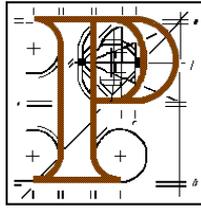


## An Bord Pleanála



### INSPECTOR'S REPORT

**PL 29S 245008**

#### DEVELOPMENT

Alterations to mews house permitted under P. A. Reg. Ref. 0816/97 at 25 Percy Place, Dublin 4. (Protected Structure) comprising:

- (a) addition of a barrel-vaulted zinc clad roof with a ridge height of circa 8.9 metres with timber glass clad gable ends and six zinc clad rounded dormer windows (three to each side) to provide habitable attic level space at first floor level.
- (b) extension forward by 0.4 metres to street line of Percy Lane, (within front building line of original mews) to include a balcony with obscure glass screen at first floor level with replacement of windows behind with full height glazed doors.
- (c) construction of three storey extension (two storey plus new barrel-vaulted attic at second floor level to rear of mews house with siding glazed doors opening onto rear garden at ground level and glass brise soleil on the rear facade at first floor level.
- (d) a roof terrace at rear of mews house at second floor level facing north east and north west surrounded by raised planted area and 1.5 m high obscure glazed privacy screen.
- (e) replacement of two garage spaces and central entrance hall accessing Percy lane with a single larger garage space and relocated larger entrance hall, with ground floor front facade to be clad in timber and glass, including a 3.3 m wide timber 'up and over' inwards opening garage door and the various internal change to include wheelchair accessible if to all floors.
- (f) construction of a new 1.8 m high (rear boundary wall and associated works. Gross floor area of extended mews house will be 241 square metres.

## **PLANNING APPLICATION**

**Planning Authority:** Dublin City Council.  
**P. A. Reg. Ref:** 2509/15  
**Applicant:** Niall and Monica Scott.  
**Decision:** Grant Permission.

## **APPEAL**

**Third Party Appellant:** Liam O'Sullivan,  
**Type of Appeal** Appeal against Grant of Permission  
  
**Date of Inspection:** 26<sup>th</sup> August, 2015.  
**Inspector** Jane Dennehy.

## 1.0 INTRODUCTION

- 1.1 This file contains a third party appeal against the decision of Dublin City Council to grant permission for a three storey extension and alterations to a mews house originally permitted under P. A. Reg. Ref. 0816/97 at 25 Percy Lane to the rear of No 25 Percy Place, Dublin 4. (a protected structure.)

## 2. SITE LOCATION AND DESCRIPTION

- 2.1 The site has a stated area of 163 square metres is at the rear of No 25 Percy Place and is on the east side of Percy Lane approximately sixty metres to the south east of the Grand Canal. The two storey over basement terraced houses on Percy Place date from the mid nineteenth century. The majority of the mews buildings to the rear have been replaced by new mews dwellings or have been substantially altered. The mews dwelling subject of the application which is at the rear of No 25 Percy Place is a four bedroom two storey dwelling constructed in the late 1990s with a rear garden the depth of circa twelve metres.

- 2.2 The original mews which was a single storey dwelling was demolished and replaced with the two storey mews development permitted under PL A. Reg. Ref. 0816.97) It is a flat roofed two storey, three bay house with a render finish painted in a white colour. There are two windows and double glazed patio doors at first floor level on the front facade facing the lane and at ground floor level there are two separate garages between which there is an entrance to the living accommodation. The front building line of the house is setback behind the front building line established along the edge of the lane.

## 3. PLANNING HISTORY:

- 3.1 **P. A. Reg. Ref: 0103/97:** Permission was refused Permission a single storey dwelling within a proposed mews house comprising two garages two bed guest accommodation and a two bed flat at first floor level and to grant permission for demolition of the garden lean to shed and construction of a conservatory lower ground floor extension, reinstatement of glazing bars, central stair handrail, front gate and an increase in the height of the lower ground floor window facing onto Percy Place.

**P. A. Reg. Ref: 0816/97:** This was an application for permission for demolition of the existing mews and construction of a two story four bedroom mews house.

**P. A. Reg. Ref: 2845/05:** Permission was granted for alterations to the existing two storey mews house comprising conversion of one garage to

habitable accommodation, replacement of the existing garage door with a window, erection of a new rear single storey extension and internal alterations. The grant of permission was not taken up.

