



An
Bord
Pleanála

Inspector's Report ABP 300373-17

Development	Permission for detached two storey house and vehicular access off Hazel Avenue.
Location	Rear of No. 38 Rathmore Avenue/19a Hazel Avenue, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D17A/0841.
Applicant	Jamie Monahan.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v Decision.
Appellant	Jamie Monahan.
Observers	<ol style="list-style-type: none">1. Michael & Rosemarie Regan.2. Bernadette Egar.
Date of Site Inspection	7 th March 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The subject site is located to the rear garden of no. 38 Rathmore Avenue, Stillorgan which is approximately 1.5 km east of the Stillorgan dual carriage way. Rathmore Avenue and Hazel Avenue are situated within a mature suburban housing estate in the suburb of Kilmacud, Co. Dublin. The houses in the immediate vicinity along Rathmore Avenue and Hazel Avenue are predominately dormer dwellings with pebble dash and timber facades. To the east of the site, along Hazel Avenue, there are two storey terraced houses with pebble dash and brick facades. A single storey house, No. 19A Hazel Avenue, has been built to the rear of No. 47 Rathmore Avenue opposite No. 38, but overall the pattern of development in the area reflects the original houses in terms of design, scale and finishes.
- 1.2 The site is relatively level and rectangular in shape, with a stated area of c. 260sq.m. It is part of the rear garden of the appellant's dormer house, No. 38 Rathmore Avenue. No. 38 one of a pair of semi-detached dwellings, paired with No.36 (one of the observer's houses) fronting onto and accessed off Rathmore Avenue. The hall door to No. 38 is located in the gable of the house facing Hazel Avenue, with a pedestrian gate off Hazel Avenue.
- 1.3 The frontage of the site along Hazel Avenue is bounded by a c. 1.8m high wall. The boundary with No. 36 Rathmore Avenue to the north is a c. 1.2m high wall with mature planting. To the east the site is bounded by No. 19 Hazel Avenue, an end of terrace, with its gable facing the site. No. 38 is to the west of the site with dormer elements to the rear roof slope facing the appeal site. There is no boundary between No. 38 and the site.
- 1.4 A new vehicular access is proposed off Hazel Avenue, a residential road with a grass strip and a footpath along the sites frontage.
- 1.5 Maps, photographs and aerial images in file pouch.

2.0 Proposed Development

Permission is being sought for:

- A c.122sq.m part single part two-storey two bedroom contemporary style house a site with a stated area of c.260 sq.m.

- A self-coloured render finish at ground floor with a painted hardwood cladding to the first floor elements.
- A mix of flat and mono-pitch roofs are proposed to different elements, with heights ranging from c.3m (flat roof) rising c. 5.5m (flat roof) to c.6.34m at its highest (mono pitch roof).
- Revised boundary treatment.
- A vehicular entrance off Hazel Avenue and on-site parking.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

Section 8.2.3.4 (Additional Accommodation in Existing Built-up Areas)(v) (Corner/Side Garden Sites) of the County Development Plan 2016-2022 outlines the issues to be taken into consideration with a planning application such as that proposed. Having regard to the scale of the proposed development, its proximity to the common boundary to the north, the length of the rear garden area of No. 36 Rathmore Avenue that is directly affected and the location of the proposed house directly south of No. 36, it is considered that the development will have an undue adverse impact on the amenity of the adjoining property to the north by reason of overbearing and overshadowing impact, would be contrary to the provisions of Section 8.2.3.4 (Additional Accommodation in Existing Built-up Areas)(v)(Corner/Side Garden Sites) of the County Development Plan 2016-2022, would materially contravene the zoning objective for the area as indicated in Map 6 of the Plan which is 'Objective A: to protect and/or improve residential amenity' and would be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Report

This Report formed the basis for the Planning Authority's decision and the main points referred to relate to scale and siting of the house and the impact on residential amenity, as summarised below:

- The contemporary design would not be obtrusive or form an incongruous feature on the streetscape.
- The proposed development would have a minimal impact on the adjoining property to the east along Hazel Avenue. It would have an impact on the existing house, No. 38 Rathmore Avenue, but not to such an extent that would warrant a refusal of permission on that basis.
- The main concerns relate to the overbearing impact of the proposal on the property to the north, No. 36 Rathmore Avenue. Due to the scale of the proposal and its proximity to the shared boundary which would result in significant overshadowing of the rear garden of No. 36.
- There are a number of technical issues that would need to be addressed in any future application relating to: access and sightlines, drainage concerns raised by the Drainage Section, works to a shared boundary, clarification of plans, landscaping, etc.

