



An
Bord
Pleanála

Board Direction
BD-010748-22
ABP-312462-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/05/2022.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Remove condition number 6

Reasons and Considerations, as per Inspector's recommendation as follows.

A development contribution is not payable, as per the Fingal County Council Development Contribution Scheme 2021-2025, on foot of a grant of planning permission for the retention of a non habitable garden room development where section 11 subsection (a) of the aforementioned scheme specifically provides for an exemption of contributions for extensions that do not exceed 40 sq.m. Furthermore, the retention rate is only applicable to the area of a development in excess of the exemption in this case any area above 40 sq.m. As the development comprises 19.83 sq.m it is within the remit of the exemption and does not exceed the area to which the exemption applies for the purposes of (a) applying a contribution and (b) applying a retention rate. The planning authority has therefore erred in its application of the scheme and Condition 6 should be deleted accordingly.

Board Member:


Michelle Fagan

Date: 20/05/2022