

Planning and Development Act 2000, as amended

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD25B/0475W

Appeal by Declan Loye against the decision made on the 24th day of September, 2025 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: Retention of a single-storey flat roof garden room to the rear of the dwelling, with ancillary use and existing connections to water and electricity, all for purposes incidental to the enjoyment of the main dwelling, all at 20A Pinelawn, Oldbawn, Tallaght, County Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission 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 ATTACH condition number 2 and the reason therefor.

The Commission, 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 set out.

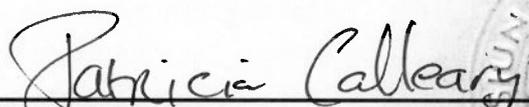
4. The developer shall pay to the planning authority a financial contribution of €2,781.90 (two thousand, seven hundred and eight-one euros and 90 cents) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be 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

Having regard to the residential land use zoning for the site, and the pattern of development in the area, it is considered that the garden room for which retention permission is being sought contains a W/C and a sink which is contrary to Policy H14 (Residential Extensions) of the South Dublin County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area. The planning authority's requirement to remove both the W/C and the sink/sanitary facilities, as imposed under condition number 2, is, therefore, considered reasonable.

Section 48 of the Planning and Development Act 2000, as amended, requires planning authorities to make development contribution schemes which provide for the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a planning authority. The South Dublin County Council Development Contribution Scheme 2026-2028 sets out, under Section 11, contributions for 'Residential Development' and specifically states under the section that 'This exemption will not apply to development for which retention permission is sought'. The development is for the retention of a garden room and is, therefore, not exempt from development contributions and, as such, it is recommended that the section 48 condition be imposed on the said garden room which is stated as having a floorspace of 22 square metres as per the application form submitted. Condition number 4 is, therefore, amended as set out above.



Patricia Calleary

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *07* day of *March* 2026.