



An
Bord
Pleanála

Inspector's Report ABP-316876-23

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	72/74 Old Kilmainham, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	RZLT-000044
Appellant(s)	Ronald Fenelon
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains a former public house and two residential units, forming a three-unit terrace, located on the corner of Old Kilmainham and Brookfield Road. The former public house, Carrigans, is a three-storey unit and the two houses are two storey units.
- 1.2. The units are in poor condition with exposed roof beams and a number of the windows are boarded up.
- 1.3. The surrounding area consists of a mix of residential units and commercial sites, a number of which contain large uncovered yards.

2.0 Zoning and Other Provisions

- 2.1. The site is located on lands zoned Z1 – Sustainable Residential Neighbourhoods in the Dublin City Development Plan 2022 – 2028.
- 2.2. The site is within an area designated as an Area of Archaeological Constraint and a Zone of Archaeological Interest. These designations do not preclude the development of this site.

3.0 Planning History

- 3.1. ABP Ref. 309795-21 refers to a June 2022 decision to grant permission for the demolition of the existing nos. 72 – 74 Kilmainham Road and the construction of 7 storey building consisting of shared residential development of 62 units and a cinema/games room and gym.

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 there was a significant delay in the receipt of permission for the development of these lands, as per the planning history, and that the development cannot connect to necessary services.

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, they have access to necessary public services and that there is capacity in the available services to enable the development of this site for residential uses.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- Agree that the site is suitably zoned for residential development.
- Agree that the site is serviced/ can be serviced.
- Agree that there are no restrictions on site preventing the development of the site.
- There is an active planning permission on site and the inclusion of the site on the RZLT maps may reduce the commercial viability of these lands.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted. The site is suitably zoned for residential development and all necessary services are available. There is no restriction on the potential for the development of this site for residential development. I note that permission was granted for a residential development on this site, and whilst it took some time for a decision to be issued, a decision to grant permission was made in June 2022.
- 7.2. 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 permission is in place for the development of this site and the inclusion of the lands on the RZLT may reduce the commercial viability of such a development.
- 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

16th June 2023