



An
Bord
Pleanála

Board Direction
BD-007764-21
ABP-308798-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/03/2021.

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:

Remove condition number 2

Amend conditions number 5, 6 and 7 as follows

Reasons and Considerations

Having regard to the residential land use zoning for the site, and to the pattern and character of development in the area, to the terraced nature of the property and the availability of rear access points to similar properties in the vicinity of the site, it is considered that the retention of the door in the rear elevation, by reason of its nature, design, and function, would not detract from the character of the existing dwelling or the visual amenities of the area, and would not detract from the residential amenity of the existing dwelling or adjoining properties. Therefore, the planning authority's Condition No. 2, requiring the omission of the door in the rear elevation, is not warranted.

Furthermore, having regard to the nature of the development which relates to the retention and upgrade of an existing rear garden shed as a home working studio, and to the provisions of the Dun Laoghaire Rathdown County Council Development Contribution Scheme 2016-2020, (as updated on the 01/01/2021), it is considered that the provisions of the scheme have not been properly applied, such that development contributions are payable on all retention permissions at a multiple of 1.25 times the rates outlined in the scheme and exemptions and reductions do not apply to any applications for retention permission.

Conditions

5. The developer shall pay to the planning authority a financial contribution of €123.90 (one hundred and twenty three euro and ninety cent) in respect of the provision of Surface Water Public Infrastructure 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.

6. The developer shall pay to the planning authority a financial contribution of €2836.57 (two thousand, eight hundred and thirty six euro and fifty seven cent) in respect of the provision of the Roads 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.

7. The developer shall pay to the planning authority a financial contribution of €1,840.12 (one thousand, eight hundred and forty euro and twelve cent) in respect of the provision of the Community and Parks Public Infrastructure, Facilities and Amenities 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.

Board Member:

Michelle Fagan

Date: 26/03/2021