



Development

Change to approved design under Reg. Ref. 3887/15. The original permission is for houses no. 1 to 9. Houses no. 1 to 4 are substantially completed. The changes proposed to the approved design are; (a) Houses no. 1-4 (terrace facing Collins Avenue) have had rear gardens reduced in length. (b) House no. 5 (detached house at rear of site) has been redesigned from detached 1.5 storey 92 sqm 3 bedroom to detached 2 storey 128sqm 3 bedroom house (c) Houses no. 6-9 (terrace of 4 no. houses at rear of site) have been redesigned from 4 no. 1.5 storey 92 sqm 3 bedroom houses with dormer windows to 4 no. 2 storey plus attic accommodation 139 sqm 3 bedroom houses with dormer windows. (d) Ancillary site works to the above including increase in car parking areas for houses no. 5-9 from 7 spaces to 10m spaces.

Location	188-190 & rear of 192 Collins Avenue, Whitehall, Dublin 9
Planning Authority	Dublin City Council (North Area)
Planning Authority Reg. Ref.	3690/17
Applicant(s)	TDL Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	TDL Ltd.
Observer(s)	1. Sean Saunders & Michael Riordan 2. Timothy & Jennifer O'Connell
Date of Site Inspection	8 th February 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site (2,736 sq.m) is located on Collins Avenue approximately 3.8km north-east of Dublin city centre. Collins Avenue is a regional road (R103) that links the main radial routes to the north of the city. The appeal site is within the section of Collins Avenue between Swords Road and Malahide Road, which is characterised by 2-storey semi-detached and terraced dwellings with hipped roofs and consistent building lines aligning both sides.
- 1.2. The pre-existing dwellings on the appeal site were unusual in that they were single storey and angled to the road. These dwellings have been demolished and replaced by a terrace of 4 no. 2-storey dwellings to the front of the appeal site. The site includes these completed dwellings to the front and on the remainder of the site to the rear, 4 no. 2-bed dwellings were granted under the same permission. Access to these dwellings is to be from an internal roadway from either side of the front terrace continuing around the site.
- 1.3. Permission has also been granted for 2 no. 2-storey dwellings at no. 184 Collins Avenue to the east of the site, and the dwelling at no. 192 to the west was recently extended to the rear. To the north of the site are the rear boundaries of dwellings on Celtic Park Avenue.

2.0 Proposed Development

- 2.1. Planning permission is sought for changes to approved design granted under Reg. Ref: 3887/15 described on planning notices as follows:
 - Houses 1-4 (substantially completed) - reduction in rear garden length;
 - House 5 – redesigned from 1 ½ storey 92 sq.m. 3-bed dwelling to 2-storey 128 sq.m. dwelling;
 - Houses 6-9 – redesigned from 4 no. 1 ½ storey 3-bed 92 sq.m. dormer dwellings to 4 no. 2-storey plus attic level 139 sq.m. dormer dwellings;
 - Ancillary site works including increase in car parking for houses 5-9 from 7 to 10 spaces.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for reasons relating to the substandard provision and reduced usability of private open space due to potential overlooking, and to the reduction of outlook from No. 194 Collins Avenue due to featureless elevation to House 5.

3.2. Planning Authority Reports

- 3.2.1. The decision is consistent with the recommendation in the Planner's Report to refuse permission.
- 3.2.2. The Case Planner stated with respect to design and integration that there are no discernible changes to the frontage and presentation of the development onto Collins Avenue.
- 3.2.3. The terrace comprising Houses 6-9 will be c.2m longer and c.1.5m taller, and will be bulkier to accommodate a habitable 2nd floor. House 5 will have a larger narrow-plan and will have a featureless 14.1m long side elevation, which is considered to be dominant and oppressive.
- 3.2.4. It is noted that the rear terrace will be slightly stepped down from the front terrace and a landscaping/ planted strip to the west has become narrowed but is not considered to be overly noticeable in the public realm.
- 3.2.5. The Case Planner considers that proposed 2nd floor windows (and upwards) create increased potential for overlooking of adjoining sites. This includes overlooking of garden space between terraces, from the side elevation of House 5 towards House 6 and from 192 Collins Avenue over House 5. Screen planting between No. 192 and House 5 is considered to be difficult to enforce.
- 3.2.6. Houses 6, 8 and 9 do not meet the reduced minimum quantum of private open space and House 7 has minimal provision for a 5-bed dwelling. It is also noted that the usability of private open space is diminished due to the closer proximity of the terraces.
- 3.2.7. The Drainage Division state that House 5 shall not be within 3m of an existing sewer.