3.2.2 Other Technical Reports

Drainage Section. Recommended further information relating to the location of the surface water sewer and appropriate wayleaves.

Irish Water. No objection.

3.3 Third Party Observations

Two Observations were received by the Planning Authority, the parties have made observations on the current appeal. The issues raised are largely in line with the observations on the appeal and shall be dealt with in the relevant sections of this Report.

4.0 Planning History

There are no applications associated with the site as per the Council's online planning register.

Development of corner/garden sites in the vicinity:

Planning Authority Reference D10A/0670 refers to a grant of permission for a dormer house in the garden of No. 11 Hazel Avenue, to the north of Rathmore Avenue.

Planning Authority Reference D08A/0505. An Bord Pleanala Reference PL.06D.230274 refers to a 2009 grant of permission for a house in the side garden of No. 47 Rathmore Avenue, opposite No. 38 Rathmore Avenue. This was not constructed.

The Planning Authority, Observers and the applicant have referred to No. 19A Hazel Avenue (Hazel Lodge), a single storey house to the rear of No. 47 Rathmore Avenue stated to be built in the 1990s. There is no planning reference available on the Planning Authority's on line register for this site.

5.0 Policy Context

5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022.

Land Use Zoning Objective 'A' *To protect or improve residential amenity.*

RES3 *states that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. And as a general rule the minimum default density for new developments in the county (excluding lands on zoning objective 'GB', 'G' and 'B') shall be 35 units per hectare.*

RES4 states that it is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

General Development Management Standards:

Section 8.2.3.4 (v) refers to Corner/Side Garden Sites. Such proposals shall be considered in relation to a range of criteria including having regard to the size, design, layout and relationship with existing dwelling and immediately adjacent dwellings.

Section 8.2.3.1 refers to the objective of the Council to achieve high standards of design and layout and to foster and create high quality, secure and attractive places for living.

Section 8.2.3.5 refers to the general requirements for residential development including habitable room sizes.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses. A figure of 48 sq.m of may be acceptable for a 2 bed house in cases where good quality open space is provided. Narrow strips of space along the side of dwellings shall not be included in the calculation. There is provision for a relaxation of the standard where an innovative design response is provided on site.

Section 8.2.8.4 (ii) refers to separation distances and the standard garden depth of 11 metres and in certain circumstance 7 m depths may be acceptable for single storey dwellings.

Section 8.2.4.9 refers to vehicular entrances and hard standing areas and that maximum width for entrance to single houses is c. 3.5m.

5.2 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. First Party Appeal

The first party appeal seeks to address the reasons for refusal of permission and is summarised as follows:

6.1.1 General

- The design has been carefully thought out taking into account the restrictive nature of the site. The two storey element is in keeping with the height of adjoining properties, the use of angled roofs reduces the overall height of the roof.
- The use of a high quality finish of external cladding would enhance the appearance of the house and assist in masking the higher gable of No. 19 Hazel Avenue.
- Revised proposals have been submitted with the appeal to address the reason for refusal, these include:
 - An increase in the set back of the house from the northern boundary from c.900mm to c. 2970mm at the closest point to No. 36 Rathmore Avenue.
 - The re-alignment of the house on site to match the houses on Hazel Avenue.
 - No works to be carried out to the boundary between No. 36 and No 38 Rathmore Avenue.
 - A 3.5m wide vehicular entrance and boundary wall of 1.2m in height at either side of the entrance along Hazel Avenue to facilitate sightlines.
 - Revised western boundary wall will be independent of the proposed dwelling wall
- The shadow analysis and diagrams submitted concluded that very little shading would occur in the summer months and generally no shadowing to the rear of No. 36 Rathmore Avenue.

- The proposal is an appropriate development and complies with all the relevant parameters and standards for corner sites/side garden developments as set out in the County Development Plan and would contribute to diversifying the housing stock in the area.
- It is not intended to use the flat roof areas as a roof garden/terraces.

6.1.2 In response to other issues raised in the Planners report, the following is noted:

- Revised boundary treatment along Hazel Avenue, including revised wall heights to facilitate sightlines. The revised boundary treatment would be in keeping with the existing boundaries along Hazel Avenue.
- Photographs submitted of the trail hole dug to ascertain the location of the surface water sewer referenced in the Drainage section report. No pipe was located, however, the applicant has stated that he would have no objection to providing a way leave if required by the drainage section.

