



An
Bord
Pleanála

Board Order
ABP 312713-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21B/0629

Appeal by Thomas and Trudy Keogan care of Liam Cullen Design and Planning of 44 Ballinteer Crescent, Dublin against the decision made on the 17th day of January, 2022 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: Construction of a single storey extension (additional floor area of 12.70 square metres) to front of dwelling, proposed enlargement of attic floor area (additional floor area of 5.56 square metres) and associated modifications and increase in the roof profile between the existing dormers on rear elevation and associated site works at 94 Braemor Road, Churchtown, 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 conditions numbers 2, 7 and 10 and

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the reasons therefor, and AMEND conditions numbers 8 and 9 so that they shall be as follows for the reasons set out.

8. The developer shall pay to the planning authority a financial contribution in respect of roads 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 for an additional floor area of 12.7 square metres 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.

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9. The developer shall pay to the planning authority a financial contribution in respect of community and parks 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 for an additional floor area of 12.7 square metres 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.

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Reasons and Considerations

Having regard to –

- (a) Dún Laoghaire-Rathdown County Development Plan 2022–2028,
- (b) classes of public infrastructural development applicable to this application set out in the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016– 2020, as amended,
- (c) the permission granted under planning register reference number D08A/0690,
- (d) the precedent set in the area and given the height, scale, depth and modest scale extension to an existing residential use in an area zoned to protect and improve residential amenity in the Dún Laoghaire-Rathdown County Development Plan 2022 to 2028.

It is considered that, subject to amendments to the conditions, the proposed development would not seriously injure the visual or residential amenity of property in the vicinity and would otherwise comply with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *29* day of *May* 2023

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