- 3.2.8. The Roads and Traffic Planning Division had no objection in principle to the revised car parking layout. However, it is noted that the proposal result in reduced pedestrian amenity and it is recommended that the footway around the perimeter of the dwellings is kept at 1.5m, with the omission of at least 2 no. car parking spaces. Further information was also recommended on the taking of charge of car parking.
- 3.2.9. Third party observations were received from the residents of No's. 184 & 192 Collins Avenue and No's. 88 & 96 Celtic Park Avenue.

4.0 Planning History

Dublin City Council Reg. Ref: 3887/15

4.1. Permission granted in May 2016 for the following:

- Demolition of the single-storey dwellings at 188-190 Collins Avenue and sheds to rear;
- Construction of a terrace of 4 x no. 2. ½ -storey, 4-bedroom houses facing Collins Avenue;
- Revised location of driveway to front of no. 192 Collins Avenue;
- Rear of site: 1 no. detached 1 ½ - storey, 95sqm, 2-bedroom house and a terrace of 4 no. 1 ½ - storey, 95sqm, 2-bedroom houses;
- 5 no. allocated and 2 no. visitor parking spaces;
- A one-way access road to and from Collins Avenue.

4.2. Condition 4 attached to this permission requires the fitting of 2nd floor rear rooflights to dwellings 1-4 and all first floor side opes with obscure glass. The 2nd floor level of dwellings 1-4 is to be used as ancillary space only.

Dublin City Council Reg. Ref: 5274/05 (PL29N.219063)

4.3. Permission granted in December 2006 for demolition of existing structures (3 houses), relocation of existing main drain, construction of 24 apartments and all associated site works.

- 4.4. A condition attached to this permission required the deletion of the 1st floor of the northern apartment block so that the second floor becomes the first floor. Another condition required 4 no. apartments to be combined into 2 no.

Dublin City Council Reg. Ref: 3446/14

- 4.5. Permission granted in April 2015 at no. 184 Collins Avenue to the east of the site for demolition of an existing 2-storey detached house and construction of 2 no. 3-storey semi-detached houses fronting onto Collins Avenue, creation of additional vehicular access and off street parking to front and all associated site works.
- 4.6. Permission was then granted under Reg. Ref: 3451/16 for demolition of the 2 - storey detached house and construction of 2 no. 2-storey detached houses fronting onto Collins Avenue.

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2017

- 5.1.1. The site is zoned Z1, where the objective is *“to protect, provide and improve residential amenities.”*
- 5.1.2. Chapter 5 – Quality Housing contains policies for residential development on under-utilised infill sites and adaptable family accommodation that has regard to the character and scale of existing houses.
- 5.1.3. Standards for residential accommodation are set out in Section 16.10. Backland development is addressed in 16.10.8 and infill development is covered in Section 16.10.10.

5.2. Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities

- 5.2.1. Infill residential development is recognised in these Guidelines for its potential to accommodate increased residential densities. It is stated that *“in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of*

adjoining dwellings, the protection of established character and the need to provide residential infill.”

- 5.2.2. It is also noted that *“the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.”*

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was lodged on behalf of the applicant. The submission includes amended proposals for the Board’s consideration. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Application for changes to approved design was made in response to revisions to the Development Plan in 2016, which allowed for reduced provision of private open space – remaining space on site was underutilised and new proposal provides for better sized family homes.
- Revised rear garden areas of between 49 and 52 sq.m. for Houses 6-9 now meet the requirements of the Development Plan substantially.
- Revised design has included for improved separation to achieve 11m from 1st floor habitable room windows to boundary. Separation between Houses 1-4 and 6-9 is now greater than 23m.
- There are numerous examples of rear dormer windows at 2nd floor level along Collins Avenue – increased height and positioning set back from rear wall places these windows further away from the neighbouring and opposing gardens than 1st floor windows.
- Imposition of condition under Reg. Ref: 3887/15 to replace dormers with rooflights provides a grey development area where large spaces can only be used for ancillary purposes – retention of dormers is a sustainable solution to providing usable space within the 2 ½ storey house type.

