



An
Bord
Pleanála

Inspector's Report ABP-316569-23

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	Rear of Lanigans Funeral Directors, 2b & 2c Faussagh Avenue, Cabra West, Dublin 7.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	RZLT-000057
Appellant(s)	Corah Lanigan
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an irregular shaped area of land located to the north east of Faussagh Avenue, Cabra, Dublin 7. The overall site contains a two-storey building that is occupied by Lanigans Funeral Home, a car parking area to the front of this building and an area of undeveloped land located to the rear of the building. The subject submission refers to the lands to the rear of the Funeral Home only.
- 1.2. To the east of the site is St Attracta Road, which consists of two-storey terraced houses. Lands to the north are undeveloped and are idle, to the north west is a group of buildings that are derelict and beyond them is the railway line between the Phoenix Park tunnel and Glasnevin. South west of Faussagh Avenue is St Finbar's GAA Club.

2.0 Zoning and Other Provisions

- 2.1. The front of the site is zoned Z3 – Neighbourhood Centres and the rest of the site, subject of this submission, is located on lands zoned Z1 – Sustainable Residential Neighbourhoods in the Dublin City Development Plan 2022 – 2028. Z3 permissible uses include Residential.
- 2.2. The site is not located within any architectural conservation area (ACA) or areas of archaeological importance and there is no indication that the site is contaminated.

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 zoned lands are to the rear of their business and they do not have direct access to necessary services. The lands are effectively landlocked.

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 residential development and that access is available via a side gate from the car park to the funeral home.
- 5.2. A report was prepared by Uisce Éireann and confirms that the site can be served by public water supply and by foul drainage. Public surface water drainage is available in the area and the Transportation Planning Division consider that the site is accessible.

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.
- Refute the comments/ report of Dublin City Council that the site is accessible.
The location and layout of the site is such, that the subject lands are landlocked behind the building from which the business operates from. The site cannot be suitably serviced.
- Vehicular/ pedestrian is not provided at present and the use of a gateway to the side would not provide for a suitable access to this site.
- The building to the front of the site is in use as a funeral home. This has been in operation for some time and employs people from the local community.
- The proposal to development plans to the west of the subject site would further restrict the development of the subject lands for residential uses.

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 partially for residential use and the Planning Authority determined that the entire site remain on the RZLT maps.
- 7.2. The site is serviced/ is serviceable by public water and foul drainage. It is possible to provide for an access to the rear of the site and which could allow for the development of these lands. The site area at 0.025 hectares is small and it can be considered that only a small number of residential units would be provided here. Any development would have to have regard to adjoining sites, whether or not permission is granted for the development of these adjoining sites.
- 7.3. I therefore consider that the site, should remain for inclusion on the Residential Land Tax Maps as 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 access to the site is restricted, and that the development of adjoining sites may impact on the development potential of this site.
- 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

26th June 2023