

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0114

An Bord Pleanála Reference Number: PL 06D.246582

APPEAL by Barbara Dwyer and Bernadette Dwyer care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 15th day of April, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (1) Minor alterations and revisions to elevations and plans of approved single storey dwelling to the rear of the existing dwelling, which included the construction of a new gated vehicular entrance and associated works and (2) removal of condition number 11 from that granted under planning register reference number DA08A/1383 and extended by DA08A/1383E at 15 Glenamuck Cottages, Glenamuck Road, Carrickmines, Dublin.

DECISION

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** condition number 3 so that it shall be as follows for the reason set out.

3. The proposed dwelling when completed shall be occupied as a place of permanent residence by either or both of the applicants. If the applicant disposes of the property within seven years of the date of the final grant of planning permission the full section 49 Supplementary Development Contribution Scheme for Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds Scheme levy for a residential dwelling shall be paid by the applicant.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Glenamuck District Distribution Road Scheme and Surface Water Attenuation Ponds Scheme which will benefit in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the planning authority.

REASONS AND CONSIDERATIONS

The Board considered that the condition was reasonable and in accordance with the Supplementary Development Contribution Scheme.

In deciding not to accept the Inspector's recommendation to remove the condition, the Board considered that the Inspector's concerns could be met by amending the condition.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.