- Upper 1st floor and 2nd floor windows of House 6 are more than 14m from the edge of the rear garden of no. 192 and separation between upper floor windows is more than 22m. 2nd floor window in House 6 will also be obscured up to a height of 1.6m.
- Rear garden of House 5 is oblique to the aspect from the rear of House 6 so as to be negligible.
- Layout revised to provide for improved pavement widths – this has resulted in the loss of 2 no. visitor parking spaces and an additional space has been provided to the north of House 6.
- Asymmetrical design with brick detailing is sufficient to visually relieve gables of terrace.
- Floor areas and ridge heights of Houses 6-9 have reduced in revised design and floor area of House 5 has increased.
- Applicant has been in contact with Irish Water and the Drainage Department seeking relaxation of 3m wayleave at location of House 5. House at no. 192 was built 1.2m from same drain.
- House 5 redesigned gable provides for an improved aspect when viewed from no. 194.
- Updated plans show extension to no. 192 – rear 1st floor windows now 8m from boundary and applicant proposes additional screening to rear of House 5.
- Redesigned upper bedroom window to House 5 is now more oblique to rear garden of House 6. Distance from window to gable/ garden wall of no. 6 is now well in excess of 9m.

6.2. Observations

- 6.2.1. Two observations on the appeal were received from residents of the area. The main points raised in these submissions are summarised as follows:

Sean Saunders & Michael Riordan, 96 Celtic Park Avenue

- Already expressed concerns regarding over-density and negative imposition on surrounding established properties.
- Planning Authority has already pointed out that this further development is contrary to the Sustainable Residential Development Guidelines.
- If appeal is successful, at the very least there should be proper provision for robust boundary walls between this development and neighbouring properties.

Timothy and Jennifer O'Connell, 192 Collins Avenue

- Point C on the site notice and applicant's description of previously approved scheme is incorrect – Under Reg. Ref: 3887/15, applicant applied for a terrace of 4 no. 1 ½ storey, 92 sq.m., 3-bedroom houses with dormer windows to front and rear but was granted permission for 1 ½ storey 95 sq.m. 2-bedroom houses with accessible attic space and no dormer windows in the roof space.
- Applicant has already been refused permission for dormer windows on two occasions (4 houses facing Collins Avenue under 3887/15 and Houses 6-9 under 3690/17). Having dormers rear or southward creates the same problem for residents on the opposite side. Permission should be refused for 2nd floor dormers.
- Proposed dormers are out of character with existing houses – distance between houses on Collins Avenue and Celtic Park is approximately 60m and applicant is proposing set back of c. 23m.
- It was never the Council's intention to grant permission for a roof space to be used as a bedroom.
- House at no. 192 was extended after the current application – applicant has only just included extension and actual measurements on drawings submitted to the Board with the appeal.
- Observers opposed to increase from 1 ½ to 2 storeys and from 95 sq.m. to 134 sq.m.

7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Design, layout and visual impact;
- Impact on residential amenity; and
- Appropriate Assessment

7.2. Development Principle

7.2.1. The appeal site is zoned Z1, where the objective is *“to protect, provide and improve residential amenities.”* The proposal for amendments to a permitted residential development would therefore be acceptable in principle subject to an assessment of the proposal under relevant Development Plan criteria.

7.3. The previously permitted development (Reg. Ref: 3887/15) is for 9 no. dwellings, four of which are now constructed. The garden depths of the as-built dwellings to the front are to be reduced as part of the current application and it is also proposed that dwellings to the rear will be redesigned and increased in area.

7.4. It should be noted that there is an issue with respect to the description of the proposed development. Planning notices state that Houses 6-9 will be redesigned from *“...4 no. 1 ½ storey 92 sq.m. 3-bedroom houses with dormer windows to 4 no. 2 storey plus attic accommodation 139 sq.m. 3 bedroom windows with dormer windows...”*. Permitted House 5 is also described on planning notices as a 1 ½ storey 92 sq.m. 3-bedroom house.

7.5. This part of the development was revised by way of further information under Reg. Ref: 3887/15 to include a terrace of 4 no. and a detached 1 ½ storey 95 sq.m. 2 bedroom dwellings with rooflights on northern elevation serving bathroom/ en suite. South facing bedroom windows on the permitted units are of a wall-dormer design with maximum height of c. 5m above ground level. The dwellings would also have ancillary attic space served by rooflights on the northern roof slope.

7.6. Having regard to the above, the proposed development should be assessed vis-à-vis the permitted scheme rather than that described on planning notices. The actual increase in terms of impact may therefore be greater than that described.