#### **4. DEVELOPMENT PLAN.**

- 4.1 The operative development plan is the Dublin City Development Plan, 2011-2017 according to which the site location is within the area subject to the zoning objective: Z2: "to protect and/or improve the amenities of residential conservation areas".

No 25 Percy Place at the rear of which the mews dwelling subject of the application is located is also included on the record on protected structures.

Objectives, standards and guidance for mews development are set out in section 17.9.14

#### **5. THE PLANNING APPLICATION.**

- 5.1 The application lodged with the planning authority indicates a range of proposals for extensions and alterations to the mews dwelling. According to the written submission, the applicants acquired No 25 Percy Place and 25 Percy Place in 1998 and they reside at No 25 Percy Lane. They are in their seventies and wish to adapt and extend the mews house to provide appropriate living accommodation for their future years their current accommodation being unsuitable.
- 5.2 The application indicates proposals for a three storey extension and additions to the existing mews dwelling which will increase the stated floor area from to 238 square metres from 144 square metres. The building line will be brought forward by the extension to the street frontage on Percy Lane. A three storey extension is to be constructed in the rear and an en-suite bedroom is to be provided at an additional floor within the barrel vaulted roof area which will have a ridge height of 8.9 metres.
- 5.2 An extension to the front will bring the front building line forward to the street frontage with a balcony at first floor level and obscure glazed screening is to be provided at first floor level.
- 5.4 A three storey extension to the rear with access to the rear garden and incorporation of a brise soliel at the first floor level on the rear facade and a roof terrace at the second floor level incorporating a glazed screen and a raised planted area.

- 5.5 Replacement of the existing garage spaces and entrance with a larger garage space and entrance hall and timber cladding and glass to the front facade along with a timber up and over garage door.
- 5.6 A wheelchair accessible lift is to be installed to provide access between the three floors. At second floor level in the barrel vaulted roof area an ensuite bedroom is to be provided.
- 5.7 An area of seventy five square metres as private open space is to be retained at the existing four bedroom, six bed space dwelling and an a rear garden with stated area of 48.3 square metres and a roof terrace are shown for the proposed development.
- 5.8 The application includes written consent of the adjoining property owner to the demolition and construction of the party wall.
- 5.9 The application is accompanied by sunlight/shadow analysis, photomontages, auto-track analysis for the widened garage and new entrance, landscaping and drainage proposals, a conservation report and an appropriate assessment screening report in which it is concluded that European sites within fifteen kilometres of the appeal site would not be at risk of significant adverse impact.
- 5.10 The conservation officer in her report indicates that she has no comment to make on the proposed development.
- 5.11 The Road and Traffic Department's report notes the existing garages, the proposal to build out to the edge of Percy Lane, the auto-track analysis provided with the application in connection with the proposed development and the road width at 6.4 metres along the site frontage. It is confirmed that there is no objection to the proposed development is indicated subject to some standard technical conditions.
- 5.12 The Drainage Division's report indicates on objection subject to standard conditions.
- 5.13 An objection was received from the adjoining property owner at No. 23 Percy Place in which concerns about scale, height and design, overshadowing and overlooking are expressed.

## **6 DECISION OF THE PLANNING AUTHORITY.**

- 6.1 By Order dated, 20th May, 2015 the planning authority decided to grant permission subject to seven conditions of a standard planning, technical and financial nature. The planning officer in her report concluded that having regard to the scale design and site the proposed development would not have a significant negative impact on the visual amenities of the area or on the protected structure.

## **7. THE APPEAL.**

7.1 An appeal was received from Mr. Liam O'Sullivan of No 23 Percy Lane, the adjoining property on 16<sup>th</sup> June, 2015 the contents of which can be outlined as follows:

- The scale and height is excessive and out of character with development on the lane. No increase in size or scale should be permitted owing to restricted access, parking and pedestrian facilities on the lane which lacks footpaths.
- A precedent would be set for three storey dwellings at the location whereas attic conversions would be acceptable. The proposed development is overdevelopment and there is a loss of private open space involved.
- The proposed development would be seriously injurious to residential amenity and would devalue property.
- The proposed development is subdivided and there is no consent for multiple occupancy in the existing unit.
- The proximity is a serious concern in terms of loss of privacy, overlooking and noise impact. Patio doors face towards the appellant's property
- The appellant's property would be overlooked, through existing velux windows from the three top floor windows which face the first floor living accommodation in the appellant's property.
- The scale and height would lead to obstruction of sunlight to the appellant's house, balconies and gardens
- Overshadowing will affect rear and front balconies of the appellant's property. The submitted shadow analysis does not take into account reductions in sunlight through patio doors at the appellant's property. The ground floor will be very adversely affected. The large windows at the appellant's property were built for the purposes of allowing natural light to penetrate the interior. The three storey element of the proposed development would cast a permanent shadow in on the velux windows in the appellant's property which is a main light source. Trees and plants in the appellant's patio garden would also be affected by the lack of access to light and sunlight.

## **8. RESPONSE TO THE APPEAL BY THE PLANNING AUTHORITY.**

8.1 In a letter received on 14<sup>th</sup> July, 2015 from the planning authority it is requested that the decision of the planning authority be upheld and confirmed that the proposed development is considered acceptable.

## **9. RESPONSE TO THE APPEAL BY THE APPLICANT.**

9.1 A further submission was received from RPS, the applicant's agent, on 14<sup>th</sup> July, 2015. The submission, is comprehensive and of considerable length and has been prepared in conjunction with the applicants, the applicant's architects and landscape architects. Attached are shadow diagrams prepared on behalf of the applicants.

9.2 It is stated the existing dwelling at 25 Percy Place is no longer suitable for the accommodation needs of the applicant. The proposed development which provides for enlargement of the existing permitted mews dwelling and incorporates a lift accessing all floors would facilitate their future mobility needs and enable them to continue to reside in spacious accommodation in the area.

9.3 The response to the appeal includes photographs and several extracts from the planning officer's report which are included in support of the rebuttal of the appeal can be outlined as follows:

9.4 There is no established building form or height along Percy Lane and the barrel roof setback from the parapet wall retains the character and scale and was designed in the context of adjoining and surrounding development and the site characteristics. The scale and height are not out of character with adjoining development:

9.5 The existing two storey parapet height is retained and the barrel vault roof which was designed with a setback from the parapet edge provides for additional bedrooms accommodation in the roof space. Precedent for a new height or three storey dwelling development would not be created.

9.6 The massing and scale is appropriate and is not overbearing in impact on the adjoining property. The existing parapet height is retained with the barrel vault roof which is not higher than the adjoining property and which has a gable end rather than a full roof facing the street. The triangular and semi-circular geometry of the gables of the dwellings at No 25 and No 23 have an interesting dialogue and form a composition.

9.7 Property devaluation will not occur on account of the proposed development because of the purposeful design, particularly in relation to character and scale.

9.8 With regard to the claims as to overshadowing of the adjoining property it is stated that:

- The barrel roof would be equivalent to the height of existing boundary planting in the property at the appellant property so overshadowing and access to daylight would not change. The effect of the existing dense planting in the appellant property was not taken into account in the shadow analysis. This planting diminishes sunlight and daylight access to the garden of the appellant property. The planting on the party boundary is the same height as the extension so the proposed new flank wall will be concealed by the existing planting. Existing high planting in the garden of No 23 obstructs loss of light to a greater degree than the proposed development.
- The shadow image for 21<sup>st</sup> September which has been included with the appeal is similar to that of 21<sup>st</sup> March which was included in the application. The balcony area at the rear of No 23 will continue to receive direct sunlight in the afternoons between 21<sup>st</sup> March and 21<sup>st</sup> September but to a lesser extent so there would be little change or loss of amenity at the rear.
- There will be no change in the November to February period or in mornings during the year. The balcony receives direct sunlight in two weeks later in spring and two weeks earlier in October. A smaller area on the balcony receives sunlight for a shorter period in the afternoon. Summer sunlight on the balcony is unchanged but the area covered is reduced by 20 to 3 percent in the afternoon and early evening.
- The internal impact on the dwelling at No 23 was not assessed. Plans and section drawings and access are necessary for assessment of the impact on internal accommodation.
- The tall patio trees in the appellant's garden were assessed by the landscape architect employed by the applicants and no significant impact was predicted. The trees enjoy an open aspect and will survive with natural light level being maintained. The rear balcony and patio at the appellant property are already heavily overshadowed by existing trees.
- No permanent shadow that would occur on an existing velux window on the south east side of No 23. There will be an increase in shadow on part of the roof in mid-afternoon to sunset in winter months and a period during mid to late afternoon between March and September. The existing chimney at No 23 was not factored into the analysis. It casts shadow over the larger velux window at the same times so the impact of the proposed development is reduced if the impact of the chimney is taken into account. The velux windows on the north east side of the roof are unaffected.

