



An
Bord
Pleanála

Inspector's Report 305807-19

Development	Demolition of existing single-storey house and construction of new 2-storey house on footprint of original structure including side and rear extension at ground floor level, widening of existing vehicular access, landscaping and associated site works.
Location	26 Whitehall Road, Churchtown
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0425
Applicant(s)	Chunna Li & Michael Doyle
Type of Application	Planning permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	George Slater
Observer(s)	None
Date of Site Inspection	18 th January 2020
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located on Whitehall Road, which is a residential road in Churchtown. Whitehall Road is a low-density suburban street with a mix of house styles comprising detached and semi-detached houses on generous plots. The site of the appeal is situated on the western side of the road opposite a T-junction with another similar residential road, Whitebarn Road. The houses are generally set back from the road with front garden walls and individual vehicular entrances and mature gardens.
- 1.2.** The appeal site consists of a derelict bungalow, dating from the 1940s, with boarded up windows and doors. Immediately to the north of the appeal site is a pair of semi-detached bungalows. There is a 2-storey detached house (No. 28) immediately to the south which has a brick façade and a large arched feature window in the front gable, and is likely to be an infill development. The northern elevation of this house is situated on the common boundary with the appeal site. There is a further infill house (28A) to the south of this, which is set back behind a high masonry wall. This is the appellant's property. To the south of No. 28A lies a historic structure known as The Bottle Tower, which is an 18th Century grain store.
- 1.3.** The site area is given as 0.074ha. The floor area of the existing house is given as 105sq.m. It has a pitched hipped and tiled roof and is of masonry construction with painted rendered walls. There is a gable end to the east elevation facing the public road. The site is rectangular in shape. There is a front garden which is delineated by a front boundary wall which appears to be constructed of random rubble stone and partially rendered over. The northern section of the front boundary wall is recessed in a curved section. The gate is set within the curved section of the wall and leads to a concrete driveway leading to the detached garage. There is a passageway with a side gate leading to a rear garden.

2.0 Proposed Development

- 2.1.** It is proposed to demolish the existing house on the site and to construct a two-storey dwelling, generally on the footprint of the original house. The floor area of the proposed house is given as 217 sq.m, which includes an additional 31sq.m at ground floor level at the rear and sides and 81sq.m at first floor level. It is also proposed to widen the existing vehicular entrance

- 2.2.** The proposed dwelling is of a contemporary design with a flat roof, height of 6.75m. The rear ground floor extension is proposed to be fitted with a green sedum roof. The walls are to be finished in shades of greys and off whites with render, cement and concrete finish. The windows on the front elevation will be fitted with decorative louvres. The north-western corner of the first floor is proposed to be glazed on the northern and western elevations enclosing a void area above the dining room on the ground floor. The northern glazed panel will be fitted with decorative louvres for privacy. The rear (western) elevation will have large glazed panels at ground and first floor (to void area).
- 2.3.** It is proposed to attach decorative solar panels to the southern (side) elevation at first floor level and to provide further solar panels to the roof. It is proposed to install an air to water pump to minimise fossil fuel usage and a mechanical heat recovery system to capture and re-use heat that would otherwise be lost. It is further proposed to harvest rain water for use in the garden and toilets and to install a nesting box in the roof for swifts.
- 2.4.** The application was accompanied by a Building Survey Report (dated 18/10/18). It is stated that the property has been vacant for 10-15 years. The survey found that the house was generally in fair condition considering the length of time it has been vacant. However, the roof is in very poor condition and contains asbestos. Structural damage was evident to structural timbers due to the poor condition of the roof. Other issues related to the chimneys, rainwater goods, plumbing, drainage, wiring etc.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 11 conditions. These were generally of a standard type. Condition 2 required that the entire house be used as a single dwelling unit and that it shall not be sub-divided or used as two or more habitable units. Condition 3 prohibited use of the roof area as a balcony, roof(terrace) garden or similar amenity area. Conditions 8, 9, 10 and 11 related to development contributions, which amounted to a total of €4,888.62. The contributions related to the provision of surface water infrastructure (€126.11), road

infrastructure (€2887.90) and community & public parks infrastructure, facilities and amenities (€1874.61).

