



**An
Bord
Pleanála**

**Board Order
ABP-309883-21**

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0014

Appeal by Vas and Joe Vasiliou care of Michael Halligan of Seapoint House, Balbriggan, County Dublin in relation to the application by Fingal County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 9 of its decision made on the 10th day of March, 2021.

Proposed Development: Retention of demolition and reconstruction of the original dwelling house footprint along with extensions permitted under planning register reference number F19A/0232. Conversion of the attic space including a dormer window on the south elevation and roof windows on the north and west roof faces at Villa Maria, Corballis, Donabate, County 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 9 and directs the Council to AMEND condition number 9 so that it shall be as follows for the reason stated.

9. The developer shall pay to the planning authority a financial contribution of €1,104.86 (one thousand one hundred and four euro and eighty-six 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.

Reasons and Considerations

The Board considers that the Fingal County Council Development Contributions Scheme 2021-2025 is the applicable contribution scheme and has had regard in particular to Section 11 Exemptions and Reductions as they apply to this case. The Board considered that the scheme had not been properly applied and that it is appropriate to amend condition number 9 of the

Council's permission planning register reference number F21A/0014 in this case.

In not agreeing with the Inspector on the final contribution sum to be specified in the amended condition number 9, the Board also had particular regard to the exemption provided for under Section 11 (d) of the Fingal County Council Development Contributions Scheme 2021-2025 which provides an exemption for attic conversions, and considered that notwithstanding the inclusion of a dormer window at first floor level, the conversion of the attic did not increase the gross floor area of the original house and noted that gross floor area forms the basis of the calculation for development contributions (Note 3 of the Scheme). The Board, therefore, concluded that the scheme had not been properly applied in relation to this exemption and that the developer was also entitled to avail of exemption Section 11(d).

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.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 29th day of July 2021.

