



An  
Bord  
Pleanála

## Inspector's Report ABP-300240-17

### Development

Permission for development consisting of: 1) demolition of the existing single storey extension to the existing house; 2) construction of a new detached two storey two bedroom house to the side of the existing house, with new vehicular entrance off Cypress Road; 3) relocate the vehicular entrance serving the existing house from Cypress Road to Mather Road North; 4) create a new pedestrian entrance off Cypress Road to serve the existing dwelling; and 5) all landscaping and site development works.

### Location

1 Cypress Road, Mount Merrion, Co. Dublin

### Planning Authority

Dun Laoghaire Rathdown Co. Co.

### Planning Authority Reg. Ref.

D17A/0474

### Applicant(s)

Elizabeth Gibbons

### Type of Application

Permission

### Planning Authority Decision

To Grant Permission subject to conditions

<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Carole and Killian Croke Ron and Miriam Hudson
<b>Observer(s)</b>	Edmond and Yvonne O' Driscoll
<b>Date of Site Inspection</b>	6 <sup>th</sup> March 2018
<b>Inspector</b>	Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site has an area of 0.08 ha and comprises the side garden of an existing residential dwelling – no. 1 Cypress Road, Mount Merrion. The site is located at the junction of Cypress Road and Mather Road North and currently accommodates a large two storey detached dwelling which has been extended over the years including a large single storey extension to the south. The existing vehicular access to the site is from Cypress Road.
- 1.2. The site of the proposed dwelling is located to the south of the existing house. It currently is laid out as a lawn with mature planting along the southern and eastern boundaries. There is a private laneway that runs along the southern boundary of the site which provides access to a large detached backland house. The general character of the area is low density suburban housing.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:
  - Demolition of the single storey extension to the rear of the existing house;
  - Construction of a new detached two storey, two bedroom house to the side of the existing house with a gross floor area of 100 sq. metres;
  - New vehicular entrance off Cypress Road and off street car parking for 2 no. spaces;
  - Relocation of the vehicular entrance serving the existing house from Cypress Road to Mather Road North;
  - Creation of a new pedestrian entrance off Cypress Road to serve the existing dwelling and
  - All landscaping and site development works.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 To Grant Permission subject to conditions. Conditions of note include:

**Condition 3:** *“Prior to commencement of the proposed development, the Applicant shall submit details to the Planning Authority for the written agreement indicating the following:*

- (a) *A letter of agreement from the appropriate company charged with the maintenance of the utility pole requiring relocation that the required relocation of it to accommodate the proposed new vehicular entrance at Mather Road North is deemed acceptable.*

*Reason: In the interest of proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports (19.07.2017 and 23.10.2017)

- The proposed design is contemporary, with a mono pitched roof, however, the siting and layout mean the dwelling would not appear dominant or overbearing in the streetscape.
- The key difference between the previous application refused and the current application is the demolition of a single storey extension to the side of no. 1 Cypress Road allowing more space and a better setting for the new dwelling.
- The proposed dwelling will not result in any overlooking of any neighbourhood properties due to the orientation of the habitable room windows which are located to the front of the property.
- The applicant has demonstrated compliance with the requirements of the development plan in terms of provision of private garden space for both dwellings.
- The overall garden depth for the new dwelling is 5.4 metres. There is no overlooking resulting from the reduced garden depth nor is there any overshadowing or overbearing impact on the adjoining property.

### 3.2.2. Other Technical Reports

**Transportation Planning (21.06.2017 and 17.10.2017):** No objection subject to conditions.

**Drainage Planning (13.07.2017):** No objection subject to condition.

### 3.3. Prescribed Bodies

- No reports received.

### 3.4. Third Party Observations

3.4.1 5 no. third party submissions received. The issues raised can be summarised as follows:

- The proposed development due to its scale and design would result in the overdevelopment of the site, will have a negative impact on the residential amenities of the area and result in a devaluation of properties in the vicinity.
- Consider that the development would be visually obtrusive in the streetscape and would break the existing building line. The development fails to integrate with the existing pattern and character of development in the area.
- State that there has been no change in circumstances to warrant the development of the site considering that three previous applications for an infill dwelling on this site have been refused.
- The development does not comply with the quantitative standards set out in the Development Plan regarding private open space.
- The dwelling, with a building envelope along the whole length of no. 9 would cause overshadowing and impact negatively on the private open space serving this dwelling.
- The proposed new vehicular access will result in a traffic hazard. Consider that existing driveway should be maintained. Concerns regarding increase in on street car parking.
- The development will serve as a precedent for other similar development in the area with consequent negative impacts in terms of traffic and congestion.