Condition 5 stated that surface water generated by the proposed development shall not be discharged in accordance with the requirements of the P.A. and in compliance with SUDS.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report (13/08/19) noted that the CDP objective relating to demolition and replacement of dwellings is to retain existing houses that have their own merit and/or contribute beneficially to an area in terms of visual amenity, character and/or accommodation type. Furthermore, consideration should be given to the balance between the greater energy efficiency ratios of the new build, its size and running costs and resources used for its construction and those of the existing dwelling and the embodied energy lost in its demolition. It was considered that the house is not an exemplar of this style of architecture and that there is no justification for retention of the house on built heritage grounds, nor in respect of the contribution that it makes to the character and appearance of the street. However, insufficient information had been provided to conclude on the issue of energy performance, and FI was required on this matter.

It was further considered that the proposed development would not detract from the residential amenities of adjoining properties in terms of overshadowing or overlooking. The impact of the proposed development on the visual amenities of the area, in terms of the design of the proposed dwelling, was also considered to be acceptable.

3.2.2. Other Technical Reports

Drainage Planning - No objections subject to conditions.

Transportation – No objections subject to conditions.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third party observations

A third-party observation was made to the planning authority from the neighbouring resident at No. 28A to the south. The issues raised were generally similar to those raised in the grounds of appeal. The main points raised may be summarised as follows:

- Impact on the Bottle Tower, which is a Protected Structure and National Monument – would detract from the character and setting of this historic structure
- Impact on the visual amenity and character of the streetscape and area by reason of the design and scale of the proposed replacement structure.
- Failure to comply with the CDP policies and objectives.
- Inaccurate red line boundary – the stream at the rear is not part of the applicant's site and is the subject of a legal dispute.
- Drainage – no drainage shown on the submitted drawings. The Churchtown area has a problem with capacity in the foul sewer and the increased run-off from the site will exacerbate this problem. The proposal does not adequately address SUDs as the run-off from the green roof will still enter the foul sewer.
- Privacy – the proposal will overlook a large part of his property including the front entrance which is unacceptable.

3.5. Further information received 16/11/18

Further information was requested on 13/08/19 based on the need for an Energy Statement and Report addressing the energy performance of the existing house, the existing house if upgraded and the proposed new dwelling. The applicant responded on 17th September 2019. The FI included -

A Design Statement setting out the design rationale for the development.

An Energy Statement which compared the energy ratings for the existing house (G), the existing house upgraded (C1) and the proposed dwelling (A3).

The P.A. was satisfied with the further information provided and it was decided to grant permission subject to conditions generally in accordance with the Area Planner's recommendation.

4.0 Planning History

- 4.1.** There is no planning history on the appeal site. The following planning decisions relating to the sites in the vicinity are relevant.

PL06D.242894 – Permission Refused by P.A. and by Board for demolition of 90% of existing bungalow and construction of a dormer bungalow around the retained structure, (which was effectively a replacement dwelling) at No. 4 Whitehall Road, (approx. 10 dwellings further to the north). The reason for refusal was based on the height, scale and design of the proposed dormer bungalow which was considered to be visually obtrusive by reason of the width and massing of the roof which would have been inconsistent with the established pattern of development in the area and would have set an undesirable precedent.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

- 5.1.1 The site is zoned Objective A for which the objective is to “To protect and improve residential amenity”. Chapter 8 contains the Development Management guidance, policies and objectives, the most relevant section of which is 8.2.3.4, which relates to additional accommodation in residential areas. Subsection (xiv) addresses Demolition and Replacement Dwellings and (vii) Infill Development. Section 8.2.3.2 relates to parking and open space standards.

8.2.3.4 (xiv) – Demolition and Replacement Dwellings – The following extracts from the policy are considered relevant:

The Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character and /or accommodation type.

The balance between greater energy efficiency ratios of the new build, its size for running costs/impacts, and resources used for its construction – and those of the existing dwelling and the ‘embodied energy’ lost in its demolition, will be considered.

(xiv) Infill – New infill development shall respect the height and massing of existing residential units....and shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping and fencing or railings. Reference also to Corner/side garden sites (v). This states that regard will be had to a number of parameters including the following

- Size, design, layout and relationship with existing dwelling and immediately adjacent properties.
- Impact on amenities of neighbouring dwellings.
- Building lines followed where appropriate.
- Level of visual harmony including external finishes and colours.
- Larger Corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid pastiches development.

