstated to single owner occupancy which means the removal of all additional fuse boards, meters and services The layout suits multiple users and may need to redesigned and works done to reinstate to single use
General Comments	The property has some nice original features to main part of house The property is lacking general maintenance The rear extensions build over the years are poorly done with little or no thought except creating space The back garden needs extensive work Certs required for rear and side extensions There are so we security screens installed to front window and roof light which suggests some security issues with the property. See link to survey photos for reference and will be best follow up with call to discuss and go through all: https://photos.app.goo.gl/4yxYxVtdtKdFESCo6
Vendor Requirements	BER cert Planning reference numbers where applicable. OSI land registry site map required for checking of boundaries. Certs for any new extension, attic conversion, structural alterations internally where applicable. Minimum requirement of 25m2 open space to rear of property or provide planning documents/waivers.
Supplementary Info on damp issues	I did see damp issues in the property! The external walls I believe are not well insulated and this will encourage cold bridging and this will eventually

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ETAINED WASTEWATER PIPE SERVING FIRST FLOOR



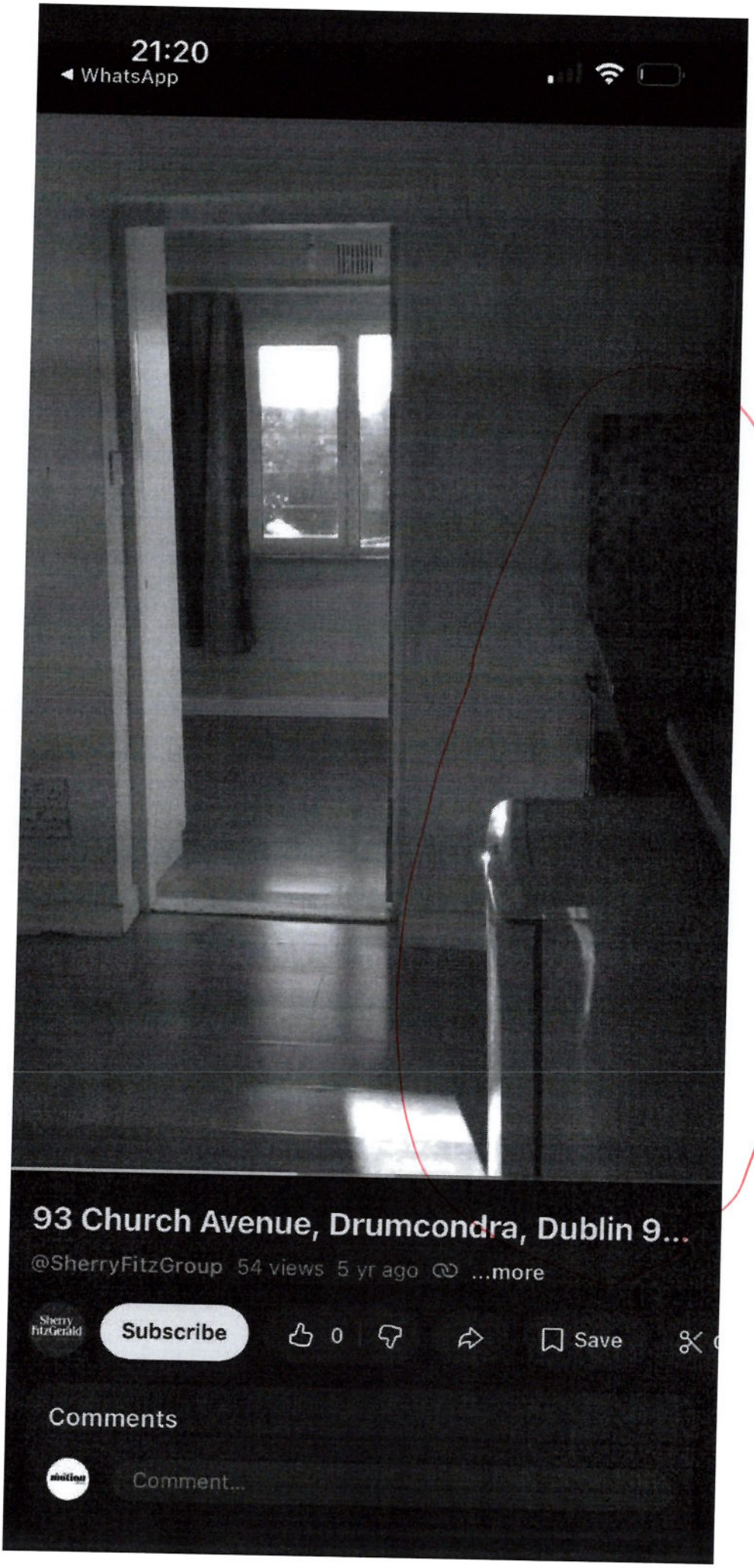
PHASE ELECTRICAL SUPPLY SERVING PROPERTY, DEMONSTRATING RETAINED
ECTRICAL CAPACITY INFRASTRUCTURE



