

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kildare County**

**Planning Register Reference Number: 16/325**

An Bord Pleanála Reference Number: PL 09.246948

**APPEAL** by Martin Doyle care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin in relation to the application by Kildare County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 24 of its decision made on the 23<sup>rd</sup> day of June, 2016.

**PROPOSED DEVELOPMENT:** The subdivision of 1 Saint Mary's Lane back to two separate dwellings and the extension to the rear of both dwellings to convert them to two separate four bedroom dwellings and all associated site works and services at 1 Saint Mary's Lane, Monasterevin, County Kildare.

## **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 24 and directs the said Council to **AMEND** condition number 24 so that it shall be as follows for the reason stated.

24. The developer shall pay to the planning authority a financial contribution of €5,135 (five thousand, one hundred and thirty-five 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**

The subject development subdivides an existing dwelling into two dwellings, thereby resulting in an additional dwelling unit, with its related additional burden on services. The relevant development contribution scheme does not explicitly deal with development of the nature proposed, but does include contributions in relation to both house extensions and for new residential development. The Board considered that the case should be considered as (a) an extension to an existing dwelling unit, and (b) provision of an additional dwelling unit. When the floor space of the existing established dwelling is taken into account, it is considered that the dwelling unit (a) does not attract any development contribution. For the unit (b) the rate of contribution for new residential floor area is considered applicable. The Board considered it reasonable to reduce the applicable floor area by 40m<sup>2</sup> taking into account the 'house extension' allowances applied by the planning authority in this case.

## **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.

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

**Dated this      day of                      2016.**