



An
Bord
Pleanála

Inspector's Report PL06D.247321

Development	House and associated site works.
Location	Albert House, Victoria Road, Dalkey, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown
Planning Authority Reg. Ref.	D16A/0180
Applicants	Donnacha & Pat O'Dea
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Geraldine & Joe Hackette & Others
Observers	none
Date of Site Inspection	11/01/17
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.2274 hectares is located at Victoria Road, Dalkey, Co. Dublin. Victoria Road links Coliemore Road and Sorrento Road and is situated to the south-east of Dalkey Village. Victoria Road is narrow residential road which consists of a mix of contemporary and traditional designed houses which are a mix of both single storey and two-storey in height.
- 1.2. The site comprises the western section of the plot of Albert House. Albert House is a two-storey detached Victorian property with an area of circa 606 square metres. It is located on the southern side of the plot and is served by a recessed gated vehicular access. The roadside boundary is formed by a castellated granite stonewall. The existing garden contains a tennis court and features a mix of mature deciduous trees.

2.0 Proposed Development

- 2.1. It is proposed to construct a detached part two-storey dwelling with a floor area of 265sq m.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 15 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Further information was requested to revise the design to take into account the proximity of Charlotte Terrace to the west. The Planning Authority requested that the dwelling be set back 2m from the party boundary with Charlotte Terrace, that existing and proposed site sections be submitted, that the size and scale of first floor fenestration on the northwest elevation be

revised including the use of obscured glazing and/or high level glazing. A detailed landscaping plan was also requested including proposals to retain existing mature trees and clarification on the layout of the bedroom accommodation was required.

- The revised plans submitted provide a setback of 2m at first floor. The Planning Officer recommended that a condition be attached requiring that the first plans be provided indicating a 2m minimum set back of the full length of the first floor side elevation from Charlotte Terrace. Section drawings were submitted which indicate excavation works will be required. The applicant was requested to address concerns in relation to fenestration to the north-western elevation.

3.2.2. Other Technical Reports

Transportation Planning: No objections subject to conditions.

Drainage Planning: No objections subject to conditions.

3.2.3. External Reports

Irish Water: No objections subject to conditions.

3.3. Prescribed Bodies

3.4. Third Party Observations

The Planning Authority received 8 no. submissions/observations in relation to the proposed development. The main issues raised are similar to those set out in the appeal.

4.0 Planning History

Reg. Ref. D15A/0509: Permission was refused for the construction of a 4-bed 2-storey dwelling with new boundary to Albert House, new vehicular entrance onto Victoria Road and associated site works. Permission was refused for three reasons

1. Having regard to the context of the site and its immediate surroundings, it is considered, given its proximity to Victoria Road, its design and extent, that the

proposed dwelling will be out of character with adjacent dwellings and will be visually obtrusive at this location. The proposed dwelling would therefore detract from the visual amenity in the area, would therefore seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, having regard to its proximity to adjoining residential property on its south western and southern boundaries, to the western roadside boundary, to the provision of extensive balconies and windows on its southern elevation, and the corner kitchen window on the western elevation, would seriously injure the amenities of adjoining residential property by reason of visual obtrusion and overlooking and would, therefore, be contrary to the proper planning and development of the area.
3. It is considered that the proposed new vehicular entrance, entailing the removal of a significant portion of the high stone castellated boundary wall at the roadside boundary of the site, in close proximity to the existing vehicular entrance to Albert House, would be visually inappropriate and would detract from the character and setting of Albert House and the character of the area. The proposed new vehicular entrance would therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- Section 8.2.3.4 (v) Corner/Side Garden Sites

5.2. Natural Heritage Designations

5.2.1. Dalkey Island SAC is 212m to the east of the appeal site.

5.2.2. Rockabill to Dalkey Island SAC is 434m to the east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was lodged on the 27th of September 2016 by ARC Architectural Consultants on behalf of Geraldine & Joe Hackette, Deirdre & Dermot Deverell, Naomi Varian & Gavin Johnson, Brigid McCarroll and Brendan O'Leary and Niamh and Jim Strathern. The main issues raised concern the following;

- The proposed development would result in overlooking and would cause a loss of privacy. The proposed roof terrace would cause overlooking of Charlotte Terrace. The east-facing and south-facing windows and large first floor terrace would overlook Sorrento Lawn.
- The windows of the principal habitable rooms of the proposed dwelling the kitchen and drawing room would be opposing the principal habitable rooms in Trafalgar House.
- The first floor kitchen, stairway and drawing room would overlook the main sitting room and master bedroom of no. 1 Ardrom. The first floor kitchen, stairway and drawing room would overlook the main sitting rooms of No. 2 Ardrom.
- It is considered that the proposed dwelling with first floor terrace and all principal rooms to the first floor level is too close to the neighbouring houses to allow an appropriate standard of residential amenity to be maintained.
- The proposed development would require extensive excavation below ground level and it would impact the adjoining property in terms of noise and vibration and structural stability.

