

An  
Bord  
Pleanála

## Board Order ABP-320155-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3574/24**

**Appeal** by Eamon Lewis of 22 Portobello Road, Portobello, Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 18<sup>th</sup> day of June, 2024.

**Proposed Development:** Retention of partly constructed two-storey residential extension and permission for the completion of the partly constructed two-storey extension (67 square metres), together with all associated site works to rear of existing private dwellinghouse (the site is within a conservation area), all at 22 Portobello Road, Portobello, 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 set out.

2. The developer shall pay to the planning authority a financial contribution of €7,746.24 (seven thousand, seven hundred and forty-six euro and twenty-four 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 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 the Board 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

It is considered that the terms of the Dublin City Council Development Contribution Scheme 2023-2026 were correctly applied by the planning authority in respect of condition number 2 insofar as the development is subject to financial contributions under the Scheme; however, the Board considered that the terms of the scheme were incorrectly applied by the planning authority in respect of condition number 2 in respect of the calculation of the amount payable based on the reckonable usable floor space pertaining to the two-storey extension in the submitted drawings accompanying the planning application. Accordingly, it is concluded that condition number 2 should be amended.



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Stephen Bohan

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

Dated this 21<sup>st</sup> day of January 2025.

