



An  
Bord  
Pleanála

**Board Order**  
**PL 09.248855**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 17/448**

**Appeal** by Kathy and Ken Merrins care of Flynn Architects of 11 Saint Joseph's Avenue, Clonliffe Road, 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 30 of its decision made on the 15<sup>th</sup> day of June, 2017.

**Proposed Development:** Modifications, extensive alterations, and two number single storey extensions to the existing two-storey (dormer type) dwelling, to make provision for a family flat, and provide additional living space. The proposed works include: (a) demolition of existing dormer style first floor, demolition of all internal and some external walls at ground floor level, (b) construction of new living accommodation at first floor level, with access to roof terrace, (c) construction of two number single storey rear extensions and (d) construction of new domestic garden shed, and all associated site works, including upgraded drainage, landscaping, and alterations to the existing gated entrance. The existing dwelling contains six number bedrooms, two number kitchens, a dining area and two number living areas. The proposed house will contain three number bedrooms, one number kitchen, one number dining area, one number living area, and a home office. In addition, the proposed family flat will contain one number bedroom, one number kitchen, one number dining area and one number living area. All at "Mountain View", Harristown, Naas, 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 30 and directs the said Council to AMEND condition number 30 so that it shall be as follows for the reason stated.**

30. The developer shall pay to the planning authority a financial contribution of €1,790 (one thousand, seven hundred and ninety 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.

