

An  
Bord  
Pleanála

**Board Direction**  
**BD-012175-23**  
**ABP-312713-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/05/2023.

Having regard to the nature of the condition(s) the subject of the appeal, the Board decided generally in accordance with the Inspector's recommendation, that the planning authority be directed under section 139 (1) of the Planning and Development Act, 2000, as amended, to remove Conditions 2, 7, and 10, and to amend Conditions 8 and 9 as set out below for the following reasons and considerations.

### **Reasons and Considerations**

Having regard to –

- (a) Dun Laoghaire Rathdown County Development Plan 2022 – 2028,
- (b) classes of public infrastructural development applicable to this application set out in the Dun Laoghaire Rathdown County Council Development Contribution Scheme 2016 – 2020, as amended,
- (c) the permission granted under planning register reference number D08A/0690,
- (d) the precedent set in the area and given the height, scale, depth and modest scale extension to an existing residential use in an area zoned to protect and improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2022 to 2028.

It is considered that, subject to amendments to the conditions, the proposed development would not seriously injure the visual or residential amenity of property in the vicinity and would otherwise comply with the provisions of Dun Laoghaire Rathdown County Development Plan and be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

8. The developer shall pay to the planning authority a financial contribution in respect of roads 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 for an additional floor area of 12.7 square metres 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. 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.

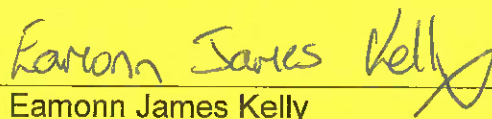
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

9. The developer shall pay to the planning authority a financial contribution in respect of community and parks 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 for an additional floor area of 12.7 square metres 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. 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**

  
Eamonn James Kelly

**Date:** 16/05/2023

