

DEPUTY PLANNING OFFICER

APPLICATION No.	2372/20/X1
PROPOSAL	EXT.OF DURATION:The proposed development consists of the demolition of The Blackhorse Inn public house and the adjoining pair of semi-detached houses at Nos. 229 & 231 Tyrconnell Road (total demolition: 976m2). The proposed development consists of the construction of a 3-7 storey building, accommodating 56 no. apartments, comprised of 37 no. 1 bed apartments and 19 no. 2 bedroom apartments, with all apartments to have balconies / ground floor terraces. The proposed development also provides for a ground floor cafe (106.4m2), with associated outdoor terrace. Vehicular access to the development will be from Tyrconnell Road, with a proposed car lift to the underground car park which accommodates 13 no. car parking spaces & 56 no. bicycle parking spaces. At surface level, there will be 4 no. car spaces & 22 no. bicycle parking spaces. The development also provides for all associated site development works, hard and soft landscaping, boundary treatments, ground floor refuse/storage/plant rooms (43.5m2), all on a site area of 0.16ha.
LOCATION	229-235, Tyrconnell Road, Inchicore, Dublin 8
APPLICANT	Alanna Homes
DATE LODGED	11-Sep-2025
ZONING	
APPLICATION TYPE	Extension of Duration of Permission

04/11/2025

Site Description

The site in question is c.4.5km west of Dublin City Centre at 229-235 Tyrconnell Road in Inchicore. It is located opposite the junction of Tyrconnell Road with Jamestown Road. The site bounds the Goldenbridge Walk towpath along the Grand Canal to its southern boundary. The site is located north of the Blackhorse Bridge and Blackhorse Luas stop and is occupied by the Blackhorse Inn public house and the adjoining pair of semi-detached houses at Nos. 229 & 231 Tyrconnell Road. The River Camac runs along the site's eastern boundary.

2.0 Proposed Development

Permission is sought for an extension of duration of planning permission in accordance with Section 42(1A) of the Planning and Development Act, as amended in relation to Reg. Ref. 2372/20 / ACP- 308542-20.

3.0 Zoning & Policy

The subject site was located in a Z1 area in the Dublin City Development Plan 2016-2022 which is 'To protect, provide and improve residential amenities'.

Under the 2022-2028 Development Plan, the zoning remains the same. The site is within a red hatch conservation area of the Grand Canal.

The site is within the SDRA 9 area.

4.0 Planning History:

Reg. Ref. 2372/20 / ACP 308542-20- Planning permission was refused by DCC and this decision was overturned on appeal to ACP with planning permission granted for the demolition of The Blackhorse Inn public house and the adjoining pair of semi-detached houses at No's. 229 & 231 Tyrconnell Road (total demolition: 976m2). The proposed development consists of the construction of a 3-7 storey building, accommodating 56 no. apartments, comprised of 37 no. 1 bed apartments and 19 no. 2 bedroom apartments, with all apartments to have balconies / ground floor terraces. The proposed development also provides for a ground floor cafe (106.4m2), with associated outdoor terrace. Vehicular access to the development will be from Tyrconnell Road, with a proposed car lift to the underground car park which accommodates 13 no. car parking

spaces & 56 no. bicycle parking spaces. At surface level, there will be 4 no. car spaces & 22 no. bicycle parking spaces. The development also provides for all associated site development works, hard and soft landscaping, boundary treatments, ground floor refuse/storage/plant rooms (43.5m²), all on a site area of 0.16ha.

Condition 02 amended the application as follows;

2. The proposed development shall be amended as follows:

(a) apartments numbers 8 and 9 on the first floor shall be combined into one two bed apartment, (b) apartments numbers 18 and 19 on the second floor shall be combined into one two bed apartment, (c) apartments numbers 46/47 and 48/49 on the fifth floor shall be combined into two two bed apartments, and (d) apartments numbers 52/53 and 54/55 on the sixth floor shall be combined into two two bed apartments. This will result in the removal of 12 numbers 1 bed apartments and the inclusion of six new two bed apartments. Revised plans and particulars showing compliance with these amendments shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and compliance with Ministerial Guidelines.