Policy RES4 seeks to improve and conserve housing stock and to densify existing built-up areas, having regard to the amenities of the existing residential communities, and to retain and improve the residential amenities in established residential communities.

Policy AH1 – Protection of Archaeological Heritage – Protect archaeological sites, National Monuments (and their settings) which have been identified in the RMP.

Policy AR 1 – Record of Protected Structures – (ii) Protect structures included on the RPS from any works that would negatively impact the special character and appearance. (iii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Dept. of Arts, Heritage and the Gaeltacht ‘Architectural Heritage Protection Guidelines for Planning Authorities’.

5.2. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

- 5.2.1. These guidelines specify that development within the 'attendant grounds' of a Protected Structure must not damage important views to or from the PS, nor should it obscure or change 'distant views of important architectural or natural landmarks'.

5.3. Natural Heritage Designations

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 6km to the northeast.

6.0 The Appeal

6.1. Grounds of Appeal

The third-party appeal was submitted by the neighbouring resident to the south, No. 28A Whitehall Road. The main points raised may be summarised as follows:

- **The P.A. assessment is inadequate** - the impact of the proposed development on the visual amenities of the area and of the impact on the historic Bottle Tower has not been addressed by the P.A. and it is wholly inadequate. The points raised by the appellant in the submission to the P.A. have not been taken into account.
- **Impact on Bottle Tower** - Whitehall Road in Churchtown is of great historical and conservational importance, with unique heritage value. The Bottle Tower is both a Protected Structure and a National Monument. It dates from 1742 and was built as a famine relief project as a grain silo. It dominates the visual appearance of the area and all new development should respect its character and historical significance. The proposed development fails to do this. It would severely detract from its historical setting and character, as it is sited just 35m away. It is a 2-storey modern box design with a flat roof, a large area of glass frontage and solar panels on the side. The proposal therefore fails to comply with policy AH1.
- **Character of the streetscape** - The proposed development fails to address the existing pattern of development and the character of the streetscape,

which is made up of largely single-storey 1940s bungalows with pitched roof angular designs and clay tiled roofs.

- **Character of Old Barn House** - The proposed development is entirely out of keeping with the adjoining properties and with the streetscape. The adjacent house is a 2-storey structure but was previously the Old Barn House dating back to the 1730s, but which was reconstructed in the 1980s. The established housing development, with its lower roof heights and angular frontage respected the scale and design of the historic barn house. The current proposal with its 2-storey height, box shape, glass frontage and modern materials and finishes fails to respect the character of the Old Barn House which is of a traditional design, materials and finishes.
- **Overlooking** - The proposed development will significantly impact the privacy of his property particularly at the front entrance, which is overlooked.
- **Precedent** - The introduction of a modern box-shaped design of 2-storey height will create a precedent for similar development in the area, which would erode the character of the streetscape.

6.2. Planning Authority Response

The P.A. responded to the grounds of appeal on 22nd November 2019. It was stated that the grounds of appeal do not raise any new matter, which in the opinion of the P.A. would justify a change of attitude to the proposed development.

6.3. First party response to grounds of appeal

The first party responded on 2nd December 2019. This was mainly in the form of a rebuttal of the grounds of appeal. The following points were made:

- **Urban setting** - The existing urban setting is a 1940s suburb consisting of individual plots arranged around a rigorous infrastructure of roads, services and public open space. The design model is derived from the Garden city concept, where landscaping and boundary treatment are the binding elements.

- **Protected Structure** - The Bottle Tower is a surviving fragment of the agricultural past around which suburbia has developed. It has a strong presence and sense of identity and merits careful and sensitive consideration in the design of any building within its immediate context. The design addresses this issue by means of its configuration, siting, form and choice of materials.
- **Immediate context** - The Tower's immediate context is characterised by several contemporary residences and is set back behind a c.3m high wall, on a spacious plot within the historic Whitehall House Farm complex. The site to the north-east consists of a 2-storey gable-fronted dwelling with a large arched window. The immediate street frontage consists of an extremely varied series of forms, architectural styles and story heights and is dominated by high masonry walls.
- **Architectural response** – The proposed design seeks to create a calming neutral backdrop rather than contributing to the visual chaos by aping elements of the original design. The only unifying element is the boundary walls and the design picks up on this. The form of the proposed dwelling breaks down the mass and scale and creates visual interest and variety. The materials reinforce this strategy and the siting relates to the building lines on adjacent sites. This creates an important 'visual punctuation mark' which acts as a recess element in the streetscape

