



An
Bord
Pleanála

Inspector's Report ABP-319473-24

Development

Demolition of existing single storey rear sun room and garden wall within the site and construction of two storey side extension and all associated works

Location

118 The Maples, Bird Avenue,
Farranboley, Dublin 14, D14F5C2

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D23B/0374

Applicant(s)

Lucia and Colm Smith

Type of Application

Permission

Planning Authority Decision

Grant Permission with Conditions

Type of Appeal

Third Party

Appellants

Declan and Catherine Hughes

Date of Site Inspection

18th June 2024

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The appeal site accommodates No. 118 The Maples, a semi-detached two storey house with rear sun room located at the end of a short cul-de-sac within this established residential estate situated off Bird Avenue in Clonskeagh, Dublin 14. The cul-de-sac accommodates 16 no. two storey dwellings. The house measures approximately 121 sqm and the area of the appeal site is given as 385 sqm. The site is accessed from the public road via a driveway.
- 1.2. The rear garden is irregular in configuration and tapers towards the end. There is an overgrown garden area to the side / south-east of the house and while accessible from the appeal site it is partly separated from it by way of a block built wall located c 3m from the south-eastern side of the house. In addition to bounding surrounding properties in The Maples estate, the side and rear gardens of the appeal property also adjoin a number of rear gardens of houses at Nutgrove Park to the east, specifically Nos. 33, 35 and 37.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Demolition of the existing rear single storey sun room (6 sqm) and garden wall within the site which partly bounds the side garden area located to the south-east of the house
 - Construction of a two storey extension (68 sqm) to the side of the house to accommodate two additional bedrooms and bathrooms at first floor level and additional / extended living areas at ground floor level
 - Existing perimeter boundaries are to remain

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 11 no. conditions on the 14th of March 2024. The conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the area planner notes the site's planning history, the policy context and third party submissions made in respect of the planning application. The principle of the proposed development is considered acceptable given the residential zoning of the site. The report notes that the external finish to the front of the extension would not match the existing brickwork finish of the house but that this could be addressed by condition. The report expresses concern that the proposed new rear facing first floor bedroom window would potentially result in undue overlooking impacts and recommends moving it further north-west so that the separation distance to the rear boundary would be 9m. In terms of potential overshadowing to adjacent rear gardens it recommends that a shadow study for the daylight hours of March 21st should be provided. Noting third party concerns raised in terms of site ownership and boundaries it recommends that details relating to legal ownership of the site as shown within the red line area be sought. The applicant should also provide an updated existing and proposed site layout at an appropriate scale to detail the existing pattern of development surrounding the site.

The second planner's report notes the responses received in connection with the four items as requested by way of Further Information and in this regard all items are considered to have been satisfactorily addressed. The finding of the submitted Daylight Analysis and Overshadowing Study is also noted and the area planner is satisfied that there would be no significant overshadowing impacts as a result of the proposed development. In terms of item 4 of the Further Information request, the applicants assert full ownership of the area within the red line boundary; the Planning Officer advises that a note would be added at the end of the list of conditions regarding Section 34(13) which indicates that a person is not entitled solely by reason of a permission to carry out any development.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

No reports received.

3.4. Third party observations / Objections

5 objections were received in respect of the proposal. Issues raised are summarised as follows:

- Overlooking leading to a loss of privacy
- Loss of evening light
- Extent of development is excessive
- Inadequate parking and outdoor space
- Inadequate kitchen and dining facilities post development
- Non-compliance with Development Plan and Dundrum Local Area Plan (LAP) requirements
- Overbearing and visually obtrusive nature of proposal
- Devaluation of property
- 22m separation distance not met
- Poor quality private open space
- Inaccurate drawings and boundary lines
- Poorly maintained property
- Negative impact on residential amenities of nearby properties
- Non-compliance with Building Regulations

4 submissions were received following receipt of the significant further information. Issues raised are summarised as follows:

- Boundary issue with No. 117 resolved
- The submitted further information has not addressed the original issues raised
- Questions the findings of the shadow analysis study; sunlight provision for 50% of an amenity area for 2 hours a day is wholly inadequate
- Proposed development will give rise to illegal parking and as such would endanger public safety