6.1.3 In response to the concerns raised by the owner of No. 36 Rathmore Avenue:

- No objection to keeping the height of the boundary wall between the site and No. 36 Rathmore Avenue at c.1.2m.
- Revised proposals submitted with the appeal omit works to the shared boundary.
- There are no windows facing either the main house or the rear garden of No. 36.

6.1.4 In response to the concerns raised by the owners of No. 6 Hazel Avenue:

- Hazel Lodge is a larger house (c.143sq.m) built in the 1990s. The current proposal is a different style of house and designed to comply with performance energy requirements for passive houses.

6.2 Planning Authority Response

This is summarised as follows:

- The use of external cladding does not address any perceived impact of the proposed gable and its proximity to adjoining properties.

- The revised siting of the house submitted with the appeal would have a negligible positive impact on the adjoining property (No. 38 Rathmore Avenue). The modifications result in an unusable tract of narrow land solely accessed by a 300mm gap in the north eastern corner while reducing the area and quality of the private open space to the front/south of the house.
- The Shadow Study submitted is incomplete, it does not illustrate the existing shadowing of No. 36 Rathmore Avenue, and therefore it is difficult to ascertain what specific shadowing will occur. The Area Planner was concerned with the overshadowing of the rear garden of No. 36, not the house.
- Revised boundary treatment along Hazel Avenue and boundary heights noted.
- Works to the shared boundary require the consent of all relevant parties. Amended details show the existing boundary with a height of c. 1.2m to be kept.

The decision to refuse permission should be upheld and the Board is referred to the original Planners report on file.

6.3 Observations

Two Observations have been received from:

- Michael & Rosemarie Regan, 6 Hazel Avenue, Kilmacud, Blackrock, Co. Dublin, opposite the site.
- Bernadette Egar, No. 36 Rathmore Avenue, Kilmacud, Co. Dublin, adjoining the site to the north.

The main issues raised are largely in line with the original submissions and are summarised as follows:

- The owner of no. 36 notes that the drawings shown to her did not include windows overlooking her property or modifications to the boundary wall. An unsigned draft letter relating to the other plans was submitted with the application. The only correspondence the owner of No. 36 has

submitted to the Planning Authority was a signed objection to the proposal.

- The applicant does not have the consent of the owner of No. 36 Rathmore Avenue to carry out any works or modifications to the boundary wall between No. 36 and No. 38.
- The proposed development would detract from the residential amenities of No. 36 by reason of overlooking and loss of privacy.
- The observer reiterated the Planning Authority's reason for refusal and requests that this be upheld as the proposal would be overbearing and result in overshadowing of No. 36.
- The proposal would contravene the land use zoning objective 'A' attached to the site.
- There is already a No. 19A Hazel Avenue (known as Hazel Lodge) built in the 1990s in the rear/side garden of No. 47 Rathmore Avenue. This has set the precedent in terms of the maximum acceptable height (single storey) and footprint that the Council and neighbours find acceptable for new development in the area.
- The height of the proposed house would detract from the amenities of No. 4 to 12 Hazel Avenue opposite the site. There should be consistency and symmetry along Hazel Avenue.
- The location of the vehicular access opposite the driveway of No. 6 Hazel Avenue would constitute a traffic hazard. If permitted it should be moved to a point midway between the entrances of No. 6 and No. 8 Hazel Avenue.
- Double yellow line road markings should be provided along the Hazel Avenue frontage of the site up to the junction with Rathmore Avenue.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed.

The appellant has submitted revisions to the proposed development in the documentation that accompanied the appeal. These refer in to a revised setback of the house from the boundaries, revised western elevation, boundary treatment and access proposals, I note that the scope of the changes would not require re-advertisement if the Board is of a mind to grant permission.

The issues can be dealt with under the following headings:

- Design.
- Residential Amenity.
- Other Issues
- Appropriate Assessment.

7.1 Design

7.1.1 The reason for refusal by the Planning Authority stems from the scale and siting of the proposed house on site and the impact on the residential amenities of adjoining residents by virtue of overbearance and overshadowing. There is overlap between the different elements of the reason for refusal and this section shall assess if the overall scale of the proposal is suitable for the appeal site.