- Foul drainage connection should be directly to the mains.
- Request that the boundary along the private driveway to the south of the site is realigned.

## 4.0 Planning History

### **Planning Authority Reference D05A/0414/Appeal Reference PL06D.212713**

Permission refused by An Bord Pleanála in December 2005 for a development comprising a detached 2 storey 2 bedroom house. The reason for refusal stated:

*“Having regard to the zoning objective for the area which is ‘to protect and/or improve residential amenity’ as set out in the current development plan for the area, it is considered that the proposed development would be out of character in terms of open space provision for the existing and, by reason of its design, would be visually obtrusive on the streetscape. The proposed development, would, therefore seriously injure the amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.”*

### **Planning Authority Reference D03A/0049/Appeal Reference PL06D.202437**

Permission refused by An Bord Pleanála in July 2003 for a detached 2 storey house. The reason for refusal related to the fact that the dwelling would infringe on the building line, be visually obtrusive and dominate and overlook the private open space to the rear of no. 9 Mather Road North.

### **Planning Authority Reference D96A/0796/Appeal Reference PL06D.101635**

Permission granted in January 1997 for the demolition of a single storey extension and the construction of a two storey house extension with adjoining single storey wing and conservatory and alterations to existing house.

### **Planning Authority Reference D91A/1098**

Outline permission for a dwelling house in the side garden refused in August 1991.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A – ‘*To protect and/or improve residential amenity*’.

5.1.2 The following policies and objectives are of relevance:

**Section 8.2.3.4 (vii) Infill:** “*New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.*”

**Section 2.1.3.4 Policy RES 4: Existing Housing Stock Densification:** “*Encourage densification of the existing suburbs in order to help retain population levels - by ‘infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.*

*In older residential suburbs, infill will be encouraged while still protecting the character of these areas.*”

**Section 8.2.3.4 (v) Corner/Side Garden Sites:** This section of the plan sets out a number of criteria to consider including:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Development Plan standards for existing and proposed dwellings including car parking and private open space.
- Building lines followed where appropriate.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.
- Appropriate boundary treatments should be provided.

**Section 8.2.8.4 Private Open Space Quantity**

*“All houses (terraced, semi-detached, detached) shall provide an area of private open space behind the front building as follows:*

*For 1 or 2 bedroom houses a figure of 48 sq. m. may be acceptable in cases where it can be demonstrated that good quality usable open space can be provided on site.*

*In instances where an innovative design response is provided on site, a relaxation in the quantum of private open space may be considered on a case-by case basis.”*

## **5.2. Natural Heritage Designations**

5.2.1 The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC located c. 1.5 km to the north east of the subject site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1 2 no. third party appeal submitted by Carole and Killian Croke, 9, Maher Road North and Ron and Miriam Hudson, 4, Cypress Road. Issues raised overlap and can be summarised as follows:

#### **Impact on Residential Amenity**

- It is considered that the scale and bulk of the house will have an overbearing impact on adjacent properties and represents an overdevelopment of the site. It will have a negative impact on the residential amenities of the area and in particular on the private open space serving no. 9 Maher Road North due to the extent of the building envelope along this common boundary. State that only a single storey dwelling should be permitted at this location.
- Consider that the private open space serving both dwellings is inadequate and not in accordance with the current Development Plan standards. The depth of the private open space to serve the existing dwelling is 6.25 metres and for the new dwelling is 5.4 metres which does not meet the required depth of 11 metres for 2 no. 2 storey dwellings. The private open space serving the main dwelling will be overshadowed and is insufficient for a 6 bed house.



- Submit that the dimensions and size of the private open space are minimal and more in keeping with a high density residential area and out of character with the established pattern of development.
- State that the development will depreciate the value of property in the vicinity and set an undesirable precedent for further such development in the area. The previous refusals pertaining to the site are detailed and it is stated that there have been no material change in circumstances to warrant a positive decision in relation to the current application.

