



An
Bord
Pleanála

Inspector's Report

ABP-307706-20

Development	Demolition of garage, rear stores, rear structures, rear single storey extension and a chimney to rear pitch roof, construction of a single storey L shaped extension
Location	12, Merlyn Park, Ballsbridge, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1139/20
Applicant(s)	Paraic McKeogh
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Brian & Catherine O'Flynn
Observer(s)	None
Date of Site Inspection	13 th of October 2020.
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is located c. 4km to the south east of Dublin City centre at No. 12 Merlyn Park, Ballsbridge, Dublin 4. The site has a stated area of 610 sq.m.
- 1.2. The site is located on the northern side of Merlyn Park a one way road serving an established residential estate. The site is located c 130m east of the junction with Merrion Road and 270m North west of the junction with Ailesbury Road.
- 1.3. The residential area is generally characterised with two-storey semi-detached dwelling with hipped roofs and curved bay windows over two floors. No. 12 adjoins the dwelling to the south west number 10 and has an attached yet independent side garage.
- 1.4. The dwelling is part finished in red brick at ground level, dash plaster at first floor and a slated roof. The dwelling also has an open porch style feature with columns.

2.0 Proposed Development

- 2.1. The proposed development comprises-
 - Demolition of side garages, rear structures and rear extension (25 sq.m)
 - Construction of a flat roof single storey extension to the side and rear with porch conversion (59 sq.m)
 - Attic conversion with former extension (35 sq.m)
 - Solar panels to front elevation
 - Widening of vehicular entrance from c.2.7m to 3.5m

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission on the 29/06/20, subject to seven conditions of a standard nature and the following-

- **C3-** requires revised drawings to be submitted reducing the width of the dormer from 4.9m to 4m.

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (26th June 2020) reflects the decision of the Planning Authority. The following is noted from the report:

- A number of similar type extensions have been granted and a precedent has been set.
- A 1m wide passageway is to remain to the side of the property for access to rear garden. Alterations to the front elevation are considered acceptable and do not distract from the streetscape so as to warrant a change in design.
- The scale of the dormer structure is considered excessive and can be reduced from 4.9m to 4m.

4.2. Other Technical Reports

- Drainage Division- No objection subject to condition
- Transportation Division- No objection subject to condition

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

Three submissions were received.

- Simeone Julia Barry of 10 Merlyn Park-
 - The proposed dormer to attic is extremely large and intrusive in nature and will impact on privacy. It is suggested to fit vertical louvers over half its length.
 - The proposed raised terrace from the kitchen would affect privacy.
 - The length of the extension to the rear is quite extensive.
- John Hogan 16 Merlyn Park-

- Mr Hogan supports the application.
- Brian and Catherine O'Flynn, 14 Meryln Park-
 - These issues are also included in the third party appeal and are set out in the Grounds of Appeal section 7.1 of this report.

5.0 Planning History

5.1. This Site

- WEB1519/20- two storey side and single storey rear extensions with, attic conversion and dormer window to rear. 24-Sep-2020, Grant of Permission.
*Note this application has been permitted during the current appeal period.

5.2. The following history for similar type developments are noted on nearby sites-

- 2375/19- extension at roof space including dormer window to rear and single storey garden room to rear at 7 Merlyn Park. 06-Jun-2019, Grant of Permission.
- WEB1390/18- two storey extension to the side, part single part two-storey extension to the rear and widening of entrance. 17-Jan-2019, Grant of Permission.
- WEB1196/18- new two storey side and rear extension and the widening of the vehicular entrance at 9 Merlyn Park. 27-Apr-2018, Grant of Permission.
- WEB1430/17- extension to ground floor rear living spaces and widening of entrance at 11 Merlyn Park. 12-Sep-2017, Grant of Permission.
- WEB1030/12- amendments to WEB 1094/09 including construction of a two storey extension to the side and rear of the dwelling and widening of the entrance. 23-May-2012, Grant of Permission.

6.0 Policy Context

6.1. Dublin City Development Plan 2016-2022

6.1.1. The appeal site has a zoning objective 'Z2 - Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective '*To protect and/or improve the amenities of residential conservation areas.*

6.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.