Reg Ref: 4416/18: Planning permission was refused for the demolition of the Blackhorse Inn public house and the adjoining pair of semi-detached houses at No.s 229 & 231 Tyrconnell Road (total demolition: 976m²). The proposed development consisted of the construction of a 3-7 storey building, accommodating 56 no. apartments, comprised of 37 no. 1 bed apartments and 19 no. 2 bedroom apartments, with all apartments to have balconies/ ground floor terraces. The proposed development also provided for a ground floor cafe (106.4m²), with associated outdoor terrace. Vehicular access to the development will be from Tyrconnell Road, with a proposed car lift to the underground car park which accommodates 6 no. car parking spaces & 40 no. bicycle parking spaces. At surface level, 4 no. car spaces & 16 no. bicycle parking spaces were proposed. The development also provided for all associated site development works, hard and soft landscaping, boundary treatments, ground floor refuse/storage/plant rooms (43.5m²).

The reason for refusal was as follows:

It is considered that the applicant has failed to adequately address the flood risk associated with the proposed development in accordance with the "Planning System and Flood Risk Management Guidelines for Planning Authorities 2009." Dublin City Council Drainage Division is not satisfied that flood risks to adjoining properties have been properly addressed as part of the application and therefore the proposed development would constitute disorderly development. In addition the proposed development may pose a risk to the water quality and biodiversity of the Camac River during construction which is contrary to Policy GI15 of the Dublin City Development Plan 2016-2022 which seeks to protect, maintain and enhance the natural and organic character of watercourses in the city. In this regard the proposed development is considered to be contrary to the proper planning and sustainable development of the area.

5.0 Interdepartmental Report(s):

No reports received.

6.0 Legal Requirements:

Section 42 (1) of the Planning and Development Act 2000 as amended states:

A planning authority shall, as regards a particular permission, extend the appropriate period by such additional period not exceeding 5 years as the authority considers requisite to enable the development to which the permission relates to be completed provided that each of the following requirements is complied with:

(a) (i) the authority is satisfied that—

(I) the development to which the permission relates was commenced before the expiration of the appropriate period sought to be extended,

(III) substantial works were carried out pursuant to the permission during that period, and

(IV) the development will be completed within a reasonable time,

(b) the application is in accordance with such regulations under this Act as apply to it,

(c) any requirements of, or made under those regulations are complied with as regards the application, and

(d) the application is duly made prior to the end of the appropriate period.

Section 42 (1A)

Section 28 of the Planning and Development (Amendment) Act 2025 (Act of 2025) inserts new provisions into Section 42 of the Act of 2000 allowing for extensions of duration of un-commenced permissions for development of one or more houses.

Under new subsection (1A) of Section 42, where such a permission has not commenced within its appropriate period, a Planning Authority shall extend the appropriate period by such additional period (not exceeding 3 years) as the Planning Authority considers necessary to enable the development concerned to be completed.

This is subject to the application being made:

- before, but not earlier than 2 years before, the expiry of the permission, and
- not later than 6 months after the commencement of section 28 of the Planning and Development (Amendment) Act 2025 (i.e. from 1 August 2025).

and that the Planning Authority is satisfied the development will be completed within a reasonable time.

An extension of the appropriate period under subsection (1A) ceases to have effect if the development is not commenced within 18 months of Section 28 of the Planning and Development (Amendment) Act 2025 coming into operation (i.e. from 1 August 2025).

A person who avails of an extension under this new subsection (1A) for un-commenced housing development cannot subsequently seek a further extension under subsection (1) (which applies to commenced development with substantial works carried out).

It should also be noted that The European Union (Planning) (Habitats, Birds and Environmental Impact) (No.2) Regulations 2021 amends Chapter 3 and 3A of the Planning and Development Regulations 2001 to introduce EIA and AA screening procedures in respect of all extension of duration applications, including further extension applications, and to set out additional publication requirements of screening determinations made to facilitate transparency in this process. In particular AA screening and EIA screening (for extension applications that do not equal/exceed the EIA thresholds) shall now be required for all applications for extension of duration

In the case of EIA screening this will require applicants for extension of duration to provide environmental information, as set out in Schedule 7A of the Planning and Development Regulations 2001, to the planning authority. These Regulations have been introduced to better align the Planning and Development Regulations with the EIA and Habitats Directives.

7.0 Assessment

The applicant is seeking to extend the duration of permission for the development permitted under Reg. Ref. 2372/20 which expires on 16/07/2026.

