



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17B/0503

WHEREAS by order dated the 8th day of June, 2018 An Bord Pleanála, under appeal reference number ABP-300866-18, granted subject to conditions a permission to Ian and Miriam Young care of Horan Rainsfort Architects of 36 Main Street, Blackrock, County Dublin for development comprising construction of a first floor extension over existing single storey structure to rear of dwelling at 17 Flemingstown Park, Churchtown, Dublin:

AND WHEREAS condition number 6 attached to the permission required the developer to pay to the planning authority a financial contribution 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 was to be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and subject to any applicable indexation provisions of the Scheme at the time of payment, and the condition required that details of the application of the terms of the Scheme were to be agreed between the developer and the

planning authority or, in default of agreement, the matters was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the details of the application of the terms of the Scheme in compliance with the terms of the condition and the matter was referred by the developer to An Bord Pleanála on the 21st day of March, 2019 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that a development contribution in the amount €6,588.43, including indexation, (six thousand, five hundred and eighty eight euro and forty three cent, including indexation) be levied in accordance with the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020 as adopted on the 14th day of December, 2015.

Reasons and Considerations

Having regard to:

- (1) the Dún Laoghaire-Rathdown County Development Plan 2016–2022,
- (2) the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020, as adopted on the 14th day of December, 2015,
- (3) Section 48 of the Planning and Development Act 2000, as amended,
and
- (4) the submissions on file, and the planning history of the site

the Board considered the permitted construction of a first-floor pitched roof extension over an existing contemporary flat roofed extension to the rear of number 17 Flemingstown Park is not an attic conversion and therefore did not benefit from any exemption or reduction in the requirement to pay development contributions under Section 10 of the Scheme. Furthermore, the gross floor space of the works granted is levied according to the gross floor area confirmed on the application for permission and in accordance with the plans and elevations submitted. There is no exemption for “non-habitable space”.

It is considered, therefore, that a development contribution in the amount €6,588.43, including indexation, be levied in accordance with the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020, as adopted on the 14th day of December 2015.

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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.