



An
Bord
Pleanála

Board Order
ABP-315326-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22B/0429

Appeal by Niamh Troy and Shane Teefy of 93 Marian Road, Rathfarnham, Dublin in relation to the application by South Dublin County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 4 of its decision made on the 18th day of November, 2022.

Proposed Development: Retention permission for development consisting of alterations to previously granted planning permission (planning register reference number SD19B/0332) to include (a) alterations to front porch, (b) alterations to single storey extension to rear and side of the existing dwelling, and (c) alterations to front elevation and all associated site works, all at 93 Marian Road, Rathfarnham, 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 4 and directs the said Council to AMEND condition number 4 so that it shall be as follows for the reason stated.

4. The developer shall pay to the planning authority a financial contribution of €1,429.20 (one thousand four hundred and twenty nine euro, twenty 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 provisions of the South Dublin County Council Development Contribution Scheme 2021-2025, section 48(10) of the Planning and Development Act 2000, as amended, and the Development Contribution Scheme Guidelines for planning authorities issued by the Department of the Environment, Community and Local Government in 2013, the Board considered that the terms of the Scheme have not been properly applied in respect of Condition number 4 for the following reasons:-



- (a) in calculating the area, the subject of the application for retention, the planning authority failed to consider the original floor area of the house prior to the grant of permission under planning register reference number SD19B/0332,
- (b) in calculating the area, the subject of the application for retention, the planning authority failed to consider the works carried out by virtue of planning register reference number SD19B/0332 which would amount to "double charging",
- (c) In calculating the area, the subject of the application for retention, the planning authority failed to consider the works, and specifically the floor space, that was actually being applied for, that is, the alterations to the extension to the rear of the house.

As per the terms of the Development Contribution Scheme, the applicable development contribution is as follows:-

12 square metres extension (to be retained): $12 \times 119.10 = \text{€}1,429.20$,

Total: $\text{€}1,429.20$.



Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 18th day of October 2023.