



An
Bord
Pleanála

Inspector's Report ABP-311999-21

Development

Permission for new detached 2 storey 2 bedroom dwelling to include, off street parking, reconfiguration of vehicular entrances to existing dwelling and proposed dwelling, demolition of existing garage, raise existing side boundary walls to rear to 2100mm and all ancillary site works.

Location

28 Glengara Park, Glenageary, Co Dublin, A96A9R7.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D21A/0796.

Applicant(s)

David and Geraldine Lacy.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party.

Appellant(s)

David and Geraldine Lacy.

Observer(s)

David Jordan (behalf of others).

Date of Site Inspection

26 March 2022.

Inspector

Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is located at Glengara Park, a residential housing estate of over 50 detached and semidetached dwellings accessed from Eden Road Upper in Glenageary, Co. Dublin.
- 1.2. Glengara Park is small residential housing estate that dates from the late twentieth century. The estate houses are a combination of detached and semidetached two and single storey structures with a brick front elevations and render gable and rear walls. The houses are arranged around a large central green open space. Boundary treatments are a combination of low brick walls backed with mature hedging and planting. The estate is well maintained and attractive. Car parking is provided in-curtilage in all cases, with a number of cars parked on the street.
- 1.3. The subject site comprises a large side garden associated with a two storey semidetached house, 28 Glengara Park. Unlike many of the houses in the estate, 28 Glengara Park has a single storey side garage, set back from the front elevation. The subject site extends for some distance along a cul-de-sac street and curves around the turning head. The boundary treatment to the rear of the property comprises a combination of an inner 2 metre high boundary and an outer low brick wall with high hedging and a further 1.7 metre high block wall. The site is level and backs on to the Dublin to Wexford rail line. 'The Metals', a well used cycle and footpath is located immediately to the rear of the property.

2.0 Proposed Development

- 2.1. Permission is sought
 - a) Detached 2 storey 2 bedroom dwelling
 - b) Off street parking
 - c) reconfiguration of vehicular entrances to the existing dwelling and proposed dwelling
 - d) Demolition of the existing garage
 - e) Raise existing side boundary walls to the rear to 2100mm
 - f) All ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for a single reason, as follows:

1. The application site is located in an area to which the 'A' land use zoning objective applies to the majority of the application site - 'To protect and/or improve residential amenity', in the Dún Laoghaire Rathdown County Development Plan 2016-2022. Having regard to the restricted and largely narrow configuration of the proposed site, the proposed dwelling house by reason of its design, layout, narrow front elevation, roof form, and side gable arrangements, would be unduly visually discordant and obtrusive when viewed along the Glengara Park streetscape, would be seriously out-of-character with the pattern of development in the area, and would result in overdevelopment of the site. The proposed development, in combination also with the narrow plan and poor aspect on the rear elevation and onto the rear private open space for future occupants, would not comply with the development objectives as set out in Sections 8.2.3.4 (v) Corner/Side Garden Sites and 8.2.3.4(vii) Infill Development, of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

Presentation of the County Development Plan standards with regards to existing housing stock and densification. Identification of the area of the site and that the principle of proposed residential development is acceptable however, the configuration of the site and house design are not. The report includes an AA screening assessment that concludes no requirement for AA. The recommendation was to refuse permission for a single reason.

3.2.2. Other Technical Reports

Transportation Planning – further information is requested to establish an appropriately dimensioned car parking space, pedestrian entrance and rights of way and also to ensure no gutters overhang the road.

Drainage Planning – further information required to establish surface water management on site.

3.3. Prescribed Bodies

Irish Water – standard technical conditions.

3.4. Third Party Observations

One submission was received, the issues raised relate to all aspects of the proposal and a general presumption against the development in terms of: building design, overlooking, boundary wall treatment, traffic hazard, encroachment of the public footpath and 'Metals' to the rear. Similar issues have been brought up in the observation made on this appeal.

4.0 Planning History

Appeal Site

V/063/21 – Part V exemption certificate.

D96B/0293 – Permission for a single storey extension to the front and side.

Sites in the vicinity

D06A/1739 - Two storey dwelling (29 Glengara Park). Constructed.

5.0 Policy Context

5.1. Ministerial Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

Section 5.9 relates to inner suburban / infill developments, promoting the provision of additional dwellings in such locations where it can assist in revitalising an area and utilise the capacity of social and physical infrastructure. For infill development (which includes backland areas) the Guidelines advise that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.2. **National Planning Framework**

National Policy Objective 6: 'Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.'

National Policy Objective 11: 'In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.'

