



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20B/0282

Appeal by Shane and Lara Collins of 132 Taney Crescent, Goatstown, Dublin against the decision made on the 10th day of November, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: A development consisting of: (a) Conversion of attic to habitable room with new rear dormer roof/window and (b) retention and upgrade of existing rear garden shed as home working studio at 132 Taney Crescent, Goatstown, 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 REMOVE condition number 2 and the reason therefor and to AMEND conditions numbers 5, 6 and 7 so that they shall be as follows for the reasons set out.

5. The developer shall pay to the planning authority a financial contribution of €123.90 (one hundred and twenty-three euro and ninety cent) in respect of the provision of Surface Water Public infrastructure 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.

6. The developer shall pay to the planning authority a financial contribution of €2,836.57 (two thousand, eight hundred and thirty-six euro and fifty-seven cent in respect of the provision of Roads 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.

7. The developer shall pay to the planning authority a financial contribution of €1,840.12 (one thousand, eight hundred and forty euro and twelve cent) in respect of the Community and Parks Public infrastructure, Facilities and Amenities 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 the residential land use zoning for the site, and to the pattern and character of development in the area, to the terraced nature of the property and the availability of rear access points to similar properties in the vicinity of the site, it is considered that the retention of the door in the rear elevation, by reason of its nature, design, and function, would not detract from the character of the existing dwelling or the visual amenities of the area, and would not detract from the residential amenity of the existing dwelling or adjoining properties. Therefore, the planning authority's condition number 2, requiring the omission of the door in the rear elevation, is not warranted.

Furthermore, having regard to the nature of the development which relates to the retention and upgrade of an existing rear garden shed as a home working studio, and to the provisions of the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020, (as updated on the 1st day of January, 2021), it is considered that the provisions of the scheme have not been properly applied, such that development contributions are payable on all retention permissions at a multiple of 1.25 times the rates outlined in the scheme and exemptions and reductions do not apply to any applications for retention permission.

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.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2021.