6.1.3. The following sections are of particular relevance:

Section 11.1.5.4- Architectural Conservation Areas and Conservation Areas.

The policy mechanisms used to conserve and protect areas of special historic and architectural interest include:

- Land-use zonings: Residential Conservation Areas (land-use zoning Z2)....

The policy to ensure the conservation and protection of the areas of special historic and architectural interest is as follows-

It is the Policy of Dublin City Council:

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting*
- 2. Re-instatement of missing architectural detail or other important features*

3. *Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns*
4. *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area*
5. *The repair and retention of shop- and pub-fronts of architectural interest.*

It is the Policy of Dublin City Council:

Development will not:

1. *Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area*
2. *Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail*
3. *Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors*
4. *Harm the setting of a Conservation Area*
5. *Constitute a visually obtrusive or dominant form.*

Section 16.2.2.3- Extensions and Alterations to Dwellings-

.... alterations and extensions should:

- *Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings*
- *Retain a significant proportion of the garden space, yard or other enclosure*
- *Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building*
- *Retain characteristic townscape spaces or gaps between buildings*

- *Not involve the infilling, enclosure or harmful alteration of front lightwells.*

Furthermore, extensions should:

- *Be confined to the rear in most cases*
- *Be clearly subordinate to the existing building in scale and design*
- *Incorporate a high standard of thermal performance and appropriate sustainable design features.*

Section 16.10.12 Extensions and Alterations to Dwellings:

'Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- *Not have an adverse impact on the scale and character of the dwelling;*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.'*

Appendix 17 Guidance for Residential Extensions

- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy
- Section 17.5 Relationship Between Dwellings and Extensions
- Section 17.6 Daylight and Sunlight
- Section 17.7 Appearance
- Section 17.8 Subordinate Approach
- Section 17.10 Contemporary Extensions
- Section 17.11 Roof Extensions: *When extending in the roof, the following principles should be observed:*

- *The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.*
- *Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.*
- *Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.*
- *Roof materials should be covered in materials that match or complement the main building.*
- *Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.*

6.2. Natural Heritage Designations

- 6.2.1. The site is located c. 650m west of the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).
- 6.2.2. The site is located c. 650m west of the South Dublin Bay pNHA.

6.3. EIA Screening

- 6.3.1. Having regard to the limited nature and scale of the proposed development it is considered that 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.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal was received from Brian and Catherine O'Flynn of 14 Merlyn Park (neighbouring property to east). The grounds of appeal can be summarised as follows-

- The application is invalid as it was not made by the owner or with the written consent of the owner when the application was lodged.
- The decision contradicts zoning, policy and section 16.10.12 and 17.11 of the Dublin City Development Plan. The proposal has an adverse effect on daylight, sunlight and character of number 14 and conflicts radically in height, shape and size with No's 10, 12 and 14.
- The planning history referred to in the DCC planning report do not create a justifiable or material precedent for such a radical departure from the harmony of the existing design and the integrity of the Merlyn Park housing with specific regard to the open area between 12 and 14. Photographs of No's 7, 9, 40 and 42 included.
- There are six windows on the side gable of each house (12 & 14) and the development will impact negatively on light to the side of 14. The bulk proximity and imposition will have a severely detrimental effect.
- The houses have unique art deco heritage in their design dating from the 1930's. The proposed extension does not respect these features and impacts negatively on residential amenity by effectively introducing a new dwelling into the open space between both houses.
- Alterations to the roof pitch will negatively impact the streetscape. The staircase window will overlook No. 14.
- Attic conversion and dormer extension will affect privacy of No. 14 by way of overlooking and create an unwarranted precedent.
- The proposal does not include detail of the treatment to the shared party wall.

- The design and height of extension at 4.8m is unprecedented and unwarranted in Meryln Park and is not in keeping with existing designs on the street. There is a similar but not comparable feature to No. 11. But this extension does not adjoin or impact the adjacent dwelling No. 13.
- Potential for use of the flat roof to the extension as a roof garden.

