

An  
Bord  
Pleanála

**Board Order**  
**ABP-316215-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dun Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D23A/0038**

**Appeal** by Niamh Nowlan and Colin Boyle of 43 Laurel Road, Churchtown, Dublin against the decision made on the 14<sup>th</sup> day of March, 2023 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Front porch extension, garage conversion, rear partially single, partially two-storey extension, rear dormer type windows, new window to first floor gable end, vehicular access widening, some internal alterations and associated site works, all at 43 Laurel Road, Churchtown, Dublin.

## **Decision**

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 number 2 and the reason therefor and to AMEND conditions numbers 11, 12 and 13 so that they shall be as follows for the reasons set out.

11. The developer shall pay to the planning authority a financial contribution in respect of the provision of surface water 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**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.

12. The developer shall pay to the planning authority a financial contribution in respect of the provision of roads 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.

Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**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.

13. The developer shall pay to the planning authority a financial contribution in respect of the provision of the community and parks public infrastructure, 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 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**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

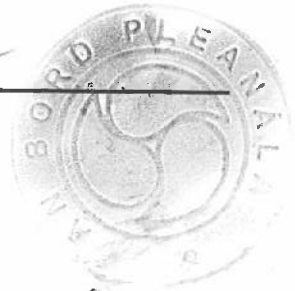
Having regard to the A zoning objective pertaining to the site as set out in the Dun Laoghaire Rathdown Development Plan 2022-2028, it is considered that the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable in terms of visual amenity, and would generally be acceptable in terms of compliance with the criteria stipulated under the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



**Una Crosse**

**Member of An Bord Pleanála**

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



Dated this <sup>4<sup>th</sup></sup> day of August 2023.