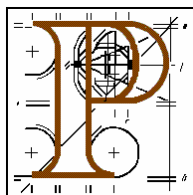


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Dun Laoghaire-Rathdown County

Planning Register Reference Number: D12B/0374

An Bord Pleanála Reference Number: PL 06D.241805

APPEAL by Peter and Lesley Robertson of Oldfield House, Kilmashogue Lane, Rathfarnham, Dublin in relation to the application by Dun Laoghaire-Rathdown County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 6, 7 and 8 of its decision made on the 13th day of March, 2013.

PROPOSED DEVELOPMENT: (1) Demolish part of existing structure (including three number bedrooms, bathroom, living room and kitchen/dining area, (2) construction of a replacement extension including entrance hallway, corridor, lounge, utility and WC at ground floor and one number bedroom, ensuite, bathroom and storage at first floor, and (3) renovation works to existing dwellinghouse, together with ancillary site works and services at Oldfield House, Kilmashogue Lane, Kilmashogue Townland, Rathfarnham, Dublin.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of conditions numbers 6, 7 and 8 and directs the said Council under subsection (10) (b) of section 48 of the 2000 Act, to ATTACH conditions numbers 6, 7 and 8 and the reasons therefor.

REASONS AND CONSIDERATIONS

It is a requirement of the Planning and Development Act, 2000, as amended that conditions requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

The Board examined the terms of the Development Contribution Scheme which would apply to the proposed development at the time of the decision to grant permission.

The Board noted that there was no provision for an exemption under the Scheme:

- (a) where connection to public water supply or sewerage is not/would not be provided, and
- (b) for the type of development proposed by the applicant.

The Board also noted that the planning authority had used their discretionary powers to apply a reduced contribution requirement, and that if the Development Contribution Scheme were to be applied properly, the amount required would increase.

Therefore, the Board decided to attach the conditions numbers 6, 7 and 8.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2013.