



An
Bord
Pleanála

Board Direction
BD-007064-20
ABP-307817-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/11/2020.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below / set out on the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Amend condition numbers 2 and 3 as follows:

2. The developer shall pay to the planning authority a financial contribution of €7,736.40 (seven thousand seven hundred and thirty-six euro and forty cent) 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, as amended. The contribution shall be paid prior to 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

3. The roof of the ground and 1st floor rear extensions hereby permitted, shall not be used as a balcony, roof garden or any other amenity space.

Reason: To prevent overlooking of adjoining residential properties.

Reasons and Considerations

Condition No. 2

The planning authority did not correctly apply the terms of the Dublin City Council Development Contribution Scheme 2020-2023 based on the inaccurate calculation of the floorspace of the proposed development.

Condition No. 3

Having regard to the residential land use zoning of the site, and the nature and scale of the proposed development, it is considered that the modifications and requirements of the Planning Authority, in its imposition of Condition No. 3, are not warranted, and that the proposed development, with the omission of this condition and the attachment of an amended condition, would have no significant negative impact on the character of the dwelling or the streetscape and would have no significant negative impact on the residential amenity of any neighbouring property. Thus, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Board Member:

Date: 30/11/2020

Stephen Bohan