The application form submitted specifies that the development has not commenced.

The applicant has explained in the accompanying documentation that development has not commenced due to prevailing market constraints which rendered delivery unviable over the past number of years.

The applicant has requested an extension of duration of 3 years.

Under new subsection (1A) of section 42, where such a permission has not commenced within its appropriate period, a planning authority shall extend the appropriate period by such additional period (not exceeding 3 years) as the planning authority considers necessary to enable the development concerned to be completed.

This is subject to the application being made

- before, but not earlier than 2 years before, the expiry of the permission, and

The application has been made before but not earlier than the expiry of the permission.

- *not later than 6 months after the commencement of section 28 of the Planning and Development (Amendment) Act 2025 (i.e. from 1 August 2025).*

The application has been made on the 11/09/2025 which is not later than 6 months after the commencement of section 28 of the Planning and Development (Amendment) Act 2025 which has effect from 1 August 2025.

and that the planning authority is satisfied the development will be completed within a reasonable time.

The applicant has explained in the cover letter the reasons for the delay in starting the works on site which included; prevailing market constraints; significant increase in interest rates and the effective withdrawal of the Private Rented Sector (PRS) funding model; all contributing to conditions which caused delay.

The applicant has stated that these factors were outside the control of the applicant. The outlook for delivery has now materially improved, with interest rates beginning to ease and Approved Housing Bodies (AHBs) successfully funding arrangements to provide a more secure pathway for construction. The applicant states that 'it is expected that the development will be completed within 3 years from the date of the extension of duration permission.

The applicant is advised that under the recent legislation *An extension of the appropriate period under subsection (1A) ceases to have effect if the development is not commenced within 18 months of section 28 of the Planning and Development (Amendment) Act 2025 coming into operation (i.e. from 1 August 2025).*

A site visit demonstrated that works have not commenced on site.

The details submitted indicate that construction works will commence following the extension of duration application and the applicant has stated that 'it is considered that the proposed extension of duration will allow sufficient time to bring the scheme forward in line with current housing needs and policy objectives'. It is expected that the development will be completed with 3 years from the date of a grant of an extension of duration. Given that the works must commence within 18 months of Section 28 of the Planning and Development (Amendment) Act 2025 coming into operation (i.e. from 1 August 2025) this would align with the time frame given by the applicant.

It is anticipated that the development would be completed by October 2028. The extension of the 3 years is requested, and it is considered reasonable to grant 3 years to ensure that the development is fully completed and to allow for any potential delays outside the control of the applicant.

Section 42(8)

"A planning authority shall not extend the appropriate period under this section in relation to a permission if an environmental impact assessment or an appropriate assessment would be required in relation to the proposed extension concerned."

The amendment to the Planning and Development Regulations (Order made 9th September 2021) now introduces EIA and AA screening procedures in respect of all extension of duration applications, including further extension applications, and to set out additional publication requirements of screening determinations made to facilitate transparency in this process. In particular, AA screening and EIA screening (for extension applications that do not equal/exceed the EIA thresholds) shall now be required for all applications for extension of duration.

8.0 Environmental Impact Assessment:

Having regard to the nature and scale the development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

9.0 Appropriate Assessment

The original application which was granted permission under Reg. Ref. ACP 308542-20 by An Coimisiún Pleanála, and ACP had undertaken the Appropriate Assessment screening of the original development and had determined that progression to Stage 2 of the Appropriate Assessment process (i.e. preparation of a Natura Impact Statement) was not considered necessary.

The Planning Authority has screened for AA and concludes that having regard to the nature and scale of the proposed development, and the distance to the nearest European site, it is considered that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

10.0 Conclusion:

It is considered that relevant requirements have been fully met and therefore the application to extend duration should be granted.

The applicant is requesting a further time period of 3 years. The time extension of 3 years is considered to be reasonable in this instance.

11.0 Recommendation

Grant Extension of Duration

1. It is considered that the information that has been submitted as part of the application for extension of duration of planning permission in order to satisfy the Planning Authority under Section 42 (1A) and Section 42 (8) of the Planning and Development Act 2000-2025 (as amended) is acceptable and an extension of duration of permission for a further 3 years only from the date of expiry of the original planning permission Reg. Ref. 2372/20 (ACP-308542-20) to include provision for Covid/Christmas days where relevant), is recommended.