- The application did not include details in relation to the extent of granite rock which would be required to be removed.
- The width between the boundary wall and the gable of No. 5 Charlotte Terrace has not been accurately indicated on drawing No. 1501/40/A (Garden view showing boundary to Charlotte Terrace). This may suggest that the potential impact of any works on the houses at Charlotte Terrace would be lower than is likely to be the case.
- The proposed development would have a detrimental visual impact on the neighbouring properties.
- The proposed development raised concerns in relation to the creation of additional traffic hazard on Victoria Road. The proposed new gate to Albert House would be located immediately within the existing access gate. The angle of approach is likely to create difficulties for vehicles accessing the Albert House lands. It could result in the queuing of vehicles, turning manoeuvres and illegal parking.
- Victoria Road is a narrow road and larger vehicles including emergency service vehicles and refuse collection vehicles often have difficulty passing cars parked on the road. A construction management plan has not been submitted to provide details as to how larger construction vehicles intend to access the site without causing damage to the boundary wall.
- Albert House is a two storey over ground level basement dwelling which is late Georgian/early Victoria. It is set on a site of roughly half an acre. The property is surrounded by a castellated and coursed granite wall built during the 19th century. The house is not included in the Record of Protected Structures or within the Dalkey Village Architectural Conservation Area however no assessment has been provided of the impact of the proposed development on the architectural heritage of Albert House. The applicants have not provided evidence as to why the relationship between a significant house of architectural heritage importance and its principle garden should be considered. No assessment has been carried out regarding the impact of the proposed dwelling and the character of Albert House and the surrounding

area. The proposal would be out of character with the uniform, ordered and fine grain facades of Charlotte Terrace.

- There was a significant number of mature trees and low level planting on site. It is understood that much of the planting around the tennis court was removed over summer 2015. The site is frequented by a wide variety of fauna including garden birds and mammals. The applicant did not include an ecological assessment.
- It is considered that the current proposal fails to address the previous refusal issued under Reg. Ref. D16A/0180.

6.2. Applicant Response

A response to the third party appeal was submitted by Manahan Planners on behalf of the applicants Mr & Mrs D. O’Dea on the 25th of October 2016. The main issues raised are as follows;

- Regarding overlooking and the loss of privacy, this claim is not founded. The proposed dwelling is set back from the site boundary. There are existing trees along the boundary including a large lime tree which will reduce overlooking into and out of the site. The site does not adjoin private rear gardens it adjoins public roadway. The road adjoins the front gardens of surrounding dwellings which are visible to the public. Therefore, there would be no loss in privacy to existing properties.
- The suggestion that the construction of the new dwelling would damage the structural stability of the adjoining houses on Charlotte Terrace is not accepted. The applicants have employed Barrett Mahony Consulting Engineers. A letter from Barrett Mahony Consulting Engineers has been include with the appeal response. It states that the proposed works at Victoria Road involve the construction of a lowered ground level construction relatively close to neighbouring property. The proposed works are not uncommon and a competent contractor would be capable of carrying out the works without any undue negative effect on the neighbouring property.

