An Bord Pleanála

Inspector's Report ABP-316403-23

Type of Appeal	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
Location	16 Hollybrook Park, Clontarf, Dublin 3.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	RZLT-000064
Appellant(s)	Copperwhistle
Inspector	Paul O'Brien

1.0 Site Location and Description

1.1. The subject site contains a site located to the north of Hollybrook Park, Clontarf, Dublin 3. The site consists of an almost rectangular shaped area of land on which is a large semi-detached, two storey house, no. 16. There is very little open/ yard space to the rear of the house with the majority of the undeveloped lands located to the eastern/ side of the house and to the front/ south.

1.2. The site is located in an established urban area, consisting of a mix of house types and sizes. The area is served by roads and footpaths and street lighting is in place.

2.0 Zoning and Other Provisions

2.1. The site is zoned Z2 – Residential Neighbourhoods (Conservation Area) in the Dublin City Development Plan 2022 – 2028. Z2 permissible uses include Residential.

2.2. No. 16 and the adjoining no. 14 listed on the record of protected structures – RPS no. 3883 refers to the subject house and 3882 refers to no. 14.

3.0 Planning History

3.1. There are no recent, relevant, valid applications on this site.

4.0 Submission to the Local Authority

4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map on the basis that the building on site was a functioning guesthouse, though is not operating at present.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that part of the site was in scope. The site is zoned for uses that allow for residential development. The building was most recently in

use as a guesthouse but is not operating as such at present. The guesthouse does not provide services to residents of adjacent residential areas.

5.2. The building is a protected structure, but these does not prevent development on this site. No reasons have been provided as to why the site cannot be adequately serviced.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- Accept that the site is suitably zoned for residential development.
- Accept that the site is suitably serviced, and which would allow for residential development.
- There is a commercial operation in place here and which does provide for accommodation of residents of adjacent areas.
- The development complies with other criteria under Section 653B of the Taxes Consolidation Act.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

7.1. The comments raised in the appeal are noted. The site is zoned for residential use and the Planning Authority determined that the entire site should remain on the RZLT maps.

7.2. The applicant has stated that the guesthouse is not operating at present and in any case, the nature of this business is such that it does not provide 'services to residents of adjacent residential areas.' The site can be zoned to enable the development of this site and there are no known contaminants on site that would prevent the comprehensive development of the site.

7.3. I therefore consider that the site is suitably zoned for residential development and there is no reason as to why development cannot take place here.

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 the fact that there is a business on site and that all the lands are required to enable the full operation of this business.

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 profession 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

27th June 2023