7.2. Applicant Response

The applicants response to the grounds of appeal can be summarised as follows-

- At the time of making the application the applicant had sufficient legal interest in the property.
- The proposed development complies with guidelines set in Appendix 17 of the Development Plan.
- The precedents noted in DCC's planning report have many elements that resemble the current proposal. The 'open area between two house' referred to be the appellants is not a 'shared area.
- The proposed extension is in accordance with Appendix 17 sections 17.7 - 17.10. The parapet height c. 175mm over sedum grass is a modest height with overall height of 38000 along the front of the dwelling. Number 10 Meryln Park now supports the application.
- The proposed roof extension is in line with all five principles as noted in section 17.11 of the Development Plan. Condition 3 deals with the scale of the structure and number 10 Meryln Park is satisfied with this condition.
- No 10 and 12 Meryln Park are a pair of semi detached dwellings and not 12 and 14. The six windows on the gable elevation are windows to ancillary spaces / stairs landing.
- The proposal is in accordance with Appendix 17 section 17.6 Daylight and Sunlight guidelines. The proposal is similar to other side extensions in an urban context and there are also two storey extensions built in Meryln Park (e.g. No. 2, 7, 42 and 13). The applicant strongly refutes that the proposal will effectively introduce a new dwelling between the houses.

- The proposal is in accordance with Appendix 17-17 Roof Extensions. The pitch roof alteration is subtle and seldom viewed as a front elevation. It will not detract from the streetscape.
- The proposed roof extension is similar to other extensions in the near vicinity. The scale of the dormer extension is substantially reduced by condition 3.
- There will be no changes to the common boundary wall except for plastering to No 14 garage gable wall upon demolition of structures at this location.
- The proposed side extension with parapet will not be 4.8m high as alleged by the appellant.
- The flat roof area will not be used as a roof terrace. To mitigate this concern the applicant has submitted a new planning application to Dublin City Council to amend the style of extension to a two storey pitched roof side extension (WEB1519/20).

7.3. Planning Authority Response

- None received.

7.4. Observations

- None

7.5. Further Responses

A further response has been received from Brian and Catherine O'Flynn (the appellants) and this is summarised as follows-

- Under the Planning Regulations an applicant who is not the legal owner of the lands must submit a letter of consent from the owner in order to make the application. When the applicant is not the owner and does not submit the letter of consent the application must be invalidated. Section 34 (13) of the Planning Act is not relevant in this instance. The appellant was nominated 'next of kin' to the Vendor and was aware of the progress of the sale.

- The proposed development is destructive of the heritage of Meryln Park and takes light and visual open space from No. 14. The six gable windows benefit from the intervening space making it a 'shared' space in effect. The proposal contradicts zoning, policy and guidelines of the Development Plan.
- The appellants consider the precedents highlighted by the applicants at No's 7, 13 and 20 Merlyn Park.
- The appellants fail to see how the proposal does not conflict with the guidelines set out in Appendix 17. The benefits of a sedum grass roof are also available by other roof and storm water treatments. These considerations do not justify a radical conflict with the heritage design. The fact that No 10 now supports the development did not inform the Local Authority decision.
- A measurement of 4,1m has been taken and conflicts with the Architects drawings in their response to the Appeal.
- The reduction in the size of the dormer window from 4.9m to 4 m in width is an extremely modest requirement and conflicts with the size of other dormers referred to.
- The word "pair" of semi-detached houses was not used, and the statement may have been misunderstood by the architect.
- The proposed extension will have an injurious effect on Meryln Park. The proposal introducing a new side entrance doorway facing and close to No. 14 will impact privacy enjoyed by number 14. There will be an injurious effect on light and space between the houses.
- The appellants consider the two storey precedents highlighted by the applicants at No's 2, 7, 13 and 42 Merlyn Park.
- The proposal is unprecedented and if permitted opens a Pandoras Box for future development in Merlyn Park.
- The proposed side roof light at second floor will impact on privacy of No. 14 which has a side bedroom window at first floor.

