



An
Bord
Pleanála

Board Order
ABP-321675-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council South

Planning Register Reference Number: WEB2313/24

Appeal by Karl Kinsella on behalf of Kinnua Limited care of Patrick M. Kerr Architecture of 39A Maynooth Road, Celbridge, County Kildare in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of conditions number 2 of its decision made on the 10th day of December 2024.

Proposed Development: Development will consist of alternations to previously permitted development permission ref. 5059/23 to comprise of flat roof extension to rear of second floor level and alterations to previously permitted 2nd floor layout to provide two additional ensuite guest bedrooms to 2nd floor, increasing 2nd floor bedrooms from six bedrooms to eight bedrooms (total of 15 number bedrooms in overall development), to include all associated material internal and external alterations to facilitate works as indicated on drawings, at The Headline Bar, 57 Clanbrassil Street Lower and South Circular 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 reasons stated.

2. A development contribution in the sum of €5,218.40 shall be paid to the planning authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If, prior to commencement of development, an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

Reasons and Considerations

The applicable scheme is the Dublin City Council Development Contribution Scheme 2023-2026 (under Section 48 of the Planning and Development Act, 2000 as amended). The adopted scheme includes, in Note 3, that new extensions to existing developments will be charged at the applicable rates. Section 10 provides various exemptions where contributions will not be charged, including in relation to change of use from one commercial use to another and any net additional floor space will be charged at the commercial rate. The financial contribution required under Condition number 2 is calculated based on the rates contained in the Contribution Scheme. In these circumstances, the Board considers that Condition number 2 falls within the terms of the Scheme except in relation to the calculation of the amount due, which should be amended to reflect the terms of the scheme in relation to the proposed development where only the additional new floor area is applicable and the change of use does not attract a financial contribution.



Patricia Calleary

Member of An Bord Pleanála

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

Dated this 12 day of May 2025.