



An
Bord
Pleanála

Inspector's Report ABP-316962-23

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 10 Henrietta St, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	RZLT-000078
Appellant(s)	Sr. Miriam Harte (Daughters of Charity of St. Vincent De Paul).
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an area of land located to the rear of nos. 8 to 10 on the northern side of Henrietta Street, Dublin 1. Access to these lands is from Henrietta Street, with a narrow laneway also providing access from Dominick Street to the north. On site is a yard area, part of an extension to no. 10, which is single storey, and a standalone building located towards the centre of this site. The standalone building is in operation as a school for children at risk according to the submitted documentation.
- 1.2. The surrounding area consists of mostly residential properties and the Kings Inn site which is located to the west of Henrietta Street.

2.0 Zoning and Other Provisions

- 2.1. The subject site, northern section of the site, is zoned Z1 – ‘Sustainable Residential Neighbourhood’ in the Dublin City Development Plan 2022 - 2028. Residential development is permitted on these lands.
- 2.2. The lands to the front/ along Henrietta Street are zoned Z8 – ‘To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective’. Residential development is permitted on these lands.
- 2.3. Part of the site lies within DU18-020 – Historic City. Nos. 8 to 10 are listed on the Record of Protected Structures (RPS).

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 buildings to the rear of nos. 8 and 9 are in occupied by Henrietta Street School and which educates children at risk. No.

9 is in use by the Daughters of Charity Community and No. 10 homes retired/ elderly Sisters.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that the lands to the rear of 8 to 9 met the criteria for exclusion from the RZLT maps as they are occupied by social community infrastructure and provide education/ community support.

5.2. The lands to the rear of No. 10 Henrietta Street, including the laneway access from Dominick Street are recommended to remain on the maps as they are zoned for residential use, and are serviced. The protected structure status of no. 10 does not preclude development on this site.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- Part of the structure to the rear of no. 10 is in use as for storage associated with the care home function of no.10 Henrietta Street.
- The access to the site from Dominick Street is only 4 m wide and is not suitable as an access to this site.
- Development on this site would require the partial demolition of the school to facilitate development here.
- Development on this site may impact on the protected structures.

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. I note the comments regarding the access to the site, however this does not prevent the ability to facilitate development on site.

7.2. The section of the site that is to be included on the RZLT maps consists of surface car parking, the access laneway and a single-storey structure that is attached to No. 10 Henrietta Street, which is a protected structure. This status does not prevent the ability to develop this site. The single-storey structure is in use for storage.

7.3. As stated, the site is zoned for residential use and therefore, there must have been some expectation that the land would be so developed in the future. The area has undergone significant development in recent times probably facilitated by the presence of the Luas Line along Dominick Street with stops at Dominick and Broadstone to the north. There is no specific reason why these lands should be removed from the RZLT maps.

7.4. I therefore consider that the site, to the rear of no. 10 Henrietta Street, 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 these lands were in uses associated with a care home, access was restricted, and development may impact on buildings listed on the Dublin City RPS.

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 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 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

4th July 2023