RETAINED WASTEWATER PIPE SERVING FIRST FLOOR



NASTEWATER PIPE SERVING FIRST FLOOR BATHROOM, DEMONSTRATING
ETAINED PLUMBING INFRASTRUCTURE



KITCHEN ON FIRST FLOOR 2021



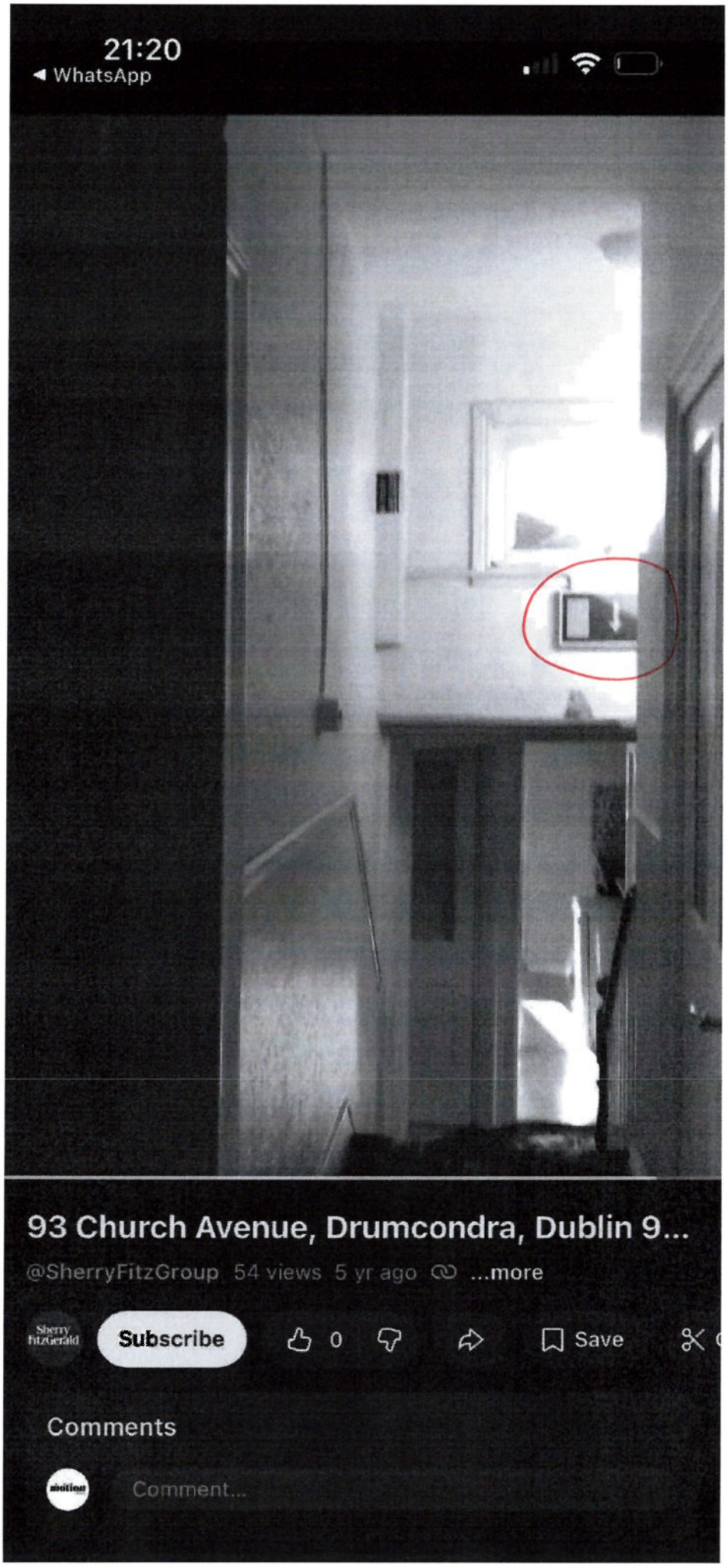


TIMBER STUD WALL FORMING PART OF FORMER CORRIDOR CONNECTION TO REAR STRUCTURE THAT HAS SINCE BEEN REMOVED

MULTIPLE ELECTRICITY METERS 2021



MULTIPLE ELECTRICITY METERS 2021



FIRE SAFETY SIGNAGE - SALES VIDEO 2021


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93 Church Avenue, Drumcondra, Dublin 9...
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Declaration

Premises: 93 Church Avenue, Drumcondra, Dublin, 9.

I William Keating of 93 Church Avenue, Drumcondra, Dublin 9 being the registered owner aged 18 years and upwards **DO SOLEMNLY AND SINCERELY** declare as follows:-

1. The property to which this declaration relates (hereinafter referred to as "the dwelling") is the house and premises known as 93 Church Avenue, Drumcondra, Dublin, 9.. I am the registered owner of the property.
2. I say that I acquired the property by Deed of Assent dated 4th February 2021
3. I say that I am aware from my knowledge of the property during the course of the ownership of the property (and since the death of Jean Caleb and during the course of my administration of the deceased owner's Estate) no enforcement or other notices under the Local Government (Planning & Development) Acts 1963-1992 have issued from the Planning Authority or from any other party or person and there have been no breaches of the Planning Acts.
4. I say that no notice has been served from the Building Control Authority in connection with works carried out to

the property within 6 months of the 1st June 1992 stating that the works constituted a danger to public health or safety.