7.0 Assessment

It is considered that the main issues arising from the appeal are as follows:-

- Principle of development
- Impact on Bottle Tower
- Visual amenity
- Impact on residential amenity

7.1. Principle of development

The current Dun Laoghaire Rathdown County Development Plan 2016-2022 at paragraph 8.2.3.4 (xiv) states that demolition and replacement of dwellings should not be permitted where the structure to be demolished is of architectural merit and/or makes a positive contribution to the streetscape. It is considered that the bungalow is not of any architectural merit and that its contribution to the streetscape lies mainly in its consistency in terms of form, scale and style, with the row of bungalows to the north and elsewhere in the vicinity. However, it is currently in a derelict and neglected state and has been vacant for a considerable period of time. The Energy Rating Report (submitted to P.A. 17/09/19) concluded that the demolition and rebuilding of the dwelling house would result in a significant improvement in the energy rating compared to retention and upgrading of the house. It also affords the opportunity to incorporate sustainable elements into the design such as a green roof, solar panels etc. It is considered therefore that the demolition and replacement of the dwelling is acceptable in principle.

7.2. Impact on Bottle Tower

- 7.2.1.** The Bottle Tower is an iconic building which has a strong visual presence in the streetscape and a clear historical association with the area. It is essentially a landmark building and is of historical and cultural significance. As it is both a Protected Structure and a Recorded Monument, its presence in proximity to the appeal site requires a sensitive approach. It is a large and striking feature on the landscape and is in close proximity to the public road, although partially hidden behind a 3m high stone wall. There are a number of structures which appear to have been built within the curtilage and attendant grounds of the structure over the years, some of which are likely to date to the construction of the structure itself.
- 7.2.2.** The appellant has advised that the adjoining house, No. 28, was formerly part of the Whitehall Farm Complex, and was known as the Old Barn House, dating back to the 1730s. It was re-modelled/renovated in the 1980s, when the large feature window was inserted in the front gable wall, facing the street. This building is therefore likely to form part of the attendant grounds (at least) of the protected structure. As such, the proposed development should not obscure or significantly change the views of

the Bottle Tower or detract from its special character or setting, of which the Old Barn House forms a part.

- 7.2.3.** Views of the appeal site and the proposed dwelling from the south are obscured by the Bottle Tower itself, the Old Barn House and the masonry boundary walls. The views from opposite the site (to the east) are partially obscured by the presence of the masonry walls and also by the mature hedge at the corner of Whitebarn Road. The views from the north would include a prominent view of the Bottle Tower, together with the side gable of the Old Barn House and an obscure view the proposed dwelling. However, not all views from the north would include the proposed dwelling, due to its considerable setback from the street, and the inclusive view would only be available from close proximity. This view would still be dominated by the relationship between the Bottle Tower and the Old Barn House.
- 7.2.4.** It is considered that the simple form of the proposed building with its flat roof and use of materials would not intrude unduly into this view. I would agree with the first party that a pastiche approach would be more likely to create visual clutter as it would inevitably require a redesign to accommodate a modern family home. I would also agree that the form and design of the dwelling house would create a calm and neutral building at the juxtaposition of the 1940s bungalows and the Whitehall Farm complex. However, the masonry walls would have to be maintained and should be reinforced by landscaping and tree planting.
- 7.2.5.** It is considered therefore, due to the siting, design, form and use of materials, the proposed dwelling would not negatively affect the special character, appearance or setting of the Protected Structure and Recorded Monument, and would be in accordance with the CDP policies AH1 and AR1 and with the Architectural Heritage Protection Guidelines. Should the Board be minded to grant permission, however, condition(s) should be attached to any such permission requiring a robust landscaping plan and the retention of the masonry walls.

7.3. Visual amenity

- 7.3.1.** The third-party submission stated that the proposed development would be out of character with the architectural style of the existing development in the vicinity. However, it is considered that there is an eclectic mix of architectural styles in the

area. The majority of houses seem to date from the 1940s and I would agree that the prevalent form is a bungalow with a steeply pitched tiled roof. The main unifying features, however, relate to the density and layout, with generous plot sizes, building lines set back at least 10m from the street behind masonry walls. This setting facilitates the introduction of new architectural styles which can more easily be absorbed without becoming visually obtrusive.