- The proposed works would be carried out using a system of earthwork support and would not require access into the neighbour's land. The Consulting Engineers confirm that they have had involvement with similar projects in the area including some which involved excavation into rock. The proposed development would include the construction of a new retaining element comprising reinforced concrete which would retain the subsoil.
- In relation to the matter of parking on the roadway and traffic hazard, it is stated that Albert House and the new house will have sufficient space for the parking of cars within the sites.
- The claim in the appeal that the proposed dwelling will negatively impact on the setting of Albert House and damage the architectural heritage of the area is not accepted. A Heritage Impact Appraisal prepared by Five-Seven Architects has been included with the appeal response. It is concluded in the Heritage Impact Appraisal that the design of the new dwelling successfully addressed the issues of height, scale, massing and proximity to existing houses. It is also stated that the proposed development represents a good quality contemporary addition to Victoria Road and that the retention of the existing stone boundary walls will provide for a discreet intervention in keeping with the setting.
- In relation to the impact on trees and planting on site a report from Michael Good Landscape Consultant was included with the appeal response. It is proposed to retain and protect the Copper Beech Tree on the edge of the tennis court. There is a Lime Tree in the north-western corner of the garden it is relatively young and healthy tree and will be retained and protected. New planting will be provided to two areas to maintain privacy and comply with requirements of the Planning Authority.
- Regarding Trafalgar House the front elevation faces the public street and it also faces the boundary of the site which features heavy tree planting. The proposed dwelling is set back from the boundary and at a lower level to reduce the impact on Trafalgar House.
- In relation to the issue of loss of views it is stated that there is no right to a view under Planning Law.

- Regarding the loss of garden area and stated loss of biodiversity in the area, the applicant's agent states that the main area of the site is hard surfaced as a tennis court and is therefore short on biodiversity.
- It is not accepted that the current proposal does not resolve the issues concerning a previous refusal on the site.
- The proposal is in accordance with the Development Plan and consistent with the proper planning and sustainable development of the area. It is requested that the Board grant permission for the proposal.

6.3. Planning Authority Response

- The Planning Authority refer the Board to the content of the Planner's Report.
- They consider that the grounds of appeal do not raise any new matter which would justify a change of opinion in relation to the proposed development.

6.4. Further Responses

A further response was received from ARC Architectural Consultants on behalf of third party appellants on the 25th of November 2016. The main issues raised are as follows;

- Regarding the overlooking of Trafalgar House as set out in the Dun Laoghaire-Rathdown Development Plan 2016-2022 there is a requirement to provide a minimum separation distance of 22m between opposing first floor windows. The proposed dwelling does not adhere to any established building lines on Victoria Road therefore minimum separation distances between opposing first floor windows should be achieved.
- There is no requirement for the applicants to place the habitable rooms of the proposed development at first floor. The applicants rely in their submission on the existing trees along the northern boundary to mitigate against overlooking of Trafalgar House.

- The western boundary of the site adjoins the rear garden of no. 5 Charlotte Terrace and no. 2 Sorrento Lawn. In order to mitigate against overlooking of those rear gardens the applicants propose to plant a 3.5m-4m high Cotoneaster Cornubia. Due to the height of the proposed retaining wall the planting would be 6.5m-7m above the level of the rear garden of no. Charlotte Terrace. The proposed boundary planting will result in significant impacts on no. 5 Charlotte Terrace and no. 2 Sorrento Lawn in terms of loss of light to rooms and overbearing impact.
- It is considered that the potential impacts of the proposed development on Charlotte Terrace and Sorrento Lawn due to overlooking can be addressed through the omission of the first floor terrace.
- In relation to the impact of significant excavation works on Charlotte Terrace the appellants state that the methodology for the removal of the granite and the construction of the proposed development below the level of foundations of no. 5 Charlotte Terrace has not been provided. It is considered that a reduction in the scale of the development could reduce the impacts of noise and vibration.
- Regarding the issue of traffic hazard it is stated that an analysis of the turning circles for vehicles seeking to enter from Victoria Road or access Albert House through the new gate has not been submitted.
- The excessive height, scale and bulk of the proposed house would result in the subject development being oppressive and overbearing in views from the public realm and also from the principal rooms of houses in close proximity.
- Regarding the impact on architectural heritage the Heritage Impact Appraisal does not directly discuss the loss of curtilage of Albert House or the impact of the loss of curtilage.
- The Heritage Impact Appraisal does not include 'a description of the structure, recording features of note or historical significance', 'a description of the structure's overall development, noting evidence of successive building phases' and 'a description of the current physical condition of the structure. The Architectural Heritage Protection Guidelines for Planning Authorities require that a Heritage Impact Assessment include 'a description of the

relationship of the structure to its setting, noting the evolution and condition of the site, its impact on the landscape, ancillary structures and their relationship to the principal structure. The Heritage Impact Appraisal prepared by Five-Seven Architects does not contradict or rebut the grounds of appeal. The HIA in noting the disproportionately modest extent of the curtilage of Albert House compared with other houses in the area supports the case of the third party that the loss of the curtilage of Albert House would severely damage the architectural heritage value of the house.