5.3. **Development Plan**

Dun Laoghaire-Rathdown County Development Plan 2016-2022

I note that the Draft County Development Plan 2022-2028 was adopted by the Elected Members at a Special County Development Plan meeting held on the 10 March 2022. The adopted Plan will come into force 6 weeks after it was adopted on the 21 April 2022. I have assessed the proposed development under the Dun Laoghaire-Rathdown County Development Plan 2016-2022, the operative plan.

The site is zoned under Land Use Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

Relevant Sections / Policies:

Chapter 2: Sustainable Communities Strategy:

Section 2.1: Residential Development:

Policy RES4: Existing Housing Stock and Densification: It is Council policy to improve and conserve the 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.

Chapter 8: Principles of Development:

Section 8.2.3: Residential Development:

Section 8.2.3.1: Quality Residential Design

Section 8.2.3.2: Quantitative Standards

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas:

(v) Corner/Side Garden Sites: Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the following parameters (Refer also to Section 8.2.3.4(vii)):

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.
- Private open space for existing and proposed dwellings
- 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 a pastiche development.

- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

5.4. Natural Heritage Designations

- 5.4.1. None relevant to this suburban site.

6.0 Screening for Environmental Impact Assessment

- 6.1. The subject development is for a single house, on a site of 0.0425ha, falling well below both of the applicable thresholds for mandatory EIA, as set out at Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended).
- 6.2. In respect of sub-threshold EIA, having regard to the limited nature and scale of the proposed development, which comprises the construction a single house on serviced land, 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

- 7.1.1. The grounds of the first party appeal to can be summarised as follows:

- The house meets all the development plan standards associated with a side garden site, infill and habitable room sizes. In addition to meeting the standards set down by the Quality Housing for Sustainable Communities 2007. The floor area of the house is over 80 sqm and the rear private amenity area amounts to 105 sqm.
- The house is needed in order to provide medical support to a family member.
- A number of similar side garden sites are listed in the wider area and specific examples of sites in Glengara Park are illustrated. For these reason the hose could not be considered out of character, as there are many different house types in Glengara Park.
- The house has been designed to fit the site and comply with national and local standards, this has resulted in a carefully considered structure finished in materials to match surrounding development. Building lines are maintained and roof slopes matched. However, alternate roof profiles could be considered, figure 8 refers.
- The addition of a two bedroom property in this area will not affect property values.
- The proposed house design and building finishes will not impact the visual amenity of the area.
- There is sufficient distance between the boundary of the site and the front of houses to the south.
- Willing to accept conditions that relate to car parking and gutters.

7.1.2. The grounds of appeal are accompanied by appendices that contain: purpose of build supporting letter, examples of approved corner sites, applicant responses to Planner's report, alterative roof and gable arrangement, ownership details, site map correction and housing market insight report.

7.2. **Planning Authority Response**

No further comments in relation to the grounds of appeal, no issues raised to change the planning authority's attitude to the proposed development.

7.3. Observations

7.3.1. An observation has been received from a number of local residents (27, 31, 32, 33 and 34 Glengara Park) that reiterates objections, concerns and issues already outlined when the application was made to the planning authority in their original submission, but can be summarised as follows:

- Supportive of the applicant's desire to remain in the area but the house design is not appropriate and there was no consultation with neighbours.
- If the planning authority thought that the issues raised by the reason for refusal could have been alleviated, they would have engaged, they did not.
- Examples cited by the applicant of other similar houses in the estate are not directly comparable
- The requirement for new development must be balanced by the protection of residential amenity and local character.
- The narrow plot would result in poor residential amenity.
- Some of the site is located on lands without a land use zoning (white).
- The impact upon property values in the area is noted but discounted.

8.0 Assessment

8.1. 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 issues can be dealt with under the following headings:

- Principle of Development
- Overall Design and Layout
- Residential Amenity
- Traffic and Parking
- Other Matters
- Appropriate Assessment

8.2. Principle of Development

8.2.1. Zoning - Under the provisions of the Dún Laoghaire-Rathdown County Council County Development Plan 2016 – 2022 the appeal site is wholly contained within an area zoned Objective A where the objective is to protect and / or improve residential amenity and where residential development is permitted in principle. Accordingly, the principle of developing a dwelling is acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and national planning guidance.

