

An  
Bord  
Pleanála

## Board Order ABP-319803-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD23B/0359**

**Appeal** by Amanda Palmer care of David Duignan Architectural and Planning Consultants of Dunmoe, Navan, County Meath against the decision made on the 2<sup>nd</sup> day of May, 2024 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** New single storey extension to front and side of house and retention of extensions being single storey porch and canopy to front and rear single storey extension and alterations to roof, all at 134 The Coppice, Woodfarm Acres, Palmerstown, 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, as amended, to **AMEND** condition number 2 so that it shall be as follows for the reason set out and to **REMOVE** condition number 3 and condition number 5(c) and the reasons therefor.

**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 6 and directs the said Council to AMEND condition number 6 so that it shall be as follows for the reason set out.**

2. The developer shall submit the following for the written agreement of the planning authority:
  - (a) Water supply and drainage infrastructure for the proposed development and development proposed to be retained showing compliance with the requirements of Uisce Éireann.
  - (b) All drainage works for the proposed development and development proposed to be retained showing compliance with the Greater Dublin Regional Code of Practice for Drainage Works.
  - (c) Revised plans that incorporate and display the ceasing of the use of the neighbouring site to the east (number 132) for the outfall/overflow of surface water resulting from the subject site. The existing opening/hole in the boundary wall shall be made good and returned to original condition with the surface water from the subject site flowing within the bounds of the property. The developer shall note that if the original surface water connection or drain is lost, or compromised within the subject site, the developer can apply to the planning authority for a new surface water connection for the property.

- (d) Photographic evidence demonstrating the existing opening/hole in the boundary wall in the front curtilage area of the subject site as being made good and returned to its original built condition.

**Reason:** To protect the amenities of the area and in the interest of public health, the proper planning and sustainable development of the area, and in order to ensure adequate water supply and drainage provision.

6. The developer shall pay to the planning authority a financial contribution of €2,631.63 (two-thousand, six hundred and thirty-one euro and sixty-three 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.

**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**

### **Amended condition number 2:**

Condition number 2 requires the developer to retain and carry out the subject development in a manner that is consistent with surface water drainage requirements and to ensure that outflow of surface water is restricted from the site in the interest of public health.

**Removal of condition number 3:**

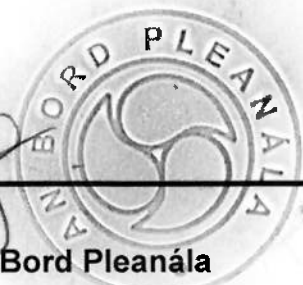

The Board was of the view that there is insufficient justification for a condition requiring the developer to enter into a water/wastewater connection agreement given the nature of the development when pre-existing connections for water and foul drainage currently exist.

**Removal of condition number 5 (c):**

The Board was of the view that the amended condition number 2 is sufficient to ensure surface water and water connection requirements.

**Amended condition number 6:**

The Board considered that the South Dublin County Council Development Contribution Scheme 2021-2025 is the applicable contribution scheme in this case and that development contributions had not been properly applied by the planning authority. The Board considered that the appropriate rate of payment to be applied in this case relates only to the 'assessable area' of the subject development, which is assessed to be 20.81 square metres, as referred to in the planning application. Accordingly, it is concluded that contributions for the subject development be amended.



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

Dated this 22<sup>nd</sup> day of October 2024.