



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/299

Appeal by Patrick and Deirdre Murphy 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 2 of its decision made on the 11th day of May, 2018.

Proposed Development: Retention of modifications to a single storey as constructed extension to the side and rear of the existing semi-detached bungalow, previously granted permission under planning register reference number 05/3017. Modifications to the previously permitted extension include:

Internally: the omission of the walk-in wardrobe and ensuite bathroom to the side of the house to serve bedroom number 1, the construction of a new ensuite and conversion of a cloakroom area to walk-in wardrobe to serve bedroom number 2, existing bathroom enlarged, the incorporation of the rear hallway into the kitchen.

Externally: the relocation of three number windows to the side elevation, the relocation of the velux window from the side elevation to the rear elevation, the relocation of two number windows and patio door to the rear elevation, the removal of the rear external door which served the rear hallway which was incorporated into the kitchen, the reduction in roof height, the change of roof style, the omission of the gable end to the rear elevation.

These works result in a reduction in area from 59.91 square metres (permitted) to the as constructed area of 52 square metres.

All at number 23 Standhouse Rise, Morristownbiller, Newbridge, 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 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.

2. The developer shall pay to the planning authority a financial contribution of €600 (six hundred 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

Having regard to sections 8 and 9(b)(ii) and (iii) of the Kildare County Council Development Contribution Scheme 2015-2022, it is considered that terms of the adopted Development Contribution Scheme have not been properly applied.

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.

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.