- 9.9 The roof level windows at No 23 were identified from aerial photography; three small windows in the proposed barrel vault roof provide light to a bathroom and laundry room, are positioned above eye level and are angled so that overlooking cannot occur.
- 9.10 There is no question of loss of privacy at the balcony which at application stage had been discussed with the planning authority. The external paved terrace was reduced in size in the application. One person could step onto it and overlooking is mitigated by the planted bed and 1.5 metre obscure glazing screen. The bedroom window is also setback by three metres from the boundary with the appellant property. Noise from the roof terrace to this bedroom would not occur and disturb neighbours.
- 9.11 Overdevelopment of the site would not occur and further to discussion prior to lodgement of the application it was established that that the proposed development accords with development plan zoning objective, policies and standards including private open space provision. One tree is to be removed and replaced by six semi mature trees.
- 9.12 The proposed development is to be occupied by the applicants, Monica and Niall Scott and the accommodation is not to be subdivided. It includes accommodation for a live in carer and occasional guests. The proposed increase in internal floor area provides for universal access and mobility and the design (details of which have been previously mentioned) provides for minimisation of the appellant's property. It is confirmed that there is no increase in the number of bedspaces for the house in the proposed development.

## **10. EVALUATION**

- 10.1 The applicants who reside in No 25 Percy Place wish to move into the mews dwelling that was constructed circa seventeen years ago. They wish to upgrade, alter and extend the accommodation as indicated in the current application so that the mews dwelling is suitable for their future accommodation needs. The appellant who resides at No 23 Percy Lane has objected to the decision to grant permission over a number of issues. He therefore considers that the proposed development would be seriously to residential amenity and that it would devalue his property.
- 10.2 The issues therefore considered central to the determination of the decision in this regard and discussed below, along with some other issues are that of:

Scale, Mass and Height,  
Precedent for Overdevelopment,  
Intensity of Development,

Overlooking,  
Overshadowing and,  
Noise.

- 10.3 **Scale, Mass and Height.** The intention in the design to minimise any height increase by selection of the barrel vaulted roof with the setback from the parapets to mitigate the impact the increase in roof height in so far the existing building is concerned is considered acceptable. There is an eclectic mix of front elevation form and design characteristics along the front onto Percy Lane in which the proposed front elevation incorporating the roof profile can be accepted.
- 10.4 The proposed rear extension whereby the footprint is extended by an additional four metres into the garden across the entire width of the site is a concern with regard to impact on the adjoining properties. It is not acceptable to the appellant whose mews property adjoins the north eastern side boundary of the appeal site and to the rear of which there is a restrictive patio area in which there are dense plants and vegetation and which is partially covered over by a first floor terrace.
- 10.5 The proposed extension at the existing parapet height is forward by four metres from the existing rear building line. It results in a blank elevation to the existing parapet height facing into the adjoining property to the rear of which there is a confined, planted up patio area with a terrace overhead at first floor level. The glazed screened external seating and planting opened onto by a proposed bedroom with patio doors is to be accommodated at second floor level in the proposed rear extension.
- 10.6 It is considered that the proposed rear extension incorporating the blank elevation over a distance of four metres up to parapet height and the second floor level element would result in a visually obtrusive enclosure at the rear of the appellant's property. The effect on the amenities of the internal living accommodation at first floor level, the rear terrace, rear ground floor rooms and patio area at the appellant's property would also be visually negative and access to light would be reduced. Omission or a significant reduction to the proposed rear extension would be necessary to overcome the impact.
- 10.7 **Precedent for Overdevelopment.** The proposed development incorporating the existing dwelling and the extensions is significant in size at 240.50 square metres.
- 10.8 The concern about precedent for three storey development raised by the appellant is reasonable. The proposed development is a development over three floors, which arguably is a three storey development although the design has achieved generous accommodation in the barrel vaulted roof space. It is not considered that precedent could necessarily be taken from the proposed

development, given the range and scope of and for residential development in the vicinity. It would be pre appropriate for it to be assumed any future proposed three storey development in the area would be considered on the merits of the individual proposal and that there is limited scope for precedent to be taken from the proposed development.

