

**An
Bord
Pleanála**

**Board Order
ABP-310261-21**

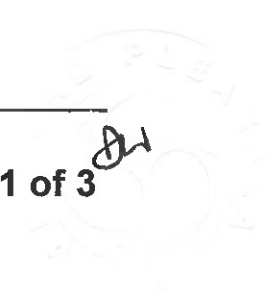
Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2329/21

Appeal by Michael and Cynthia Hurley of 67 Kilbarrack Road, Kilbarrack, Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 28th day of April, 2021.

Proposed Development: Amendments to Dublin City Council, planning register reference number 2509/20. The amendments comprise a new single storey entrance porch to front (north) of dwelling, change of two number Velux roof lights to new box dormer to side (east) roof hip, increase in height of low level section of hip roof (not main roof) to side (west hip) of dwelling by 250 millimetres with a new east facing box dormer to same section of roof to create additional storage space within the roof structure, and minor internal alterations to first floor plan and all ancillary works at 67 Kilbarrack Road, Kilbarrack, 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 had not been properly applied in respect of condition number 2 and directs the Council to AMEND condition number 2 so that it shall be as follows for the reason stated.

2. The developer shall pay to the planning authority a financial contribution of €1,731.48 (one thousand, seven hundred and thirty-one euro and 48 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

Having regard to the extent of additional floor area, cited in the planning documentation as being 18.8 square metres, for which permission is being sought to amend the previous grant of permission on the site, planning register reference number 2509/20, and to the specific provisions of the adopted Dublin City Council Development Contribution Scheme, 2020-2023 which does not explicitly provide for the calculation of contributions in such circumstances on the basis of permitted and proposed floor area, it is considered that the relevant additional floor area for the purposes of calculation of the development contribution is 18.8 square metres which, at a rate of €92.10 per square metre of residential development, gives a contribution requirement of €1,731.48.

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.



Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 16th day of August 2021.