- Dormer windows at No's 7 & 13 do not overlook rear gardens of neighbouring houses. The overwhelming precedent for attic conversions is to use Velux rooflights.
- If the appeal is not sustained a condition should apply ensuring party / boundary walls are respected and maintained at existing height. The appellants also request the treatment and restoration of a party wall at rear of property be included as a condition.
- The garage wall of No 12 is the boundary / party wall.
- The appellant seeks to correct the reference to the proposed extension height of 4.8m. The height is 4.1m.
- The new planning application for a two storey side extension is outside the remit of the Bord.
- The Bord should note the harmony and balance of the shared feature design between No's 12& 14, 16 & 18, 20 & 22, 44 & 46, 19 & 20.

8.0 **Assessment**

8.1. **Main Issues**

8.1.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the main issues for this appeal are as follows-

- Zoning
- Conservation and Visual Impact
- Residential Amenity
- Other Matters
- Appropriate Assessment

8.2. Zoning

- 8.2.1. The subject site is located within an area with a zoning objective 'Z2- Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective 'To protect and/or improve the amenities of residential conservation areas.
- 8.2.2. The proposed development seeks to provide a single storey extension to the site and rear of the existing dwelling in a designated Residential Neighbourhoods (Conservation Area). The proposed development is therefore acceptable in principle, provided it does not negatively impact on the conservation status, visual or residential amenities of the area.

8.3. Conservation and Visual Impact

- 8.3.1. As identified in section 8.2 above No 12 Merlyn Park is located in a designated Residential Neighbourhoods (Conservation Area). However, the site is not located within an Architectural Conservation Area nor is it a Protected Structure. In this regard the site is not afforded further statutory protection based on its conservation merits.
- 8.3.2. Policy CHC4 as set out in the Development Plan seeks to protect the special interest and character of all Dublin's Conservation Areas including areas zoned Z2. In this regard it goes on to detail that development '*must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible*'. It also states that Development will not '*Harm the setting of a Conservation Area*'.
- 8.3.3. The appellants have based their appeal generally around the design and layout of numbers 12 and 14 Merlyn Park. In particular, they refer to the relationship and spacing to the side and between these dwellings and the in-situ 'motor house/garage' and other structures which contribute to what the appellants describe as a specifically designed open area between the properties. The design and symmetry of these dwellings and their ancillary structures is evident, as is their layout orientated around the curvature of the road they front.

- 8.3.4. The application proposes the demolition of the side garages and rear structures to facilitate the erection of a side and rear extension. The side extension will be setback 1.05m from the boundary with No. 14, will extend forward c 7m from the front building line of the existing 'motor house/garage' and will have a stated parapet height of 3.825m when viewed from the front elevation. This and the side elevation will be finished in brick to match the existing dwelling. I am satisfied the proposed single storey extension is generally subordinate to the existing dwelling in scale and design. As such the proposal will not materially impact on the streetscape or setting of the dwelling to such an extent that will harm the overall Z2 Conservation Area.
- 8.3.5. The application includes an attic level dormer extension to the rear of the dwelling. This structure is proposed at 4.9m wide and 2 metres high and will be finished in zinc cladding. It is set back 1.2m from the boundary with number 10 Merlyn Park. This extension and conversion will provide a fourth bedroom to the dwelling. Condition 3 of DCC's grant of permission requires the dormer extension to be reduced in width to 4m, as the scale of the window was considered excessive. In their response to the appeal the applicants have shown a revised proposal reducing the width of the structure to 4m in accordance with condition 3.
- 8.3.6. The proposed dormer extension is located to the rear of number 12 Merlyn Park and would not be visible to any significant extent from public areas. The dormer is visually subordinate to the rear roof and a large proportion of the original roof would remain visible. As such I am satisfied the proposed dormer extension is in accordance with Appendix 17 Section 17.11 and the imposition of condition 3 reducing the width of the dormer extension is not warranted.
- 8.3.7. Overall, I consider that the proposed development will contribute positively to the character and distinctiveness of the area and as such is in accordance with policy CHC4, Sections 16.2.2.3 & 16.10.12 and the 'Z2' Zoning Objective of the Development Plan.