8.2.2. The planning authority and observers have a query with regard to the red line boundary and whether it extends across land with no particular land use zoning, ie white in colour. The query does not form the basis for the reason for refusal and seems to be a matter to be further clarified, should an application be made in the future. I note that the space that falls within this area is proposed as rear amenity space and cordoned off to form the rear garden. I can only extrapolate from the development plan maps that it may be a mapping error as other elements of the grass verge and driveway to a house have also been illustrated in white. There is no development plan objective here to connect Glengara Park to the 'Metals' walking route. The parcel of land is in the ownership of the applicant, as demonstrated by documentation on the file. I also note that there is a significant change in levels

between Glengara Park and the 'Metals' making any kind of accessible connection problematic. In any case, I am satisfied that the subject site contains no conflicting land use zoning that would limit the provision of residential uses. This has been demonstrated by the garden and driveway associated with 29A Glengara Park, planning authority reference D06A/1739 refers. The principle of residential development at this location is acceptable, the detail of which is examined in the following sections of this report.

8.3. Overall Design and Layout

- 8.3.1. The single reason for refusal advanced by the planning authority has broadly two components, house design unacceptable and rear private amenity space of poor quality. In this section of my report, I assess the overall design and layout of the proposed development.
- 8.3.2. The proposed development involves the construction of a detached two storey dwelling, contemporary in design and utilising building materials to match neighbouring development. The site is located in the side garden of an existing house at the back end of a small housing development, the side garage will be demolished to make room. The proposed dwelling will be narrow in plan in order to 'fit' the site and a large private amenity space is planned to the rear. In this respect concerns have been raised by observers as to the relationship of the proposal with neighbouring properties and whether it is in keeping with the character of the surrounding area, with particular reference to the overall design of the proposed dwelling and its narrow plan and roof profile.
- 8.3.3. The design of the proposed dwelling house is similar in appearance to the variety of dwellings that currently occupy Glengara Park. The proposed dwelling retains many of the prevailing elements of the area such as a brick façade, window proportions, maintenance of a building line and a pitched roof. Given the site context, I would refer the Board to Section 8.2.3.4(v) of the Development Plan which advises a level of visual harmony, including external finishes and colours, as regards the provision of infill housing and that building lines will be followed. In this regard, it is of relevance to note that there is an example of a more contemporary design having been accommodated in the surrounding area through the subdivision of a housing plot, such as at number 29A Glengara Park, immediately to the south of the subject

site. I note that Glengara Park is not an Architectural Conservation Area and nor are there protected structures in the immediate vicinity, so there will not be an impact on architectural heritage if permitted. Glengara Park is an attractive small housing estate arranged around a central green. The levels of maintenance and care to visual appearance is high on the agenda for local residents, I accept this. In addition, there are a variety of house types in Glengara Park, for example: two storey detached houses, two storey semidetached houses and single storey bungalows that gable onto the street. For the most part the predominant building texture is brick and render finish. The proposed dwelling will retain these common building motifs. Though, given the particular street presence of the house to the turning head, I recommend an entirely brick side elevation combined with a low brick wall.

8.3.4. Observers and the planning authority are more concerned about the awkward appearance of the two storey dwelling at this location. It is a narrow site and it can be difficult for the observer to imagine what may occupy the site once the garage is removed and the dwelling erected. Here, the architect could have provided some more visual representations. However, I am satisfied that with the removal of the garage and the coordinated approach to the new boundary walls that the proposed dwelling will combine well with the surroundings. The proposed dwelling is not higher than the neighbouring house, will maintain a building line and turn the corner into the turning head quite successfully in terms of form and scale. The appellant has provided a number of alternative approaches to the roof profile of the proposed dwelling. However, I am not so concerned about the half/Dutch hip proposed and I do not recommend any changes to the overall design of the house other than the proposed building finishes as already mentioned. I do not anticipate any visually discordant or obtrusive impacts to result. In my opinion, the character of the area, such as it is, would benefit from the house as it is proposed, subject to additional brick to the side elevation.

8.3.5. On balance, having regard to the site location, the variation in the pattern of development, the planning history of the wider area, and the provisions of Section 8.2.3.4(v) of the Development Plan, it is my opinion that the overall design of the proposed development as submitted to the Planning Authority represents an appropriate design response to the site context and achieves a suitable balance

between the need to respect the established character of the surrounding area and the desire to provide a visually responsible design at this corner site.

8.4. Residential Amenity

- 8.4.1. Future Occupants – The planning authority have extracted a lot of detail from the applicant's drawings and planning application submission and are satisfied that standards have been met in a quantifiable manner but have not met private amenity standards in a qualitative sense. It is the disjointed relationship between the rear of the dwelling and its garden because of the unusual site configuration that forces the planning authority to refuse permission. The appellant has reaffirmed that the proposed dwelling and its private amenity space meets development plan standards and national guidance with respect to dwelling houses and disagrees that the resultant quality of the rear amenity space is an issue.
- 8.4.2. The proposed development is for a dwelling house and the applicant has designed residential accommodation that accords with best practice. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In every respect, the applicant has provided internal living accommodation that exceeds the best practice guidelines. The planning authority also accept that national and local standards are met in terms of internal residential amenity. I am satisfied that an adequate level of living accommodation has been provided.
- 8.4.3. The rear elevation of the proposed dwelling will face east and present two large windows to a kitchen/dining room and a bedroom at first floor. The width of the site at this location, I describe as a pinch point as it is about 2 metres in width. However, beyond that the garden will widen out to a very large space, enclosed behind high walls and well over the development plan standard of 48 sqm. I am satisfied that the rear amenity space is both generous and of high quality to be a beneficial amenity for any future occupant.
- 8.4.4. Neighbouring Residential Amenity - Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my