- Regarding the mature Copper Beech tree it is noted that it is a condition of the Planning Authority that tree protection measures be put in place for the tree. No root protection measures were outlined in the report from Michael Good Landscape Consultant. Having regard to the scale of the tree and the proposal for works within its Root Protection Area the appellants are concerned as to whether it would be possible to implement any permission on site without causing the loss of the mature Copper Beech tree.
- The third party appellants reiterate the points outlined in their appeal in relation to the failure of the applicants to respond to the previous reasons for refusal for a similar application on the site.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Design and layout
- Impact upon amenity
- Traffic and car parking
- Appropriate Assessment

- 7.1. Design and layout
- 7.1.1. It is also proposed to sub-divide the site at Albert House and construct a detached dwelling, part two-storey part single storey to the northern side of the main house. The appellants have raised concern regarding the design of dwelling particularly relative to the surrounding properties in terms of overlooking and proximity to Charlotte terrace also in terms of the impact on the setting of Albert House and in relation to traffic considerations. I shall examine these matters in this and subsequent sections of the report.
- 7.1.2. Albert House is a large two-storey over basement dwelling. The property was constructed in the Victorian period. However, it is not a Protected Structure nor is the site located within an Architectural Conservation Area. Due to the site configuration and to avail of the sea view the dwelling was constructed to the southern end of the site and facing east towards the sea. A tennis court was constructed to the north of the dwelling and on the eastern side of the rock outcrop where a raised garden was constructed. The roadside boundary of the site is defined by a castellated granite stone wall. It is proposed to locate the new dwelling within the side garden of Albert House on the area occupied by the tennis court.
- 7.1.3. The new dwelling has been designed to take account of the variation in ground level. As indicated on the sections and contextual elevations submitted the ground floor of the dwelling will be below the street level of Victoria Road. As indicated on drawing no: 1501/20 the ground floor of the dwelling would be circa 1.5m below the ground floor level of the dwellings in Charlotte Terrace to the west. The proposed ridge height would be 1.8m below the ridge height of the dwellings in Charlotte Terrace. The house design is contemporary with a pitched roof and a mix of fenestration is proposed. Natural stone cladding is proposed to part of the ground floor elevations with a painted rendered finish to the first floor elevations.
- 7.1.4. In relation to the potential impact of the new dwelling on the character and setting of Albert House the new dwelling at the closest point would be set back 14m from Albert House. A 1.6m high boundary fence is proposed between the two properties. The finished floor level of Albert House as indicated on the site survey plan is 28.59. The proposed finished floor level of the new dwelling is 27. The character and setting of Albert House as the larger dwelling and located at a higher site level would

not in my opinion be diminished by the proposed dwelling. While the proposed scheme would result in the sub-division of the curtilage of Albert House, having visited the site and view the proposed elevations I am of the opinion that the proposed new development has been designed having specific regard to protecting the character and context of Albert House. This has been achieved through the siting and design of the new dwelling. Firstly, the contemporary design ensures the architectural character of the standalone property Albert House is not undermined by the use of a pastiche design. Secondly, the separation distance between the new dwelling and Albert House of over 14m ensures that Albert House remains a clearly separate property.

7.2. Impact upon amenity

- 7.2.1. The appellants have expressed concern in relation to the impact the proposed development would have on their existing amenities, specifically in relation to overlooking. The closest residential properties whose sites adjoin the appeal site are no. 5 Charlotte Terrace situated immediately to the west and no. 2 Sorrento Lawn to the south-west. The other dwellings in proximity to the site are located on the opposite side of Victoria Road those are Trafalgar House to the north and no. 1 Ardrom and no. 2 Ardrom to the north-east and east.
- 7.2.2. The front elevation of the proposed dwelling faces north it is directly opposite the front elevation of Trafalgar House. There would be a separation distance of over 18m between the properties. As indicated on the contextual elevation it is proposed to retain the existing boundary and therefore only the first floor of the dwelling is directly visible from Victoria Road. Some tree planting is proposed along the northern boundary. No. 1 and No. 2 Ardrom are situated to the north-east and east of the proposed dwelling and minimum separation distance of 20m is provided to the closest point of those properties. Having regard to the separation distances between the front elevation of the proposed dwelling and the front elevations of the closest dwellings on Victoria Road, I am satisfied that the proposed development would not result in any undue overlooking or loss of privacy of those properties.
- 7.2.3. No. 2 Sorrento Lawn is situated to the south-west of the proposed dwelling. A section of the western site boundary of the adjoins the rear garden no. 2 Sorrento Lawn. The western site boundary adjoins the boundary of no. 5 Charlotte Terrace

