



An
Bord
Pleanála

Board Order
PL 29N.248683

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4116/16

Appeal by Gerry Ryan of 7 Blackwood Close, Ongar Chase, Dublin against the decision made on the 18th day of May, 2017 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing two-storey flat roof extension to the rear of the property, construction of two-storey extension to the rear of the property to include:- commercial/kitchen extension associated with existing take-away shop at ground floor level, residential extension at ground floor level to include living/dining area and WC servicing existing apartment at first floor level, extension of existing apartment over take away shop at first floor level to include four number bedrooms and one number WC/shower with four number rooflights to the west elevation and balcony to the rear/north elevation and all associated site works including two separate pedestrian entrances from rear laneway to north of site to access take away shop and apartment separately, all at 105 Cabra Road, Cabra, 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 conditions numbers 2 and 4 so that they shall be as follows for the reasons set out.

- 2 The developer shall pay to the planning authority a financial contribution of €6,242.06 (six thousand, two hundred and forty two euro and six cent) 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 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,

- 4 The first floor light well shown on plans submitted to the planning authority on the 21st day of April, 2017 shall be enlarged to a minimum width of 5 metres. The exact configuration of the light well and the design of the roof over the link corridor shall be subject to agreement with the planning authority. Plans and elevation drawings showing the required amendments, or consequent changes to the development, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.

Reasons and Considerations

The contribution payable under the Dublin City Council Development Contribution Scheme 2016-2020 should be based on an additional 41 square metres of commercial floor space and an additional 39 square metres of residential floor space in order to take account of the existing commercial and residential floor space on the site in accordance with section 14 of the Scheme and the extension of 40 square metres allowed to dwellings without a levy under section 12 of the Scheme. The amendment of condition number 4 to allow for the reconfiguration of the light well to a minimum of 5 metres is required to increase the residential amenity for future occupants.

