



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1222/20

Appeal by David and Jan Killen care of Future Analytics Consulting Limited of 23 Fitzwilliam Square (South), Dublin against the decision made on the 8th day of July, 2020 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Construction of a single storey and two-storey extension to the rear and side of the house and the extension of an existing attic conversion incorporating new velux windows and a new dormer window to the rear main roof. The total ground floor extension area is 32 square metres. Total first floor extension area is 45 square metres. Total attic floor extension is seven square metres. (b) Associated demolitions, alterations, drainage and landscaping within the curtilage of the site at 95 Blackheath Park, Clontarf, 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 3 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 €7,736.40 (seven thousand seven hundred and thirty-six euro and forty 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.

3. The roof of the ground and first floor rear extensions hereby permitted, shall not be used as a balcony, roof garden or any other amenity space.

Reason: To prevent overlooking of adjoining residential properties.

Reasons and Considerations

Condition Number 2

The planning authority did not correctly apply the terms of the Dublin City Council Development Contribution Scheme 2020-2023 based on the inaccurate calculation of the floorspace of the proposed development.

Condition Number 3

Having regard to the residential land use zoning of the site, and the nature and scale of the proposed development, it is considered that the modifications and requirements of the planning authority, in its imposition of condition number 3, are not warranted, and that the proposed development, with the omission of this condition and the attachment of an amended condition, would have no significant negative impact on the character of the dwelling or the streetscape and would have no significant negative impact on the residential amenity of any neighbouring property. Thus, the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2020