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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3974/22**

**Appeal** by Aoibheann and Fergal Keenan of 51 Villa Park Gardens, Navan Road, Dublin against the decision made on the 8<sup>th</sup> day of July, 2022 by Dublin City Council to grant subject to conditions a permission to the said Fergal Keenan in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Conversion of the attic area to a storeroom to include realignment of the main hipped roof to form a gable roof, a proposed dormer window to the rear roof surface and two number flat roof windows to the front roof surface, all at 51 Villa Park Gardens, Navan Road, 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.

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**Having regard to the nature of the condition 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, as amended, to REMOVE condition numbers 3 and 4 and the reasons therefor.**

2. The developer shall pay to the planning authority a financial contribution of €2,447.13 (two-thousand four-hundred and forty-seven euro and thirteen cents) 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

In respect of condition number 2 the Board, in accordance with Section 48 of the Planning and Development Act 2000, as amended, considered that the terms of the Development Contribution Scheme for the area has not been properly applied.

In respect of conditions numbers 3 and 4, having regard to the pattern of development in the vicinity, to the design, built form and scale of the proposed development, it is considered that the extension, as originally proposed, would not seriously injure the visual or residential amenities of the area and would not conflict, in a material way, with the provisions of the Dublin City Development Plan 2022-2028.



**Una Crosse**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this

*27<sup>th</sup>* day of *June*

**2023.**