5. I say that Section 19 of the Local Government (Planning & Development) Act 1992/Section 15794)(a) of the Local Government (Planning & Development) Act 2000 has been explained to me and I say that as the "works" to the property have been completed for more than 7 years it is my opinion that the Planning Authority are precluded from serving Enforcement Notices under the aforesaid Planning Act. It is also my opinion that the Local Authority is also precluded in the circumstances from serving Warning Notices under Section 26 or Enforcement Notices under Section 37 of the 1976 Planning Act/Section 152 of the Local Government (Planning & Development) Act 2000.

6. I say that there have been no alterations or works (including exempted development) carried out to the property requiring planning permission since I acquired the property. I further say that no works have been undertaken which would require compliance with the provisions of the Building Control Act 1990 and any regulations made thereunder.

7. I say that no proceedings of any kind have been instituted or threatened, and no application or order of any kind has been made, or notice, certificate of order been served upon or received in respect of the property since I acquired same nor

have I notice of any intention to serve any notice relating to the property or any part of it under any of the provisions of the Building Control Act, 1990 or the Local Government (Planning and Development) Act 1963 or 2010 or any statutory rule, order or statutory instrument or any amendment or extension of same.

8. I understand the effect and import of this Declaration which has been fully explained to me by my Solicitor.

9. I make this declaration conscientiously believing it to be true for the satisfaction of Deirdre McMahon and pursuant to the Provisions of the Statutory Declarations Act 1938.

Declared before me by the said
William Keating
On the day of 2021
At.....
In the city/county of .....
Before me a Commissioner for Oaths/
Practising Solicitor and the deponent
DELETE AS APPROPRIATE – is personally
known to me/is identified to me by.....
who is personally known to me/whose identity
has been established by reference to a relevant
document containing a photograph.

_____

Commissioner for Oaths/Practising Solicitor