

An
Bord
Pleanála

Inspector's Report Addendum ABP-315326-22

To:	The Board
From:	Philip Maguire, Planning Inspector
Re:	Board Direction – BD-012635-22
Date:	12 th of July 2023
Development	Alterations to previously granted planning permission (SD19B/0332) including alterations to Front Porch, alterations to single storey extension to rear and side, alterations to front elevation and all associated site works
Location	93 Marian Road, Rathfarnham, Dublin 14, D14 F2N4

1.0 Introduction

- 1.1. This report is an addendum to an original report dated the 26th of April 2023, in respect of an appeal against a financial contribution condition attached to a Notification to Grant Permission issued by South Dublin County Council for the alteration of a previously permitted house extension under PA ref. SD19B/0332, including alterations to the front porch; single-storey extension to the rear and side; and front elevation.
- 1.2. The original Inspector's Report recommended that the Planning Authority be directed to amend Condition 4 of PA ref. SD22B/0429 for the reasons and considerations set out in Section 9.0 of that report.

- 1.3. The submissions on this file including the original Inspector's Report were considered at a Board meeting held on the 27th of June 2023. The Board decided to defer this case for consideration at a further Board meeting.
- 1.4. By Direction dated 28th of June 2023, the Board asked that the Inspector provide further information on the calculation basis of 12.00sqm for the revised development contribution. A Memorandum to this effect was issued on 4th of July 2023.

2.0 Assessment

- 2.1. Article 9 of the South Dublin County Council Development Contribution Scheme 2021-2025 notes that:

“The floor area of proposed development shall be calculated as the gross floor area (GIA). This means the area ascertained by the internal measurement of the floorspace on each floor of a building (including internal walls and partitions), including mezzanine floors.”

- 2.2. As per para. 7.4.7 of the original Inspector's Report, the only relevant departure from the development permitted under PA ref. SD22B/0429 is that beyond the rear building line (red cloud). This measures 7.5m by 1.6m (12sq.m), as annotated on the 'as built' floor plan below, the latter taken from the centreline of the pre-existing rear wall as an average given the marginal loss/gain of floor space around the sliding door reveals.

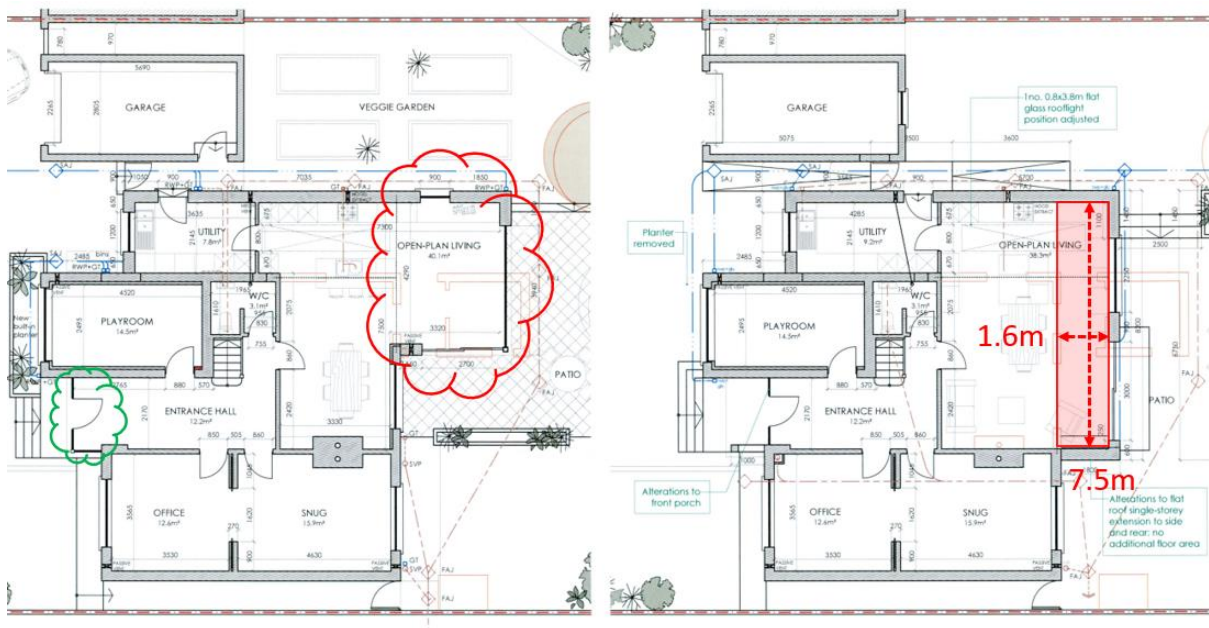


Fig. 1 – Extract from Dwg No 18012-PP-03

- 2.3. As per section 7.4.7 of the original Inspector's Report, the applicant did not document the floor space to be retained and a manual calculation was required, as set out above.
- 2.4. There is no deduction or offset for not constructing the previously permitted porch projection, calculated as 1.76sq.m (green cloud above), as this is not evidently floor space to be retained. A similar approach was adopted by the Planning Authority.

3.0 Recommendation

- 3.1. As per the original Inspector's Report, I recommend that the Planning Authority be directed to **AMEND** Condition 4 of PA ref. SD22B/0429 for the reasons and considerations set out hereunder.

4.0 Reasons and Considerations

- 4.1. Having regard to the provisions of the South Dublin County Council Development Contribution Scheme 2021-2025, s. 48(10) of the Planning and Development Act 2000 (as amended) and relevant Guidelines, I considered that the terms of the Scheme have not been properly applied in respect of Condition 4 for the following reasons:

- In calculating the area subject of the retention application, the Planning Authority failed to consider the original floor area of the house prior to PA ref. SD19B/0332.
- In calculating the area subject of the retention application, the Planning Authority failed to consider the works carried out by virtue of PA ref. SD19B/0332 which would amount to "double charging".
- In calculating the area subject of the retention application, the Planning Authority failed to consider the works, and specifically the floor space, that was actually being applied for i.e. the alterations to the extension to the rear of the house.

- 4.2. As per the terms of the DCS, the applicable development contribution is:

- 12sq.m extension (to be retained): $12 \times 119.10 = \underline{\underline{\text{€}1,429.20}}$
- Total: €1,429.20**

- 4.3. I consider that Condition 4 should be amended to reflect the terms of the Development Contribution Scheme (2021-2025) as follows:

5.0 Conditions

4.	<p>The developer shall pay to the planning authority the sum of €1,429.20 as a contribution towards expenditure that was and/or is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p> <p>Reason: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilitates benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by or on behalf of the Local Authority.</p>
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Philip Maguire

Planning Inspector

12th July 2023