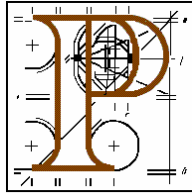


# An Bord Pleanála



## Inspector's Report

PL06F.237398

Detached Garage and Minor Alterations to New Vehicular Entrance previously approved under F09A/0563 at Sandy Hill, Rolestown, Kilsallaghan, Co. Dublin

### PLANNING APPLICATION

Planning Authority: Fingal Co. Co.

Planning Authority Reg. No: F10A/0239

Applicant: Mr. & Mrs. D. Gaskin

Planning Authority Decision: Grant with Conditions

### APPEAL

Appellants: Mr. & Mrs. D. Gaskin

Type of Appeal: First Party – V- Condition No. 9

Observers: None

Inspector: Caryn Coogan

## **1.0 THE SITE**

I did not carry out a site inspection as this is an appeal directly related to the adopted to the Development Contribution Scheme, and the site inspection is not warranted under the circumstances.

## **2.0 THE PLANNING APPLICATION**

### **2.1 PROPOSED DEVELOPMENT**

The proposed development is for a garage and minor alterations to new vehicular entrance previously approved under F09A/0563. The internal floor area of the garage is 34sq.m.

### **2.2 PLANNING AUTHORITY REPORTS**

There were no objections in principle to the proposal and a permission was recommended in line with the parent permission, F09A/0563.

### **2.2 PLANNING AUTHORITY'S DECISION**

The planning authority granted to the development subject to 9No. conditions, and the condition appealed to the Board is No. 9 requiring a Development Contribution payable of €4014 in respect of public infrastructure and facilities benefiting the development in the area.

## **3.0 THE APPEAL**

### **3.1 GROUND OF APPEALS**

A summary of the grounds of appeal is as follows:

1. Permission was granted under reference F04A/0563 for an extension to the dwelling including a new vehicular entrance, and the levy required under that permission was €1457
2. Any contribution towards public infrastructure relating to the vehicular entrance must be considered to have been included in the previous permission.
3. The proposed garage is only marginally beyond the exempted Development threshold
4. The proposed garage nor the slightly altered entrance would result in any increase in demand for infrastructure
5. It is unreasonable to seek a levy that is not warranted in the first place but is 2.75times the amount already levied to a more intensive development approved under in 2009

6. If the Board turns down the appeal, the applicant's will construct a garage under the exempted development threshold.

### **3.2 PLANNING AUTHORITY'S RESPONSE**

Under F09A/0563 the development levy was calculated on the basis of proposed works were 52.34sq.m. less than 40sq.m (section 10(a) of the development Contribution Scheme + 12.34sq.m. @ €118.046 = **€1457**

Under F10A/0239 the Development calculation was calculated at 34sq.m. @€118.046 = €4014

Clause 10(a) of the development Contribution Scheme states only one 40sq.m. per dwelling is allowed.

### **4.0 PLANNING HISTORY**

#### **F09A/0563**

Permission granted for a two storey extension to the side of the dwelling and a new vehicular entrance.

### **5.0 STATURY FRAMEWORK**

**Fingal Development Plan 2005-2011** whereby the site is zoned RV1 '*to protect the special character of rural villages and to provide for improved village facilities and local housing needs in accordance with approved local are plans and infrastructure provision.*'

#### **Fingal Co. Co.'s Development Contribution Scheme 2010-2017**

### **6.0 ASSESSMENT**

- 6.1 I note the previous planning permission granted to the applicant under **F09A/0563**. It consisted of a small two storey extension to the side of their dwelling, incorporating a new kitchen/ living room on the ground floor and a gallery at first floor level. The permission also included a new vehicular entrance. The Development Contribution payable was calculated at €1457, i.e. the proposed works were 52.34sq.m. less than 40sq.m (section 10(a) of the Development Contribution Scheme) is 12.34sq.m. @ €118.046 = **€1457**<sup>1</sup> which is in accordance with the Exemption and Reductions Section of the adopted development Contributions Scheme, i.e.

**10. The following categories of the development will be exempted from the requirement to pay development contributions under the Scheme:**

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<sup>1</sup> From Clause 9 of the Scheme I would have thought the calculation should have been 12.34sq.m @ €143.00 = €1764.62. I cannot establish where the €118.046 per sq.m. came from.

**(a) the first 40sq.m. of domestic extensions (one per dwelling). Domestic extensions for accomdation of disabled person(s) are exempt in full in cases where a Disabled Persons Grant is approved.**

The current proposal at the subject residence was granted planning permission under planning reference F10A/0239, and includes a detached domestic garage and minor alterations to the vehicular entrance permitted under F09A/0563. According to the planning authority's submission on appeal, the development contribution payable is €4014 and this was calculated on the basis of 34sq.m. @ €118.046 = €4014. Clause 10(a) of the Development Contribution Scheme states only one 40sq.m. per dwelling is allowed.

- 6.2 A detached domestic garage is not by description or definition a domestic extension. The nature of the development is completely different, and therefore I would consider Clause 10(a) is not relevant to the proposed development. The proposed development, i.e. a garage is incidental to the primary use on the site which is the main dwelling house. Under the Planning and Development Regulations 2001 (as amended) domestic extensions and domestic garages/ sheds etc are classified into two separate categories. The Development Contribution Scheme makes no reference to domestic garages. I note there are two references to domestic extension, Clause 10(a) as above, and Note 3 of Clause 9. The Development Contribution Scheme has not been properly applied in respect of Condition No. 9 i.e. the domestic garage, and I would recommend that the Board remove same.

## **7.0 RECOMMENDATION**

I recommend the Board remove Condition No. 9

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**Caryn Coogan**  
**Inspectorate**

27<sup>th</sup> of October 2010