



An  
Bord  
Pleanála

**Board Order**  
**PL 06F.248344**

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**Planning and Development Acts 2000 to 2016**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F17B/0008**

**Appeal** by Thomas and Teresa Murphy care of Edward Brady and Associates of Unit 63, Grange Close, Baldoyle, Dublin in relation to the application by Fingal County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 5 of its decision made on the 21<sup>st</sup> day of March, 2017.

**Proposed Development:** Retention of: (a) an attached garage at the side of the existing house north-west elevation (area 29 square metres, height 5.925 metres), (b) an extension at rear of the existing house north-east elevation (area 22 square metres, height 3.295 metres) and (c) an open car port at side north-west elevation (area 31 square metres, height 2.905 metres, all at Hill Road, Adamstown, Garristown, County 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 been properly applied in respect of condition number 5 and directs the said Council to ATTACH condition number 5 and the reason therefor.**

## **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.

## **Reasons and Considerations**

Having regard to the fact that the development sought was for retention, and that the Fingal County Council Development Contribution Scheme 2016-2020 provides that exemptions and reductions shall not apply to permissions for retention of development, it is considered that the terms of the Development Contribution Scheme were properly applied in this instance.

In not accepting the Inspector's recommendation to amend condition number 5 by excluding the car port aspect of the development, the Board considered that this car port was covered by the terms of the Scheme, and also that it was not possible for the Board to condition the exclusion of the car port from the development (as had been requested by the applicants), having regard to the limited nature of an appeal under Section 48 of the Planning and Development Act, 2000, as amended.

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

**Dated this          day of                                  2017**