7.1.2 Permission is sought for a c.122 sq.m part single part two storey contemporary style house with a minimum height of c. 3.01m adjoining the proposed boundary with No. 38 Rathmore Avenue rising to a maximum height of c. 6.34m adjoining the gable of No. 19 Hazel Avenue on a site with a stated area of c. 260 sq.m Section 8.2.3.4 (v) of the Development Plan refers to

corner/side garden sites and a range of criteria that applies to their development, including respecting the massing and height of existing residential units. The predominant built form in the area ranges from dormer style houses, along Rathmore Avenue and Hazel Avenue, to two storey terraced houses bounding the site to the east along Hazel Avenue. The Area Planner noted in their report that the contemporary design was considered acceptable and would not create a discordant or incongruous feature to the streetscape along Hazel Avenue. I am satisfied that the current proposal reflects the height of the adjoining houses and, in my view, the overall design, scale and massing of the proposed development respects the predominant pattern of development in this area. It would not form a discordant feature on the streetscape at this location and would not detract from the character and architectural grain of the area.

7.1.3 The observers raised concerns regarding the potential for the proposed development to be overbearing when viewed from the adjoining property to the north (No. 36 Rathmore Avenue) and along Hazel Avenue to the south. I note that the distance from the two storey elements of house and the closest dwellings, No. 38 Rathmore Avenue, to the west, which has dormer windows facing the site is c.19.2m, No. 19 Hazel Avenue to the east, which has a gable addressing the appeal site is c.4.2m and the rear wall of No. 38 Rathmore Avenue, to the north, would be c.19m from the north eastern corner of the two storey element.

7.1.4 The rear of the house would be set back at an angle from the boundary with the rear garden of No. 36 Rathmore Avenue, the setback ranges from c.900mm (0.9m) to c.2970mm (2.97m). I note that the site layout plan has labelled this dimension as 2670mm, it measures off the plan at c.2970mm, and therefore I consider this a typographical error. The house runs along the length of the site for c. 17.5m at a height of c.3m (flat roof) rising c. 5.5m (flat roof) to c.6.34m at its highest point of the mono pitched roof adjoining the gable of No. 19 Hazel Avenue. The front building line of the proposed two storey element of the development is set forward c. 1100mm (1.1m) of the building line of the terraced houses to the east (No. 19 Hazel Avenue). I note that computer-generated images of the proposed development have been submitted.

However, they do not show the relationship of the proposed scheme with the existing built environment.

7.1.6 I consider that the impact of the proposed house within the site to be acceptable due to its design, scale and context. In my view the use of different roof profiles, setbacks and materials reduces the overall bulk and scale of the proposed house. The proposed development, subject to the modifications proposed in the appeal, in terms of design, scale, mass and height would not would not have an overbearing impact on neighbouring properties or from the adjoining public road. The set back of the two storey elements from the site boundaries is sufficient to address the concerns raised by the observers and the Planning Authority in relation to the overbearing impact on the adjoining properties, in particular, No. 36 Rathmore Avenue.

7.2 Residential Amenity

7.2.1 As noted in section 7.1.1, there is a degree of overlap between the various components of the Planning Authority's reason for refusal, which relate to the impact the scale and siting of the house would have on the residential amenities of adjoining properties.

7.2.2 The Observer raised concerns that No. 36 Rathmore Avenue, to the north, would be overlooked by the proposed development. I note that there are no windows proposed at ground floor level to the northern elevation which faces the boundary with No. 36. And the only windows proposed at first floor level are to the southern elevation, facing Hazel Avenue. Therefore, overlooking of No. 36 does not arise.

7.2.3 There are windows proposed at ground floor level to the western and eastern elevations. It is commonly understood that overlooking between properties does not usually occur at ground floor level. This is because in most urban cases a two metre solid boundary from the front building line back, either a wall or fence, is erected to screen views and in rural areas landscaping along site boundaries is conditioned to screen sites. In this instance, I am satisfied that

adequate boundary treatment is proposed to the western and eastern boundaries.

