



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19A/0096

Appeal by Ardstone Homes Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in relation to the application by South Dublin County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 8 of its decision made on the 16th day of May, 2019.

Proposed Development: Permission and retention for development on a site of circa 0.175 hectares identified as Numbers 2 - 14 (even) White Pines Crescent; development/proposed development specifically relates to seven houses permitted in application reference SD17A/0443 (and earlier permissions as appropriate) (on a larger site of circa 0.39 hectares that included public roads), namely three number three-bedroom houses, two number four-bedroom houses and two number five-bedroom houses; development on foot of that permission has commenced. Permission for development is sought for works proposed to three number houses (Numbers 2, 12 and 14 White Pines Crescent). Retention for development is sought for works to four number houses (Numbers 4, 6, 8 and 10 White Pines Crescent).

The house variations are identified as follows: Block Type A - Numbers 4-10 (even) White Pines Crescent; Block Type S - Numbers 12 and 14 White Pines Crescent and Block Type Y - Number 2 White Pines Crescent); The proposed development will consist of the provision of modifications to three number of the permitted houses including: reduction in brickwork (Block Types S and Y), removal of canopies (Block Types S and Y), alteration of windows (Block Type S), alteration of roof lights (Block Type S and Y) and non-provision of part of the second floor accommodation and the removal of the associated dormer windows (Block Type S), the latter renders the permitted five-bedroom unit as a four-bedroom unit. The scheme of seven number units would, therefore, provide three number three-bedroom houses; three number four-bedroom houses and one number five- bedroom house. The development for which retention is sought consists of provision of modifications to Block Type A including: reduction in brickwork; removal of canopies; alteration of windows; removal of windows and alteration of roof lights; The development/proposed development (as appropriate) consists of/will also consist of, provision of PVC windows and doors; provision of concrete slates; adjustment of cill heights; addition of mullions to windows and all other associated site development works above and below ground, all on lands south of Stocking Avenue, Woodtown, 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 not been properly applied in respect of condition number 8 and directs the said Council to AMEND condition number 8 so that it shall be as follows for the reason stated.

8. The developer shall 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 shall include a deduction for any contribution already paid under condition number 7 of the permission granted under planning register reference number SD17A/0443. The contribution shall be paid prior to commencement of any further 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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

It is considered that development contributions under Section 48 of the Planning and Development Act, 2000, as amended, should be paid in respect of all of the dwellings that are the subject matter of this appeal. The documentation submitted with the application and appeal has not provided evidence of any contribution already paid under condition number 7 of permission granted under planning register reference number SD17A/0443. Accordingly, it is reasonable, and in accordance with the provisions of the South Dublin County Council Development Contribution Scheme 2016 – 2020, and the Development Contributions Guidelines for Planning Authorities published by the Department of the Environment, Community and Local Government in January 2013, that condition number 8 be amended.

In deciding not to accept the Inspector's recommendation to direct the planning authority to omit condition 8, the Board was not satisfied, based on the documentation submitted with the application and the appeal, that any contribution had already been paid under condition number 7 of the permission granted under planning register reference number SD17A/0443 and, therefore, decided to amend the appealed condition so as to ensure that development contributions under Section 48 of the Planning and Development Act, 2000, as amended, are levied in respect of all of the dwellings that are the subject matter of this appeal.

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.

John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.