10.9 It is submitted in the application that the proposed development contains two double bedrooms or four bed spaces but a third bedroom is shown at roof level, with access to a small terrace. The ground level rear garden comprises an area of forty eight square metres and an 8.25 metre depth. The roof level terrace over the extension has an area of 8.4 square metres most of which is to be planted beds, apart from a small seating area accessible only from the top floor bedroom. It is questionable as to whether this area could be included in the calculation for private open space provision. Given the site location in close proximity to the canal and the inner city area between the canals and the nature of the development as a mews development, a flexible approach to the quantitative deficiency in private open space would be reasonable. With the proposed rear extension in place, the existing rear ground level private open space is significantly reduced by circa twenty four square metres.

10.10 The remarks as to the subdivision of the dwelling are also noted. The information provided by the applicants includes proposals for the option to make available living accommodation for a live-in carer at a future date should be required although details were not included in the description on the notices. There is no objection provided that the dwelling is not entirely subdivided by of incorporation of separate kitchen facilities, subletting or otherwise. This could be addressed by condition whereby it is a requirement to retain the development as a single dwelling unit unless a grant of permission for alternative arrangements has been obtained. The applicants have presented a reasonable explanation as to the future accommodation needs and rationale for their decision to reside in the proposed development and vacate the main dwelling at 25 Percy Place.

10.11 While the proposed development is considerable and has a shortfall in private open space provision as discussed, it is questionable as to whether it could be regarded as overdevelopment although, as discussed, there are concerns about the proposed rear extension.

10.12 **Overlooking.** It is considered that the proposed development has been successfully designed so as prevent any opportunity for undue overlooking to occur. The second floor sitting out area is adequate positioned and screened but perceptions of overlooking at the appellant's property could not be entirely eliminated due to the proximity of the sitting out area. Such a perception would not be unreasonable but it is considered that adequate mitigation by way of planting and the glazed screen has been included.

- 10.13 It is not accepted that an undue degree overlooking would occur from the side dormer type windows in the barrel vaulted roof through the velux roof lights in the appellant's property. Some perception of overlooking could occur but it would be unreasonable for there to be any requirement for the dormer windows to be rejected or modified on account of this.
- 10.14 **Overshadowing.** In the response to the appeal there are several remarks as to the extent of tree and vegetation plants in the appellant's property and contentions that as overshadowing at the appellant's property is attributable to these trees and plants. While this may be the case it is not a fully acceptable justification for development that would give rise to overshadowing of the appellant's property setting aside the overshadowing caused by existing trees and plants. It is considered that the proposed rear extension would lead to overshadowing and obstruction of access to skylight from the first floor living accommodation and external terrace and patio areas at the appellant's property to varying degrees in afternoon and evening times depending on the time of the year. The proposed development would be the sole obstruction in the absence of the trees and plants at the appellant's property. It should also be borne in mind that rear private open space at the appellant property is confined to a very small area.
- 10.15 The impact in conjunction with the impact of the sense of enclosure to the adjoining property that would be created by the proposed rear extension at a significant height over a four metres distance beyond the existing rear building line is considerable.
- 10.16 It is agreed that the proposed barrel vaulted roof element in so far as it is over the existing development would not result in an undue degree of overshadowing and obstruction of daylight the southwest side roof lights potentially being affected.
- 10.17 There is a small half balcony to the front at first floor level at the appellant's property. The proposed infill of the space to the front of the existing dwelling out to the front building line on the edge of Percy Lane would result in loss of sunlight access from the south west but not to an undue degree. It is not unreasonable for the applicant to seek to incorporate the space between the front facade of the existing dwelling and the lane frontage into the proposed development and it is noted that the vehicular access and egress can be achieved satisfactorily as demonstrated in the auto track analysis.
- 10.18 **Other issues.** An additional observation with regard to the proposed development is whether the proposed incorporation of one of the two existing garages into living accommodation as a bedroom would result in loss of off street parking serving the original dwelling at 25 Percy Place and as to whether this would be acceptable. The Transportation Division has indicated no objection to the proposed entrance

arrangements, having reviewed the autotrack analysis. Along Percy Place to the front of the original dwelling there is paid on street parallel parking available for public use which would serve the residential and commercial properties in the vicinity. Subject to residential parking permits being obtainable for residents of 25 Percy Place, there is no objection.