- 7.2.4 The site configuration results in the site located immediately to the rear of No.38 Rathmore Avenue, there are dormer windows to the rear roof slope, a rear garden depth of 11m is proposed to be retained for No. 38 as required under section 8.2.8.4 (ii). Overlooking of the private amenity space of the proposed development from No. 38 is not a concern and there are no first floor opposing windows.
- 7.2.5 The Planning Authority also referred to overshadowing in the reason for refusal, arising from the scale of the proposed house, its proximity to the common boundary with No.36 and the length of the rear garden area of No. 36 that would be affected by the siting of the proposed dwelling. The Observers reiterated the Planning Authority's concerns.
- 7.2.6 The Shadow analysis and diagrams submitted with the appeal concluded that the proposed development will not have any significant impact on the daylight conditions which would be available to the neighbouring residences. Further to this the results also indicated that no significant reduction in sunlight amenity could be expected to the rear of the neighbouring house.
- 7.2.7 The proposed house would be sited to the south of the rear garden of No. 36 at a setback between c.900mm and c.2970mm. As noted in section 7.1.4, the house runs along the length of the site for c. 17.5m at a height of c.3m (flat roof) rising c. 5.5m (flat roof) to c.6.34m at its highest point (mono pitched roof). I acknowledge that the proposals would lead to some overshadowing of the private amenity space of No. 36. This area already experiences a degree of overshadowing due the current boundary treatment and planting along the boundary with the application site. I am of the view that while there would be a degree of overshadowing it is not of an extent that would detract from the residential amenities of adjoining properties and warrant a reason for refusal. Having regard to the revised proposal submitted with the appeal, I am satisfied that the scale and setback of the proposal is such that it would not detract from

the residential amenities of adjoining properties taking into account the orientation of the site and the relationship of the properties to each other.

7.2.8 The applicant, in an attempt to comply with the private open space requirements as set out in Section 8.2.8.4 (i) of the Development Plan for a two bedroom house, has proposed the main private amenity area to the front of the house, and bounded along Hazel Avenue by a 1.8m high wall. The siting of the house results in a narrow strip of land running along the northern boundary that is not considered functional private open space. In this instance I consider the location of the bulk of the private amenity space acceptable as it would be screened from public. The proposal results in sufficient private amenity space available for No. 38 Rathmore House. There is no information on file relating to the number of bedrooms at No. 38, however the private amenity area to be retained would exceed that required for a 4+ bedroom house as per the current County Development Plan.

7.2.9 It is considered that the proposed development subject to the modifications proposed in the appeal, in terms of design, scale, height, provision and location of open space, boundary treatment and overall form and mass would not form a discordant feature on the streetscape. The scale, mass and height of the proposed house would not have an overbearing impact when viewed from adjoining properties or the public road. The set back of the two storey elements from the site boundaries is sufficient to address the concerns raised in relation to the overshadowing impact on and would not detract from the residential amenities of adjoining properties, in particular, No. 36 Rathmore Avenue.

7.3 Other Issues

7.3.1 Access:

7.3.1.1 The applicant submitted revised proposals with the appeal for a c. 3.5m wide vehicular access off Hazel Avenue with a 1.2m high wall at either side of the entrance along the road frontage with Hazel Avenue. The Revised boundary treatment would be in line with the boundary treatment of existing houses along

the road. The entrance complies with section 8.2.4.9 of the County Development Plan and is considered acceptable.

7.3.2 Boundary

7.3.2.1 The original application submitted to the Planning Authority included proposals to increase the height of the boundary between No. 36 and No. 38 Rathmore Avenue. The owner of No. 36 outlined in an observation to the Planning Authority and on the appeal outline that consent has not been obtained to carry out these works. In an attempt to address this matter, the applicant has omitted the works to the shared boundary in the revisions submitted with the appeal.

7.3.2.3 The encroachment on third party lands is a civil matter, I would draw attention to Section 34 (13) of the Planning and Development Act 2000 (as amended) which reads '*A person shall not be entitled solely by reason of a permission under this section to carry out development*'.

7.3.3 Drainage

7.3.3.1 The Council's Drainage Section recommended that the applicant demonstrate that the surface water sewer is located outside the site. The applicant submitted details and photographs of a trial hole excavation with the appeal, noting that no pipe was found. Notwithstanding, the applicant has stated that he is willing to provide a way leave to the drainage section, if required. The Planning Authority did not comment on this matter in their response to the appeal.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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

I recommend that permission be granted for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the scale and design of the proposed dwelling and the provision of the Dun Laoghaire County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed dwelling would not be considered overbearing, would integrate in a satisfactory manner with the existing built development in the area, would not form a discordant feature on the streetscape and would adequately protect the residential amenity of adjacent property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 1st day of December , 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. Details including samples 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.

3. The flat roof elements of the property shall not be used as a terrace, balcony or for any similar purpose.

Reason: In the interest of residential amenity.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

5. 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.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours 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 property in the vicinity.

8. 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.

Dáire McDevitt
Planning Inspector

28th March 2018