

An  
Bord  
Pleanála

**Board Order**  
**ABP-310633-21**

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1348/21.**

**Appeal** by Ciara Haskins and Aengus Wilson of 27 Farney Park, Sandymount, 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 28<sup>th</sup> day of May, 2021.

**Proposed Development:** Conversion of three bedroom house into four bedroom house with the conversion of attic space into a habitable bedroom with insertion of two dormer windows to the rear elevation and one smoke ventilation roof window to rear elevation above the internal stairwell. New fixed staircase from the first floor to attic space; all at 27 Farney Park, Sandymount, 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 2 and directs the said Council to **AMEND** condition number 2 so that it shall be as follows for the reason stated.

## Reasons and Considerations

2. The developer shall pay to the planning authority a financial contribution of €1473.60 (one thousand, four hundred and seventy three euro and sixty 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.


Having regard to: -

- (a) section 34(5) of the Planning and Development Act 2000, as amended,
- (b) the provisions of the Dublin City Council Development Contribution Scheme 2020-2023,
- (c) section 48 of the Planning and Development Act 2000, as amended, and
- (d) the submissions on file, and the planning history of the site,

it is considered that it would be appropriate to attach a Development Contribution (16 square metres x €92.10) pursuant to section 48 of the Planning and Development Act, 2000, as amended, for development in this instance.

## 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 14<sup>th</sup> day of December 2021