### **Design and Visual Impact**

- Concerned that the design of the dwelling, sited forward of the existing building line is visually obtrusive and out of character with the area. Consider that the development of a dwelling to the rear of the existing house would seriously undermine the ambience, character and original urban design layout for the area.
- Consider that the contemporary design is alien in the context of the surrounding area, does not integrate in the streetscape and that the design of the roof pitch is inappropriate having regard to the character of adjacent dwellings. Note that the house and its associated open space is much smaller than the established houses in the vicinity.
- State that insufficient details has been provided regarding the proposed materials.

### **Access**

- Object to the relocation of the existing vehicular entrance from Cypress Road to Maher Road North where it is considered it will give rise to a traffic hazard due to its proximity to the road junction and existing vehicular entrances.
- Note that under Planning Authority Reference D96A/0796/Appeal Reference PL06D.101635 that the Board previously omitted a new vehicular entrance from Maher Road North by condition.
- Consider that a condition should be attached requiring the omission of the proposed access from Maher Road North.

- It is also considered that the multiplicity of entrances will result in a negative visual impact and adversely affect the character of the area.

## 6.2. Applicant Response

- All reasons for refusal in previous applications relating to the site have been addressed in the current proposal. The subdivision of the plot is more generous enabling a stronger contemporary design form that integrates with the streetscape. The demolition of the existing single storey extension is a material change from that previously proposed and will allow for an improved set back for the proposed dwelling and open space that is of adequate quality and quantity.
- Assessment of previous applications provided and details as to how the development overcomes reasons for refusal including the revised design with no upper level windows to the rear and increased set back from no. 9 Maher Road North. There will, therefore, be no overlooking and the form and roof profile is less obtrusive. The amenity of no. 9 will be improved by the removal of the existing single storey extension that sits on the common boundary. Submit that the new design achieves the correct balance between utilising a large residential site for development and maintaining residential amenities of neighbours and the existing house.
- The split roof profile and materials clearly identifies that this is a new infill dwelling. Its plot width whilst smaller, is not so divergent to negatively impact upon the character of the area. The new dwelling sits positively within the streetscape. Whilst the an element of the dwelling will protrude some 1 m beyond the building line along the northern half of the front elevation, the form and character of the proposal is such that this variation would not be perceptible.
- The requirement for rear gardens to be 11 m or 7 m minimum in length relates to back to back housing scenarios that does not apply in this instance. It is the quality and quantum of private open space that is the critical element to be considered. Both houses adequately meet the standards and have an excellent aspect. Whilst the new house will cast some shadow over the new garden of

the existing house at the Spring and Autumn Equinoxes, this will be primarily in the afternoon, ensuring at least half of the new garden space is in sunlight at all times.

- The existing house is served by no rear private amenity space. The proposal will maintain the principles of the private open space being located to the south of the house and will also maintain the existing boundary hedge to enhance the privacy of this space. The removal of the entrance will also improve the amenity and privacy of the open space serving the existing dwelling.
- The revised access arrangements will not result in a traffic hazard and it has been demonstrated through auto track analysis that cars will be able to enter and exit the site in forward gear. The new driveway is consistent with the pattern of driveways along Maher Road North. The concerns regarding the multiplicity of entrances and pillars causing visual clutter is erroneous.

### 6.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

### 6.4. Observations

#### 6.4.1 1 no. observation by Edmond and Yvonne O' Driscoll, Cypress Road.

- The south elevation indicates a window opening on to their private driveway. A rooflight should be installed in lieu of a window.
- Foul waste should be connected directly to the mains on the street.
- Request that the boundary along the private driveway to the south of the site is realigned to remove the existing crank in the wall and that prior to commencement of development, a proposal for new party wall along the driveway and new pillar to be submitted for agreement. It is considered that this will provide a more considered and cleaner elevation along Cypress Road.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and observation submitted. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Impact on Residential Amenity.
- Design and Visual Impact.
- Access.
- Appropriate Assessment.

