



An
Bord
Pleanála

Inspector's Report ABP-316959-23

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

Car Park to the rear of 22/ 23 Thomas Street, Dublin 8.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

RZLT-000030-D

Appellant(s)

Gabriela Miralha de Silveria

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains a surface car park located to the rear/ south of 22-23 Thomas Street. The site is part of a larger landholding that the applicant owns and includes 14 to 23 Thomas Street and lands to the rear of Thomas Street, some of which extend to Rainsford Street to the south.
- 1.2. Access to the car park is from Thomas Court, which is located to the south of Thomas Street.

2.0 Zoning and Other Provisions

- 2.1. The site is located on lands zoned Z5 – City Centre in the Dublin City Development Plan 2022 – 2028. This zoning allows for a range of uses including residential development. The site is also located within a Strategic Development and Regeneration Area, no. 15 – Liberties and Newmarket Square.
- 2.2. No. 19 is a protected structure and Nos. 14 -23 Thomas Street, and a section of the access to Thomas Court are located within an Architectural Conservation Area (ACA). The site is not within this ACA but adjoins it. The site is located within a zone of archaeological potential for Recorded Monument DU018-020 and is close to DU018-020100 – a watermill site. The location of the site within this zone of archaeological potential does not prevent development on this site.

3.0 Planning History

- 3.1. PA Ref. 4102/18 refers to a July 2019 decision to grant permission for the retention of a car park, permitted under PA Ref. 3501/19. Permission was sought for five years however condition no. 2 limited this permission for a period of one year from the date of grant of permission.

4.0 Submission to the Local Authority

- 4.1. The lands are owned by the Digital Hub Development Agency, which is proposed to be dissolved and the lands will be transferred to the Land Development Agency (LDA). The Digital Hub Development Agency are unable to develop these lands.

- 4.2. The site provides for a number of functions including community events associated with the Digital Hub Development Agency. Reference is made to car/ bicycle parking associated with other properties in the area.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that part of the site was in scope. The lands are suitably zoned for mixed uses that would allow for residential development. The lands are serviced and are in use as a private car park. No permission exists for the use of the lands for any community function and the permitted car park use has expired.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are owned by the Digital Hub Development Agency. This agency is due to be dissolved and the lands to be transferred to the Land Development Agency (LDA).
- The Digital Hub Development Agency are unable to develop the lands.
- The car park is used by other businesses in the area associated with the agency, and the lands are also used for community related events held by organisations in the area.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted. The appeal is on the basis that the lands are owned by the Digital Hub Development Agency and the lands will be transferred to the Land Development Agency, allowing for the comprehensive development of these lands, and lands on adjoining sites.

- 7.2. The site is located in an established urban area, and which is fully serviced in terms of water supply, drainage, electricity, public transport etc. The site zoning allows for residential use but also for a range of other uses, though there is no planning permission in place at present for any use of these lands. It is therefore considered that the site is vacant and idle.
- 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 the landowner is to be dissolved with the lands transferred to the Land Development Agency, and that the current landowner is unable to develop the lands. The site is in use as a car park and has other uses associated with community events. No permission exists for the use of the land for these purposes.
- 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

15th June 2023