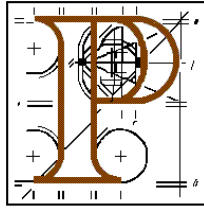


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D16A/0154**

An Bord Pleanála Reference Number: PL 06D.247024

**APPEAL** by Reginald Coogan care of Lisa Wynne of 261 Pearse Drive, Sallynoggin, County Dublin in relation to the application by Dún Laoghaire-Rathdown County Council of the terms of the Supplementary Development Contribution Scheme made for the area in respect of condition number 14 of its decision made on the 11<sup>th</sup> day of July, 2016.

**PROPOSED DEVELOPMENT:** Construction of two number single storey pitched roof detached dwellings to the rear of existing dwelling, Unit Number 13A, a 130 square metres three bedroom dwelling and Unit Number 13B, a 199 square metres four bedroom dwelling, total gross floor area of 329 square metres, works to include shared vehicular and pedestrian access to Rockville Drive via existing driveway and associated site works on a site area of 0.16 hectares, all at 13 Glenamuck Cottages, Carrickmines, Dublin.

## DECISION

The Board, in accordance with section 49 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 14 and directs the said Council to AMEND condition number 14 so that it shall be as follows for the reason stated.

14. (a) With respect to Unit Number 13A, the developer shall pay to the planning authority a financial contribution of €45,620.40 (forty-five thousand, six hundred and twenty euro and forty cent) in respect of the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.

- (b) The proposed dwelling, Unit Number 13B, when completed shall be occupied as a place of permanent residence by Keith Coogan as outlined in the application documentation and the submitted Statutory Declaration. If Keith Coogan 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 the Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds Scheme levy for a residential dwelling shall be paid to the planning authority.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

## **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the Section 49 Supplementary Development Contribution Scheme for the Glenamuck District Distributor Road and Surface Water Attenuation Ponds, to the planning history of the site – in particular the treatment of the applicant and his family in relation to the above mentioned contribution scheme under planning register reference number D09A/0163 and the circumstances of the application, it is considered that a proper application of the scheme will enable an exemption for the son of the landowner in this instance, if it is he who takes up the permission on one of the new residential units. It is not considered that the applicant himself qualifies for an exemption as the other new residential unit is not considered a replacement dwelling.

## **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.**