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Bord  
Pleanála

## Inspector's Report ABP-316505-23

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<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>	94 & 95 Fairview Strand and 67 Cadogan Road, Dublin 3.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	RZLT-000070
<b>Appellant(s)</b>	Sweeney Sheet Metal Limited
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. The subject site consists of an irregular shaped site located to the west of Cadogan Road and with road access from Ballybough Road, Dublin 3. A wall provides a boundary between Cadogan Road and the front of this site, it appears that Cadogan Road may have extended to the front of the site in the past. Part of the site, no. 67 extends onto Cadogan Road.
- 1.2. The site includes a number of sheds/ small industrial units with a limited area of open yard space. A sheet metal fabrication business is in operation on the subject site. To the south of the site is the River Tolka.
- 1.3. The surrounding area consists of mostly residential properties but there are a number of commercial units in the area also.

## **2.0 Zoning and Other Provisions**

- 2.1. The site is zoned Z1 – ‘Sustainable Residential Neighbourhood’ in the Dublin City Development Plan 2022 - 2028. Residential development is permitted on these lands.

## **3.0 Planning History**

- 3.1. There are no recent relevant valid applications on these lands.

## **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 site is in use as a commercial premises. The business has been in operation since the 1960s and the units on site have been in place prior to the coming into force of the Planning and Development Act 1963.

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

- 5.1. The lands are suitably zoned for residential development, public infrastructure is available to serve the site, and no restrictions were identified on the ability to develop this site.
- 5.2. Accept that there is a commercial business in operation here, commercial rates are paid and the uses on site are authorised. However, the business does not provide services to residents of the adjacent area and therefore cannot benefit from exemption from inclusion on the RZLT maps.

## **6.0 The Appeal**

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

The following points were made in support of the appeal:

- The lands are in commercial use and has been in operation since the 1960s, therefore is exempt from requiring planning permission.
- Request that the lands be rezoned to Z3 – which would provide for a more appropriate mixed use zoning on these lands.

Supporting documents, plans and photographs have been provided.

### **6.2. Planning Authority Response**

- No further comment.

## **7.0 Assessment**

- 7.1. The comments raised in the appeal are noted. The zoning allows for residential development and there are no known restrictions on the availability of provision of services to this site.
- 7.2. The business, whilst authorised and pays commercial rates, does not directly the needs of the local community as per Section (C)(i) of the Act. The lands should be retained on the RZLT maps.

## 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 these lands were in commercial use.
- 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 business on site does not serve/ provide services to the local community. The lands are accessible and there is no reason why they cannot be developed in accordance with the zoning objective – Z1 that applies to this site.

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.

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Paul O'Brien  
Planning Inspector

6<sup>th</sup> July 2023