### 7.2. Impact on Residential Amenity

7.2.1 The primary concerns raised by the appellants in relation to residential amenity relate to the scale and bulk of the house which it is considered will have an overbearing and overshadowing impact to adjacent properties. It is also considered that the extent of open space proposed for the existing and proposed dwellings is inadequate resulting in a poor level of amenity for existing and future occupants. Reference to the planning history of the site is made and that no material changes have occurred since the previous refusals pertaining to the site. It is considered that the development will result in a depreciation of property values in the vicinity.

7.2.2 The proposed development comprises a modest infill two storey dwelling with a floor area of c. 100 sq. metres. It is noted that national policy under the guidance such as “Sustainable Residential Development in Urban Areas” encourages greater intensification on such suburban sites subject to the residential amenities of existing properties being safeguarded. Such infill development is also strongly advocated under the current County Development Plan. Whilst it is noted that there have been previous refusals for an infill development on the site, the most recent being in 2005, there have been significant changes in the policy context over the intervening time. There is now a clear acknowledgement of the need to maximise serviced underutilised sites in areas well served by public transport and existing services and amenities. The subject site represents such an opportunity.

- 7.2.3 It is also noted that the design and siting of the dwelling has been changed from that previously proposed. The most significant material change is that it is now proposed to demolish the existing single storey extension located to the south of the existing dwelling. This will enable the creation of a larger site in which to accommodate the proposed dwelling and will also facilitate the provision of more generous open space to serve both the existing and proposed dwellings.
- 7.2.4 The subject dwelling meets all relevant qualitative and quantitative standards set out in the current development plan. I am satisfied that the development will not result in the overdevelopment of the site. The dwelling has a modest footprint with a large rear garden. It and extends to a maximum height of 8.6 metres. The rear garden of no. 9 Maher Road North abuts the western boundary of the site. The depth of the rear garden serving the new house will be 5.4 metres which I consider a sufficient separation distance to ensure that there will be no overbearing impacts to the adjacent property. As highlighted by the applicant, there is currently a large single storey extension immediately abutting the western boundary of the site. The demolition of this structure will improve the amenities of no. 9 in this regard.
- 7.2.5 It is also noted that there is no fenestration on the first floor level of the proposed dwelling with the windows serving the bedroom accommodation orientated eastwards. In this regard, there will be no overlooking to the garden of no. 9. The massing and split roof profile reduces its visual impact. I am satisfied that the residential amenities of this dwelling will not be materially affected by the proposal.
- 7.2.6 With regard to private open space, the new dwelling will be served by a large rear garden of 55 sq. metres. This is well in excess of the Development Plan standard of 48 sq. metres for a 2 bedroom dwelling. Reference is made by the appellants to the requirement set out in the plan that the depth of rear private amenity areas should be a minimum of 7 metres for a single storey dwelling and 11 metres for a two storey dwelling.
- 7.2.7 Whilst this standard is noted, I would concur with the applicant that its intent is to ensure an adequate separation distances are provided in circumstances where there are two opposing dwellings. It is the norm that there would be a 22 metre separation between 2 storey dwellings situated back to back. This is not the case however, in the current proposal, as the proposed dwelling backs onto a rear garden and there

are no opposing windows. It is also noted that the standards set out in the plan are not prescriptive and it is stated “*In instances where an innovative design response is provided on site, a relaxation in the quantum of private open space may be considered on a case-by case basis.*” I consider that the dwelling is appropriately sited and designed and in this context, a rigid adherence to the standard of 11 metres is onerous and unnecessary.

7.2.8 The proposed dwelling will also result in alterations to the open space arrangement serving no. 1 Cypress Road. It is noted that the open space configuration serving this existing dwelling is somewhat unusual in that there is no rear garden in a conventional sense. The amenity space serving the existing dwelling is located to the north and south of the house with a mature boundary hedgerow providing screening and privacy.

7.2.9 The development will largely retain the status quo with a large private amenity area of 76 sq. metres proposed to the south of the existing house. There will also be garden area to the east and north of the dwelling and a total of 112 sq. metres of private open space is provided. I consider this to be of sufficient quantum to serve the dwelling and is well in excess of the standard set out in the Development Plan of 75 sq. metres for a 4 plus bedroom house. Both gardens have a good aspect and will be screened with hedgerow to enhance privacy. I am satisfied that the proposed private open space arrangement will afford both dwellings a sufficient level of amenity.