7.7. **Design, layout and visual impact**

- 7.7.1. It is stated in the Dublin City Development Plan 2016-2020 that the development of backland sites can conflict with the established pattern and character of development in an area and can cause a significant loss of amenity to existing properties. In my opinion, backland development is a particularly sensitive form of infill development that has the potential to impact on surroundings in all directions including any existing dwellings on site. Sites should therefore be of sufficient size and minimum separation distances maintained where backland development is proposed. Other important considerations are site shape, topography, existing/ proposed landscaping, access, precedent, existing building line and the established pattern of development.
- 7.7.2. There is an established pattern of backland development nearby at Celtic Park Avenue to the north-west. There are also laneways to east and west of the appeal site which appear to be aligned with garages and rear garden structures. Notwithstanding this, the principle of establishing a new building line at this location is not under question. It would be more pertinent to address how the revised proposal responds to the established development pattern in terms of scale, design and visual impact.
- 7.7.3. The permitted development to the rear comprises 2-bed 1 ½ storey dwellings that could be considered to remain subservient to the dwellings aligning Collins Avenue. In my opinion the proposed dwellings may be more apparent when viewed between the front terrace and adjoining dwellings within the streetscape. However, this would be secondary to the issue of the scale of the proposed dwellings within their immediate context and associated impacts on adjoining residents.
- 7.7.4. In terms of design, the proposed terrace to the rear can integrate with the as-built dwellings with the use of appropriate materials and finishes. This can be achieved by way of condition attached to any grant of permission.

7.8. Impact on residential amenity

7.8.1. The Council's reason for refusal refers to the inadequate and substandard provision of private open space and its reduced usability from undue overlooking, as well as reduction of outlook from no. 194 due to proximity of proposed House 5 and its c. 14m deep featureless 2-storey western elevation.

Private open space

7.8.2. It is stated in the Development Plan that a minimum standard of 10 sq.m. per bedspace of private open space will normally be required and generally up to 60-70 sq.m. of rear garden space is considered sufficient for gardens in the city.

7.8.3. The revised proposals submitted by the applicant with the first party appeal increased the provision of private open space from between 42-44 sq.m. to 49-52 sq.m. for Houses 6-9. The provision for House 5, although shown to decrease from 63 sq.m. to 52 sq.m., actually remains similar due to the closing off of an area of space to the side. Bed spaces for House 5 are the same as proposed; however, there is an increase of bedspaces for Houses 6-9. A breakdown of the permitted, originally proposed and amended private space areas is summarised below.

House	Permitted (3887/15)			Proposed (3690/17)			Amended (ABP-300154-17)		
	Rear garden (m ²)	Bed spaces	Per bed space (m ²)	Rear garden (m ²)	Bed spaces	Per bed space (m ²)	Rear garden (m ²)	Bed spaces	Per bed space (m ²)
1	88	5	17.6	66	5	13.2	66	5	13.2
2	78	5	15.6	65	5	13	65	5	13
3	78	5	15.6	65	5	13	65	5	13
4	85	5	17	66	5	13.2	66	5	13.2
5	93	3	31	63	4	15.75	52	4	13
6	56	3	18.6	44	5	8.8	52	4	13
7	55	3	18.3	51	5	10.2	60	4	15
8	55	3	18.3	48	5	9.6	56	4	14
9	57	3	19	42	5	8.4	43	4	10.75

- 7.8.4. The revised proposals now exceed the minimum standard of 10 sq.m. per bed space for all dwellings. Some garden areas fall well below the 60-70 sq.m. range which is considered sufficient in the Development Plan for houses in the city. In these circumstances, I consider that it would be appropriate to attach a condition to any grant of permission, which de-exempts any future extension to the dwellings or rear garden structures.
- 7.8.5. It should be noted that the as-built dwellings were permitted with garden areas of between 78-88 sq.m. under the tenure of the previous Development Plan when a standard of 15 sq.m. of private open space per bedspace was normally applied. I would be satisfied, however, that the reduced private open space for Houses 1-4 of 13/ 13.2 sq.m. per bedspace is acceptable under the standards of the current Development Plan.

Overlooking

- 7.8.6. The second issue in terms of impact on residential amenity relates to the quality of private open space and in particular its usability being diminished through overlooking. The Planning Authority was concerned with the proximity of the front terrace's rear 1st floor opes in relation to the rear terrace's private open space, and reciprocally, with the 1st and 2nd floor dormers of the rear terrace in relation to the private open spaces of the front terrace.
- 7.8.7. I observed on site that all rear windows of Houses 1-4 appeared to be fitted with obscure glazing, notwithstanding that this does not appear to be a condition of Reg. Ref: 3887/15, nor was obscure glazing within all rear windows shown on any associated further information drawings. The first party appellant states that there is now a separation distance of 23m between first floor habitable windows between the front and rear terraces. In actual fact, the windows within the rear projection of the front terrace are marginally less than 20m from the first floor windows of the proposed terrace.
- 7.8.8. The Board may consider it appropriate to attach a condition to any grant of permission requiring the existing rear windows within the front terrace to be permanently retained with obscure glazing to negate any overlooking of the rear amenity spaces of the rear terrace. However, I would be satisfied that there will be reasonable separation between the terraces to negate any adverse effects

associated with overlooking. Furthermore, drawings submitted with the appeal show the first floor room within the rear projection of the front terrace as a bathroom and therefore obscure glazing would be necessary within this open space. I also note that the first floor south facing windows within the rear terrace sit at a lower level than the windows opposite and this will reduce the available view into the rear gardens of the front terrace.