opinion, the overall scale, design, positioning and orientation of the proposed development, with particular reference to the separation of same from adjacent dwelling houses, will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking or overshadowing.

- 8.4.5. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the proposed development site is within an established residential area and that any construction traffic routed through same could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

8.5. Traffic and Parking

- 8.5.1. The proposed development includes for the provision of a new independent entrance arrangement onto the adjacent estate roadway to the immediate west. In this respect whilst I would acknowledge the concerns of the planning authority with regard to adequate car parking provision and the need to avoid encroachment of the public footpath, it should be noted that the proposed access arrangement is directly comparable to those serving existing housing in the immediate site surrounds.
- 8.5.2. With regard to the adequacy of the on-site parking arrangements, I refer the Board to the requirements set out in Table 8.2.3: 'Residential Land Use - Car Parking Standards' of the Development Plan wherein it is stated that parking should be provided at a rate of 1 No. space per 1-bed unit and per 2-bed unit. The provision of a single car parking space is therefore acceptable. However, the configuration of the space requires further adjustment, and this can be managed by way of a condition. Therefore, on balance, I am satisfied that the proposed car parking and associated access arrangements are acceptable subject to minor adjustment to be agreed between the developer and the planning authority.

8.6. Other Matters

- 8.6.1. Property Values – The appellant has submitted an analysis to show how the proposed development would not reduce the property values in the vicinity.

Observers query the methodology and acceptable of the appellant's analysis, as it is too broad to be applicable to the site. I am satisfied that there is reasonable evidence to determine without any real doubt that the proposal would not decrease property values in the area and given that the proposed development is acceptable from a design and residential amenity perspective, there is no reason to refuse permission on such a basis.

8.6.2. Ownership – Observers have raised an issue over the ownership and red line boundary of the site. I note that the appellant has provide suitable evidence to show that they own the extent of the site they wish to develop. Any disputes relating to such matters as ownership and consent to make an application are a legal matter, outside the remit of this planning application. The Board generally does not arbitrate on matters of dispute in relation to private property as they are not strictly planning matters. It should be noted that the granting of planning permission does not entitle the applicant to carry out works, if the consent of third parties is required. As per section 34(13) of the Planning and Development Act 2000 (as amended), “A person shall not be entitled solely by reason of a permission under this section to carry out any development”. I also note that there is no obligation on the Board to be certain that the development can be carried out before approval can be granted. S.34(13) of the PDA Act, implies precisely that. It is normally accepted that planning permissions are frequently granted on the basis of the intentions of a developer - for example to obtain consents of third parties if necessary.

8.6.3. Boundaries - I acknowledge the concerns expressed by the planning authority with respect to the boundary with “The Metals”, identified as a Candidate Architectural Conservation Area in the current development plan, located to the east. The boundary as it currently stands, is a granite rubble stone wall, about 2 metres in height as viewed from the footpath. It is an attractive element to the walkway and its structural integrity should be secured during construction; a suitable condition can address this.

8.7. **Appropriate Assessment.**

8.7.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public

services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

- 9.1.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

10.0 Decision

- 10.1. Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of property in the vicinity and would not be out of character with the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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. a) The west and south (front and side) elevations of the proposed dwelling shall be entirely clad in brick to match the existing dwelling on site.

b) An appropriately dimensioned off street car parking space shall be provided to the front of the site, no part of which shall encroach the public footpath.

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 visual amenity and traffic safety.

3. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a Construction Method Statement for any works to the granite rubble stone wall that backs onto 'The Metals' in order to ensure the structural integrity of the existing boundary walls around the site.

Reason: In order to protect architectural character and in the interest of visual amenity.

4. Drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

Reason: In the interest of public health.

6. Site development and building works shall be carried out between the hours of 0700 to 1800 hours Mondays to Friday inclusive, and between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviations 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. Any damage to the public road or footpath during the course of the construction works shall be repaired at the developer's expense. Details of the nature and extent of repairs shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

10. 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.

Stephen Rhys Thomas
Senior Planning Inspector

28 March 2022