8.4. Residential Amenity

- 8.4.1. The appellants have raised a number of concerns in relation to negative impacts on residential amenity from the proposed development that can be summarised as follows-

- Loss of daylight and sunlight
- Loss of light to six gable windows
- Overbearing impact from bulk proximity and imposition of the structure
- Overlooking and Privacy
- Roof garden

8.4.2. The proposed development includes a single storey extension to the side and rear of the existing dwelling. The drawings show the extension will have a parapet height of 3.825m for most of its length and will be 3.975m at the rear, due to the lower ground level at this point. The extension will be set back at least 1.052m from the boundary with number 14 and will be slightly wider at the rear. The extension will provide a bathroom and utility to the side of the dwelling and a large open plan family room to the rear and side of the dwelling. There will be one side door and one high level window to the utility along the side elevation of the extension. The side extension will be located c.3.5m at its closest point to No. 14 increasing in setback to c.8m from the rear of the extension. The existing boundary wall and garage structures to No. 14 will be located between the proposed extension and the dwelling of No.14. I am satisfied that the single storey extension will not lead to a detrimental loss of daylight or sunlight to any area of private open space or to the six gable windows of No.14. I also consider the development would not be overbearing and would not cause overlooking to No.14 and as such, the extension will not impact negatively on residential amenity in this regard.

8.4.3. The proposed development includes an attic conversion and dormer extension. The dormer window faces north west over the rear garden and is set back c.31 metres from the rear boundary. It is not orientated towards No's. 10 or 14 Merlyn Park. The development also includes a roof light on the side gable of the attic space. This rooflight is over a stairwell accessing the proposed attic extension and, in any event, does not overlook an area of private open space. Notwithstanding this, the existing drawings show two of the existing first floor windows to this gable are over a stairwell and a bedroom. I am satisfied that the proposed development will not lead to overlooking or loss of privacy and as such, will not impact negatively on residential amenity.

- 8.4.4. The proposed single storey extension includes a large flat sedum roof area (green roof). There are no doors or other openings providing easy access to the roof space which could suggest it may be used as roof garden, balcony or terrace. Notwithstanding this it is considered appropriate to apply a condition restricting the use of the roof space from that of a balcony / terrace/ roof garden.
- 8.4.5. Overall, the proposed development will not have any negative impacts on residential amenity and subject to conditions permission should be granted.

8.5. Other Matters

- 8.5.1. The appellants refer to the validity of the application and the applicants ownership of the site at the time of making the application. In question 7 of the application form the applicant has stated he is the freehold owner. DCC have accepted the application as valid.
- 8.5.2. No actual evidence has been submitted by the appellant to show the applicant was not the legal owner at the time of making the application or that he did not have sufficient legal interest to make the application. The applicants have rebutted this allegation in their response to the appeal and stated the applicant had sufficient legal interest in the property to enable him to make an application as the owner of the property.
- 8.5.3. Based on the information on file, I am satisfied that the applicant has sufficient legal interest for the purposes of the planning application. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act as amended.
- 8.5.4. Should the appeal not be upheld the appellants have requested the Bord apply a condition for the treatment and restoration of a party wall at the rear of the property. The applicant has not proposed any works to the shared boundary wall, save the area adjoining the garage structure to be demolished. This will then be plastered as per the applicants response to the appeal. The matter of works to the shared boundary wall is a civil matter to be resolved between the parties in accordance with the provisions of s.34(13) of the 2000 Planning and Development Act.

8.6. **Appropriate Assessment**

Having regard to the nature and small scale of the proposed development and the distance from 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.

9.0 **Recommendation**

9.1. I recommend a grant of permission subject to the following condition.

10.0 **Reasons and Considerations**

Having regard to the design and scale of the proposed development, it is considered that the proposal, subject to compliance with the conditions set out below, would not seriously injure the visual and residential amenities of properties in the area. The proposed development would, therefore, be in accordance with the zoning objective of the Dublin City Council Development Plan and the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 external finishes of the proposed extensions (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity.

3. No part of the roof of the extension shall be used as a balcony / terrace/ roof garden.

Reason: In the interest of residential and visual amenity.

4. The existing dwelling and proposed extensions shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. 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.

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

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Adrian Ormsby
Planning Inspector

16th of October 2020