



An  
Bord  
Pleanála

## Inspector's Report ABP-316361-23

---

<b>Type of Appeal</b>	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
<b>Location</b>	Weaver's Row, Clonsilla, Dublin 15.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	RZLT050/22
<b>Appellant(s)</b>	Benduff Ireland Limited
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site contains a rectangular shaped site located to the north of the Clonsilla Road in Porterstown, Dublin 15. This site, with a stated area of 0.21 hectares is undeveloped at present, though was developed in the past and has undergone site clearance. Adjoining lands consist of a mix of large detached houses and semi-detached houses.

## 2.0 Zoning and Other Provisions

- 2.1. The site is within the 'Development Boundary' of Blanchardstown. The subject site is zoned RS – Residential – 'Provide for residential development and protect and improve residential amenity'.
- 2.2. There are no protected structures, national monuments or any other similar item indicated on the development plan maps.

## 3.0 Planning History

- 3.1. **PA Ref. FW22A/0261** refers to a February 2023 decision to grant permission for seven houses on these lands.
- 3.2. **PA Ref. FW22A/0013** refers to an August 2022 decision to refuse permission for seven houses on these lands. The reason for refusal referred to a concern about surface water drainage and a potential for flooding.

## 4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have its lands removed from the draft map on the basis that:
  - There are water infrastructure deficiencies in the area and the site should be removed from the maps. The refusal under PA Ref. FW22A/0013 refers to such concerns.

## **5.0 Determination by the Local Authority**

- 5.1. The Local Authority determined that the site was in scope and should remain on the map. The land is serviced and the grant of permission under PA Ref. FW22A/0261 demonstrates that the site can be serviced, and no deficiencies exist that would prevent the development of the site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The following comments were made:

- Refers to the history of the site and the refusals of permission.
- Permission was granted under PA Ref. FW22A/0261 and it is hoped to commence works in May 2023.
- Request that the tax be deferred as it is clear that the applicant has made efforts to develop these lands.

### **6.2. Planning Authority Observation**

Refers to the grant of permission under PA Ref. FW22A/0261, requests that the determination be upheld, and no further comments are made.

## **7.0 Assessment**

- 7.1. The site can be serviced by road and water services, no issues of capacity constraint were identified. I note the Planning Authority comments in relation to the recent grant of permission.
- 7.2. The appellant refers to the planning history of the site and the recent grant of permission. It is hoped that development will commence in May 2023. This is noted, however there is no certainty that works will commence or be completed, and it is therefore considered that the decision of the Planning Authority should be upheld.
- 7.3. I therefore consider that the site should remain on the map in accordance with the recommendation of the Planning Authority.

## 8.0 Recommendation

- 8.1. I recommend that the board confirm the determination of the Local Authority and that the indicated site be retained on the map.

## 9.0 Reasons and Considerations

- 9.1. The appellant requested that their site be removed from the map due to a history of planning refusals related to infrastructure deficiencies. These issues have been addressed and permission was granted under PA Ref. FW22A/0261 for seven houses.
- 9.2. The site is within an established urban area with services available and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes. The site does satisfy the criterion for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended.

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

---

Paul O'Brien  
Planning Inspector

8<sup>th</sup> June 2023