## **11. CONCLUSION AND RECOMMENDATION.**

- 11.1 There is no objection to the front extension as far as the front building line on Percy Lane or to the barrel vaulted roof above the existing dwelling. However it is considered that the proposed rear extension with the exception of the ground floor element would, to an undue degree, be overbearing and visually obtrusive and, owing to the position on the south west of the appellant's property, would obstruct access to sunlight and daylight at the private open space and the rear internal living accommodation at the appellant's property, No 23 Percy Lane. It is therefore considered that the rear extension is unacceptable because it would as a result be seriously injurious to the residential amenities of the adjoining property and would lead to depreciation of property value. Permission could be granted with a requirement for the first floor and second floor elements to be omitted by condition. The requirement would necessitate some modifications the design of the development that is to be permitted and it is possible that some reordering of the internal layout of accommodation may be required by the applicants. This is a considerable matter for resolution by condition.
- 11.2 An alternative option is for a section 132 notice to be issued to the applicants in which the applicant is given the opportunity to reconsider the design and extent of the proposed development and to lodge a response, along with copies of new public notices.
- 11.3 A third option is to issue a split decision on the proposed development but complications could arise with regard to the completion of the element of the proposed development that is to be permitted.
- 11.4 A draft order is set out overleaf in which the matter is addressed by condition and a draft order is attached overleaf. A section 132 notice could be issued whereby the requirements indicated in the condition could be addressed if it is considered that the matter should be addressed prior to the determination of the decision.

## **12. Appropriate Assessment.**

- 12.1 The application includes a comprehensive appropriate assessment screening report in which all the European Sites within a fifteen kilometre distance of the site are identified along with their qualifying interests and conservation objectives. The closest SPAs are the Dublin Bay and River Tolka Estuary and the North Bull Island SPAs and the

closest SACs are the North Dublin Bay SAC, South Dublin Bay SAC all of which are within five kilometres of the site location. The project is constitutes extensions, alterations and upgrading works and involves limited below ground works. The arrangements for drainage include SUDS measures and loading on sewers is to remain unchanged. There are no direct source pathway concerns and no direct or indirect or secondary impacts would occur.

- 12.2 Having regard to the nature, scale and location of the proposed development it is considered that the proposed development would not be likely to have significant effect, individually or in combination with other plans and projects on European sites.

## DECISION

**Grant Permission on the basis of the reasons and considerations set out below:**

### REASONS AND CONSIDERATIONS.

Having regard to the existing pattern and character of development and to the location of the site in an area and to the zoning objective Z2: residential conservation area, it is considered that subject to compliance with the condition set out below the proposed development would not be overbearing, visually obtrusive and overlook and overshadow adjoining properties, would not be seriously injurious to residential amenity, would not lead to devaluation of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

1. The development shall be in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on 7<sup>th</sup> January, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The upper floors shall be omitted from the extension to the rear in entirety. Revised plan, section and elevation drawings shall be submitted to the planning authority indicating these omissions and substitution of a roof over the ground floor extension including details of materials and finishes for written agreement prior to the commencement of the development. The eaves height shall not exceed 3.5 metres.

**Reason:** In the interest of the protection of the residential amenities of adjoining properties.

3. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

4. **Reason:** In the interest of visual amenity.

5. Hours of operation during the demolition and construction phase shall be confined to 0800 hrs. – 1800 hrs. Mondays to Fridays (excluding Bank Holidays) and 0800 hrs. – 1400 hrs. Saturdays only.

**Reason:** In the interest of the protection of residential amenities of properties in the vicinity

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act is applied to the permission.

---

**Jane Dennehy,**  
**Senior Planning Inspector.**  
**28<sup>th</sup> August, 2015.**