

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D25A/0752

Appeal by Patrick Phelan and Deirdre Meagher against the decision made on the 25th day of November, 2025 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the demolition works of the existing house at this site and for planning permission for a development as follows: Slight alterations to the previously granted planning register reference number D24A/0306/WEB, consisting of minor amendments to the roof profile, the addition of two number roof lights and two number first floor obscure glass windows, minor amendments to the proportions and sizes of the windows and doors at ground floor, an increase in roof height by 0.9 metres of the ridge of the rear of the house and all associated landscaping, site boundary treatment, site services and drainage works, all as per the granted planning register reference number D25A/0244 at 110 Churchtown Road Lower, Dublin.

Decision

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 numbers 9, 10 and 11 and directs the said Council to REMOVE existing condition numbers 9, 10, and 11 and the reason therefor, and ATTACH a new condition number 9 so that it shall be as follows for the reason set out.

Reasons and Considerations

9. The developer shall pay to the planning authority a financial contribution 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 the amount of €27,664.45, 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

The Commission had regard to the contents of the appeal submission, the copy of the planning authority file, the submissions of the planning authority dated the 19th day of January 2026 and the 4th day of February 2026, and the appellants' response of the 25th day of February 2026 to the planning authority's submission.

Having regard to the totality of the information submitted with the appeal, the Commission was satisfied that the development which is the subject of the application submitted to the planning authority (register reference number D25A/0752) constituted a demolition and replacement development, for the purposes of the Dún Laoghaire-Rathdown Development Contribution Scheme 2023-2028 ("the Scheme"), and that the amounts payable at the time of the grant of permission by the planning authority, on the 25th day of November 2025, should be calculated on this basis. The Commission noted that the Scheme makes no allowances for a demolition and rebuild which is enforced on a developer for reasons of safety.

In considering the calculation of the development contribution, the Commission was satisfied that the calculation should have regard to the rates of contribution effective on permissions granted by the planning authority on or after the 1st day of November 2023, and should incorporate:

- (a) the basic rate per residential unit set out in Table A of the Scheme,
- (b) the additional contribution, per square metre, set out at paragraph 4.6 of the Scheme, for dwellings with an area exceeding 150 square metres and
- (c) the reduction amount set out at paragraph 7.2i of the Scheme.

The Commission agreed with the Inspector that in calculating the contribution payable for this development, the application of the provisions of the Scheme require that (a) the full standard contribution per unit of residential development (€13,876.24) should be added to (b) the contribution rate of €119.84 per square metres, in respect of the floor area of the replacement dwelling in excess of 150 square metres, and that paragraph 7.2i of the Scheme provides for a reduction to be applied to the combined total of these two elements at (a) and (b) above.

The Commission accepted the appellants' submissions that the total floor area of the dwelling prior to demolition and replacement, stood at 416.9 square metres and that the floor area of the replacement dwelling is "identical" to the development consented under D24A/0306, having an area of 456.4 square metres.

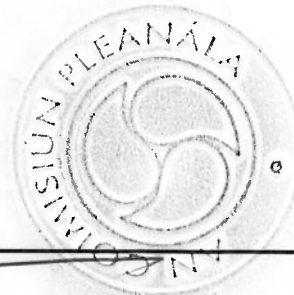
Having regard to the total contribution rate, per unit of residential development, set out at Table A of the Scheme, which represents the combined contribution for Class 1, Class 2 and Class 3 Infrastructure, the Commission considered it appropriate to combine the development contributions set out at conditions 9, 10 and 11 of planning permission reference number D25A/0752, and to omit those conditions in their entirety, and instead attach a new condition for the payment of one combined development contribution.

Having regard to the value of (a) above at €13,876.24, and the value of (b) above at €36,718.98, (to reflect a contribution of €119.84 per square metres, in respect of 306.4 square metres, given the area of the replacement structure totalling 456.4 square metres) the Commission was satisfied that the combined contribution amount, before applying a reduction, amounts to €50,595.22.

Having regard to the relevant reduction of €22,930.77 to be applied in accordance with para. 7.2i of the Scheme (to reflect 50% of the amount that would have been levied in respect of the original existing development had it been subject to the scheme, having an area of 416.9 square metres) the Commission was satisfied that the contribution payable by the appellants, is €50,595.22, reduced by €22,930.77, and amounts to a total of €27,664.45.



MaryRose McGovern



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

Dated this 9th day of April 2026