- 7.8.9. The dormer windows of the rear terrace are proposed to be fitted with obscure glazing. I consider this to be satisfactory and agree with the applicant that the dormer will make habitable use of the attic space. I would also have no concern regarding the potential for overlooking of adjoining property from the northern side of the proposed terrace. Window openings above ground level on this elevation are to be fitted with obscure glazing and will have cills that are 1.6m above floor level.
- 7.8.10. In terms of the height of the proposed terrace, I note that the ridge will sit at a level of 43.345 OD. This is approximately 0.5m below the ridge level of the front terrace and approximately 1m above the ridge level of the permitted terrace to the rear. In my opinion, this will not give rise to any significant increase in terms of overshadowing, visual or overbearing impacts.
- 7.8.11. I would have no issue with any other aspect of the amended scheme submitted with the appeal to the Board, including car parking provision. I do, however, consider that the scheme could have benefited from shared surfacing.

House 5

- 7.8.12. The third concern of the Planning Authority was the reduction of outlook from no. 194 Collins Avenue due to the proximity of revised House 5's c. 14m deep featureless 2-storey western elevation.
- 7.8.13. In response, the applicant has redesigned the west facing elevation to House 5 to include a high level window, wall panelling and corner quoins. The dwelling now has a saltbox roof design which slopes lower at its southern end. Notwithstanding this, I would still have concerns regarding the imposing impact of this dwelling on no. 194 to the west. The structure will still extend 14m along this boundary and the eaves height will remain largely the same. By contrast, the permitted dwelling at this location has a regular gable facing west with eaves to eaves depth of approximately 8.5m.

- 7.8.14. The applicant had previously failed to show a first floor extension to no. 192 Collins Avenue. The rear facing first floor window of no. 192 is actually 8.050m from the rear boundary and was previously shown as being 11.324m. It is submitted in the first party appeal response that the applicant now proposes additional screening to the rear of House 5. I note that the garden depth of revised House 5 is only 5.5m and some of this area will be taken up by the additional screening. I would have concerns that adequate screening to prevent overlooking of the garden of revised no. 5 would have an adverse overshadowing impact on this space.
- 7.8.15. Having regard to the above, I consider that a split decision would be appropriate in this case. There are issues with respect to a wayleave in the location of House 5 which may best be addressed by way of a subsequent planning application. I consider that a design similar to that permitted for House 5 would be more acceptable at that particular location.

7.9. **Appropriate Assessment**

- 7.9.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 **Recommendation**

- 8.1. I recommend a split decision in this case (a) refusing permission for redesign of House 5 (detached house at rear of site) from 1.5 storey 95 sq.m. 2-bedroom house to detached 2-storey 128 sq.m. 3-bedroom house, and (b) granting permission for a reduction in garden lengths of House no's. 1-4 (terrace facing Collins Avenue), redesign of Houses 6-9 (terrace of 4 no. houses to rear of site) from 4 no. 1.5 storey 95 sq.m. 2 bedroom dwellings to 4 no. 2-storey plus attic accommodation 139 sq.m. 3-bedroom houses with dormer windows for the following reasons and considerations and subject to the conditions set out below.

9.0 **Reasons and Considerations (a)**

It is considered that the revised design for proposed House No. 5, by reason of its wide 2-storey western elevation and its inadequate provision of private open space

that would be overlooked from adjoining property or overshadowed from screening, would be an inappropriate form of development at this location and would represent significant overdevelopment of this part of the site. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

10.0 Reasons and Considerations (b)

Having regard to the “Z1” zoning objective applicable to the site, and to the design, layout and scale of the proposed development, it is considered that, subject to compliance with conditions below, the redesign of Houses 6-9 and the reduction in length of the gardens of Houses 1-4 would not seriously injure the visual amenities of the area or residential amenities of property in the area, and would comply with the relevant standards of the Development Plan for this type of development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 received by An Bord Pleanála on the 9th day of November, 2017, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the

terms and conditions of the permission planning register reference number 3887/15, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

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

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of any house on site without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of each dwelling.

6. 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. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Donal Donnelly
Planning Inspector

12th February 2018