for 25m. Having regard to the variation in ground levels the proposed first floor of the dwelling would only be marginally higher than the ground floor level of no. 5 Charlotte Terrace. The appellants have raised concerns regarding the proposed terrace to the rear of the dwelling. Having regard to the level of the proposed terrace relative to the neighbouring properties to the west and the existing and proposed boundary treatment I do not consider that the proposed terrace would cause any undue overlooking or loss of privacy of the adjoining properties. The Planning Authority attached a condition regarding the omission of the doorway onto the terrace, however I do not consider that it is necessary to omit this door to provide access to the main amenity area in the property.

- 7.2.4. The Planning Authority also attached conditions requiring that the three kitchen windows and the stairs/landing window at first floor level on the north-west elevation be fitted with opaque glazing. Having regard to the separation distance of 18m to Trafalgar House to the north, I do not consider that it is necessary that opaque glazing be used for those windows to the front elevation of the dwelling.
- 7.2.5. Having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the new dwelling the relative separation distances to the existing dwellings and design of the proposed dwelling that it would not result in any undue overlooking of the neighbouring residential properties.
- 7.2.6. Concern is raised in the appeal regarding the proximity of the proposed dwelling to the gable of No. 5 Charlotte Terrace and also the impact construction and excavation works may have. The Planning Authority attached a condition requiring that the applicant submit revised plans and drawings indicating a 2m set back of the full length of the first floor side on the north east elevation from Charlotte Terrace. This, I consider is appropriate to ensure that there is adequate separation between the properties.
- 7.2.7. In relation to the excavation and construction works and the potential impact on the structural stability of the adjoining properties on Charlotte Terrace the applicant confirmed that the proposed development would not result in any damage or structural instability. Barrett Mahony Consulting Engineers provided a response to the matters raised and confirmed that the while the works would involve the

construction of a lowered ground level construction relatively close to neighbouring property that it is a relatively common practice and can be carrying out without any undue negative effect on the neighbouring property. It is noted that the proposed works would not require access onto neighbouring properties. In order to ensure that construction and demolition works on site would have as limited an impact as possible, I consider that should the Board decide to grant permission that a condition be attached requiring that the developer shall submit a detailed Construction Management Plan to the Planning Authority for their agreement.

7.3. Traffic and parking

7.3.1. It is proposed to use the existing vehicular access at Albert House to serve both properties. Then a new internal gated entrance into the site within the grounds is proposed. The plans indicated sufficient space for a vehicle to enter and wait for the second gate to open inwards and thereby ensuring that vehicles would not have to queue on Victoria Road for two sets of gates to open.

7.3.2. The submitted site plan indicated the provision of 4 no. car parking spaces to serve the new dwelling with a sufficient area to allow for vehicles to manoeuvre in and out safely. Table 8.2.3 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 refers to car parking standard. It is required under the Development plan that for dwellings with in excess of three bedrooms that a minimum of 2 no. car parking spaces be provided. The proposed dwelling has 4 no. bedrooms. Accordingly, a satisfactory level of car parking has been provided.

7.3.3. In relation to the matter of additional traffic generation onto Victoria Road, while it is noted that the road width is relatively narrow, I consider the traffic movements generated by one new dwelling can be accommodated. Furthermore, I note that the Transportation Planning Section have no objection to the proposal.

7.4. Appropriate Assessment

7.4.1. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having read the submissions on file, visited the site, had due regard to the provisions of the Development Plan and all other matters arising, I recommend that permission should be granted for the following reasons.

9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2010-2016 and to the nature, scale and design of the proposed development, and having regard to the pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would integrate well with other properties in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 10th day of August 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of the development, the applicant shall submit for the written agreement of the Planning Authority, revised plans and drawings indicating a two metre set back of the full length of the first floor side (north east) elevation from Charlotte Terrace.

Reason: In the interest of residential and visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. 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 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

Siobhan Carroll
Planning Inspector

24th January 2017