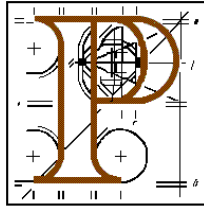


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2404/16

An Bord Pleanála Reference Number: PL 29S.246615

APPEAL by Patanne Harte care of Cathal O'Neill and Associates of 33 Pembroke Road, Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 25th day of April, 2016.

PROPOSED DEVELOPMENT: Change of use of building from two-storey doctor's surgery and garden level apartment to single family dwelling and the demolition of a non-original garden level conservatory at 63 Haddington Road, Ballsbridge, Dublin.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 2 and directs the said Council to **AMEND** condition number 2 so that it shall be as follows for the reason stated.

2. The developer shall pay to the planning authority a financial contribution of €4,708 (four thousand, seven hundred and eight euro) 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 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.

REASONS AND CONSIDERATIONS

Having regard to the extent of the floor area proposed for change of use from surgery to residential use (109 square metres), to the terms of the Development Contribution Scheme for the area, including the provisions for exemptions and reductions under sections 12 and 14 of the Scheme, respectively, it is considered that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 2 by reason of the application of the reduced levy to the entire existing floor area (183 square metres) and, therefore, condition number 2 should be amended as set out above.

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.