7.2.10 In conclusion, the development will not give rise to any material impacts on the residential amenities of adjacent properties. No evidence has been provided to suggest that the development will result in any diminution of property values in the vicinity.

### 7.3. Design and Visual Impact

7.3.1 A number of concerns have been raised by the appellants that the design of the dwelling is incongruous with the existing streetscape, is visually obtrusive and out of character with the prevailing pattern of development in the vicinity.

7.3.2 The proposed dwelling is of contemporary design with a double mono pitch roof profile and brick detailing on the front and rear elevation to provide visual interest. The general character of the area is a low density suburban estate comprising

detached and semi-detached properties located on large plots with generous rear gardens. There are, however, a variety of different house types within the estate and a number of properties have undergone substantial redevelopment in recent years. The site is not located within a conservation area, nor are there any protected structures in the vicinity. Whilst the character of the area is pleasant, it is not of any significant architectural or historic value. In this regard, I do not consider that the subject infill dwelling will have any material or detrimental impact on the established character of the area.

7.3.3 It is considered that the design of the infill dwelling is appropriate having regard to the style and character of development in the vicinity. It has been designed with a height and roof profile that will not conflict with other properties in the estate and those immediately adjacent. The site is large enough to accommodate a dwelling of this scale and design. Whilst it is noted that the building line is slightly forward of the dwellings to the north and south, this is only by about 1 metre which I consider will be imperceptible. It is not considered that the development would be incongruous in the existing streetscape. The appellants concerns regarding the proposed brick material is noted. It is considered however, that the detail of this can be agreed with the local authority and this is most appropriately addressed by way of condition.

7.3.4 The comments of the observer are noted. Issues of foul drainage can be addressed by way of condition. Concerns regarding the window opening onto a private laneway is considered a civil issue and outside the scope of this assessment. A 2.1 high blockwork wall is proposed along the southern boundary and is considered acceptable. Any revisions to the crank in the wall as proposed by the observer are outside the red line and thus outside the control of the applicant.

#### 7.4. **Access**

7.4.1 Concerns have been raised regarding the proposal to relocate the vehicular entrance to Maher Road North stating that it will give rise to a traffic hazard. It is noted that no technical evidence has been submitted by either appellant to support the claim that the entrance will result in a traffic hazard and it is considered in this context the objections are somewhat conjecture.

7.4.2 No objection has been raised by the Road Department of Dun Laoghaire Rathdown County Council regarding the access arrangement. At further information stage,

detailed drawings were submitted showing that the entrance would be 3.5 metres in width and that the wall on either side of the entrance is at a height of 1 metre with each pier at a height of 1.1 metres in accordance with the requirements of the Council. In addition, auto track analysis was submitted showing that the entrance is readily accessible by an estate car entering and exiting the site in forward gear. The Roads Department cited no objection to the proposal.

7.4.3 The relocation of the entrance will have the benefit of providing a more coherent private open space to serve no. 1 Cypress Road. I am satisfied that the proposed relocation is acceptable, will enhance the amenities of the existing house and will not give rise to any material traffic impacts.

7.4.4 With regard to the assertion that the new entrance will give rise to a negative visual impact, it is noted that there are a multitude of existing entrances serving existing dwellings along Maher Road North. The proposed access is consistent with this pattern of development and will have no adverse visual impact.

## 7.5. **Appropriate Assessment**

7.5.1 Having regard to the nature and scale of the proposed development, a two storey infill dwelling house within an established urban area, and the distance to the nearest European site, 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. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

## 9.0 **Reasons and Considerations**

9.1 Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, to the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be



acceptable in terms of traffic safety. 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 27th day of September 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. 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. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.

**Reason:** In the interest of public health and to ensure a proper standard of development.

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours 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 adjoining property in the vicinity.

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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

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

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

6. The footpath in front of the proposed vehicular entrances shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

**Reason:** In the interest of pedestrian safety.

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

**Reason:** In the interest of visual amenity.

8. a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the perimeter boundary of the site consisting predominantly of trees, shrubs and hedging of native species. The planting shall be carried out in accordance with the agreed

scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and in the interest of visual amenity.

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 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 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 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.

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**Erika Casey**  
**Senior Planning Inspector**

**6th March 2018**