- 7.3.2.** In the case of the appeal site, it is located at the end of a row of similar styled houses, which are generally single-storey with pitched roofs, some of which have been altered and extended. However, the architectural form and style changes immediately to the south as the former Whitehall Farm complex contains a variety of buildings from different ages with a range of designs, forms, layouts and scales. No. 28 represents an abrupt change as it is sited forward of the building line to the south and is 2-storeys high, with a gable end facing the street and a steeply sloping roof. The side gable forms the boundary with the appeal site which creates the juxtaposition between the styles. Thus, the appeal site represents an opportunity to accommodate an alternative design response, such as that currently before the Board. As the proposed dwelling generally follows the footprint of the original dwelling, it is considered to be an appropriate approach in this instance.
- 7.3.3.** The proposed dwelling would not be visible from the public road to the south, as it would be hidden by No. 28 and the masonry walls. It would be more noticeable when viewed from the north and from directly opposite. Although the building form and shape differ from the existing, the height and width are not too dissimilar. The ridge height of the proposed dwelling would be 6.65m, compared with the existing height of 5.329m. In terms of the neighbouring structures, the proposed height would be midway between No. 24 (5.558m) and No. 28 (7.292m). As the established setback and boundary treatment will be maintained, it is considered that the flat-roofed form and simple façade treatment, with painted smooth rendered finish, would allow the building to be assimilated into the streetscape, without being visually incongruous.
- 7.3.4.** It is considered that the proposed development would not be visually obtrusive in the streetscape and would not adversely affect the visual amenities of adjoining properties or of the area. I do not consider that it would result in a precedent as the site is quite unique, being immediately adjacent to the former Whitehall Farm complex with an array of architectural styles, forms and layouts.

7.4. Residential Amenity

- 7.4.1.** The appellant raised concern regarding overlooking, particularly of his front entrance. No. 28A is set back a considerable distance from the public road and is behind the rear building line of the proposed dwelling. However, there are no windows at first floor level on the southern elevation (west of the bathroom – see below). The glazed areas on the rear (western) elevation are to a void area over the ground floor dining room, and as such, would not result in overlooking. The only window which could overlook the appellant's property is the master bedroom. However, the angle of overlooking would be very obscure and is unlikely to result in any significant loss of privacy.
- 7.4.2.** The proposed dwelling is set back behind the front gable wall of No. 28 and is also set back from the common boundary with this property. There is just one window on the southern elevation at FF level, which is to a bathroom and has a privacy louvre, and the closest window on the eastern elevation is a high-level window. There are no windows on the northern gable wall of No. 28. It is considered that there would be no loss of privacy from the proposed development. However, the Board could require that the bathroom window on the southern elevation be fitted with obscure glazing, as a condition of any permission.

7.5. Other matters

- 7.5.1.** The appellant has raised an issue regarding the planning authority's assessment of the case. However, as the current proposal will be decided by the Board de novo, there is no need to address this matter.
- 7.5.2.** The appellant had also raised the issue of drainage and failure to comply with SUDs. However, it is considered that this matter has been adequately addressed by the P.A. in its assessment and decision.
- 7.5.3.** A further issue was raised regarding the extent of the red line boundary. However, ownership of land is a civil matter which is between the parties and does not come within the remit of the Board.

7.6. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 6km to the northeast. There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

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 policies and objectives as set out in the Dun Laoghaire Rathdown County Council Development Plan 2016-2022, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. 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 to the Planning Authority on the 17th day of September 2019, 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. The proposed development shall be amended as follows:
 - (a) The first-floor bathroom window on the southern side elevation shall be fitted with obscure glazing.

The revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of residential amenity.

3. No access shall be permitted to any of the flat roofs or green roofs at first floor or second floor level, save for maintenance. The roof areas shall not be used as a roof terrace or garden area.

Reason: In the interest of residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

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

Reason: In the interest of visual amenity.

6. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding townscape and in the interest of visual amenity.

7. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. 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.

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. 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.

Mary Kennelly
Senior Planning Inspector

19th January 2020