- Questions whether applicants own the development site

4.0 Planning History

Appeal site

Planning Authority Reference No. D18A/0709 refers to a December 2018 decision to refuse permission for the construction of a single, two-storey house and associated site works. Refusal reason set out as follows:

1. The proposed development would endanger public safety by reason of the inappropriate provision of parking spaces within the curtilage of the site for the existing and proposed development which would give rise to inappropriate/illegal parking on the adjoining roads which would endanger public safety, set an unwelcome precedent and negatively impacting upon the amenity of the area. The proposed development would, therefore, be contrary to the proper planning and development of the area.

In the vicinity

138 The Maples

Planning Authority Reference No. D23B/0369 refers to a November 2023 decision to grant permission for the construction of a two storey extension with single storey extension to the rear of existing house, the conversion of attic, amendments to the front porch canopy, bay window and fenestration with associated site works.

115 The Maples

ABP Reference No. PL06D.203301 / Planning Authority Reference No. D03A/0152 refers to an October 2003 decision to grant permission for a 2-storey extension to side of existing house for use as a family flat at 115 The Maples, Dublin 14.

Relevant condition:

2. The family flat shall be occupied by a member of the immediate family of the occupier of the main dwelling and the link to that dwelling shall be maintained. Should the use of the subject extension cease as a family flat, it shall be incorporated into the main dwelling. The family flat shall not be used as a separate

dwelling and shall not be set, let or otherwise disposed of independently of the main dwelling. Reason: In the interest of the proper planning and development of the area.

Planning Authority Reference No. D01B/0003 refers to an April 2001 decision to grant permission for a two storey extension comprising study and sitting room on ground floor and 2 no. bedrooms, ensuite on first floor to the side.

5.0 Policy and Context

5.1. Development Plan

Under the Dun Laoghaire County Development Plan 2022 – 2028 the site is zoned Objective A ‘To provide residential development and improve residential amenity while protecting the existing residential amenities.’

12.3.7.1 Extensions to Dwellings

(i) Extensions to the Front:

Front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design however a significant break in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Excessive scale should be avoided. Front extensions, particularly at first floor level, should reflect the roof shape and slope of the main dwelling. A minimum driveway length of 6 metres should be maintained.

(ii) Extensions to the Rear:

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house. First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be

permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.*
- Remaining rear private open space, its orientation and usability.*
- Degree of set-back from mutual side boundaries.*
- External finishes and design, which shall generally be in harmony with existing.*

(iii) Extensions to the side

First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing. Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at preplanning stage.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/extent of the side gable as viewed from the public realm.

5.2. EIA Screening

Having regard to the nature and type of development proposed, it is considered that it does not fall within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an environmental impact assessment is not required.

5.3. Natural Heritage Designations

Boosterstown Marsh and South Dublin Bay, both proposed NHAs, are located c 2.8 km north east of the appeal site. South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA are located c 2.6 km north east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

Declan and Catherine Hughes of No. 33 Nutgrove Park, Clonskeagh, Dublin 14 have submitted an appeal against the decision of Dun Laoghaire Rathdown County Council to grant permission for the proposed development at No. 118 The Maples. The grounds of appeal may be summarised as follows:

- The appeal site is to the rear of the appellant's property with which it shares a common boundary and fence.
- Proposed development is not compliant with the Council's Local Area Plan (LAP) for the area and national housing design guidelines
- Proposed development will directly overlook appellant's property leading to a loss of privacy and will cause overshadowing impacts to their house and garden and impede their sunlight
- Reference made to previous application on the subject site for a house which was refused permission (Planning Authority Reference D18A/0709 refers)
- Lack of parking provision which will necessitate parking in the estate
- Car parking on adjoining roads is intolerable in the area
- House will have capacity for 10 people or more
- Likely that the proposed lounge / sitting room would be used as bedroom accommodation

The following enclosures were received with the appeal submission:

- A copy of the Notification of Decision to Grant Permission

- A copy of the appellants' submission to the planning authority in respect of the proposal dated 5th September 2023 along with a copy of the acknowledgement from the planning authority of that submission. Issues raised in the appellants' submission are summarised as follows:

- Proposal not compliant with Dundrum LAP and the Development Plan
- Overlooking leading to a loss of privacy
- Overshadowing and overbearing impacts
- Devaluation of property
- 22m separation distance not met
- Poor quality private open space provision
- Inadequate car parking
- Inaccurate drawings and boundary lines
- Existing property is poorly maintained
- The property is rented and the standard of accommodation is questioned
- Non-compliance with Building Regulations

- A copy of the appellants' submission to the planning authority dated 28th February 2024 in respect of the Further Information response. Issues raised therein are summarised as follows:

- Questions the findings of the shadow analysis study
- Sunlight provision for 50% of an amenity area for 2 hours a day is wholly inadequate
- Proposed development will give rise to illegal parking and would endanger public safety

6.2. Planning Authority Response

- The planning authority considers that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

6.3. Applicant Response

Marston Planning Consultancy has responded to the grounds of appeal on behalf of the applicants. The response may be summarised as follows:

- The proposed development is fully in accordance with the Development Plan
- The house applied for under Planning Authority Ref. D18A/0709 on the site would have been significantly closer to the appellant's rear boundary than the proposed two storey extension.
- The two box rooms in the house would operate as home offices given that they fall below the 7.1 sqm minimum size standard for single bedrooms. The main living space of 18.43 sqm is above the minimum 15 sqm quantum required.
- By way of further information, the proposed first floor rear window was relocated and redesigned to ensure an adequate separation distance to the rear boundary was achieved and as such there were no concerns in terms of overlooking impacts. This window is located some 7.9m from the rear boundary of the appellant's property and at a 90 degree angle and as such does not have any impact on the privacy or amenities of adjoining properties
- The two windows at first floor level on the side of the extended house comprise an ensuite and a bathroom and will be fitted with opaque glazing ensuring no overlooking impacts arise
- The submitted shadow analysis indicated no change to the degree of shadowing of the appellant's rear garden. Overall, the proposed development provides minor additional overshadowing, however the shadow analysis indicates that all neighbouring rear garden amenity areas would pass the guideline levels set out in BRE BR209.
- Construction of the proposed side extension will mean that the subject property will be 4.2m closer to the appellant's first floor habitable windows, meaning the

separation distance would be 24.3m which is above the 22m measurement cited by the appellants.

- The 22m requirement is an incorrect basis for measurement in this instance as it only relates to the separation distance between habitable rooms at first floor level where houses are back to back, which is not the situation in this case.
- SPPR 1 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities 2024 has reduced the minimum separation distance between opposing above ground floor windows to only 16m
- The extended house would be served by c 100 sqm of private open space
- The side extension will be located between 2m and 8m from the south-eastern boundary. Having regard to this and the separation distance of c 20m to the appellants' rear extension the proposed development will not have an overbearing impact on the appellant's property.
- Car parking provision of two spaces is more than adequate to serve the dwelling
- The maintenance of the property is not a planning consideration.
- The proposed extension integrates with the existing character and aesthetic of The Maples.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Design and impact on the character of the area
- Impact on Residential Amenity
- Compliance with local and national standards
- Other Issues
- Appropriate Assessment Screening

7.2. Design and impact on the character of the area

- 7.2.1. The proposed extension will significantly add to the floor area of this house, which will equate to approximately 183 sqm post development. The Development Plan supports the extension of existing dwellings subject to the protection of residential and visual amenities. Such developments play an important part in promoting a compact city as well as facilitating sustainable neighbourhoods where a wide variety of families can reside.
- 7.2.2. The design of the proposed extension would integrate with the existing dwelling, would accord with the pattern of development in this housing estate and as such would integrate with the streetscape. Proposed front elevation material finishes do not reflect the existing brickwork on the façade of the existing house however in the event that permission is granted this matter can be remedied by way of condition. Similarly, proposed fenestration on the façade of the extension does not match existing fenestration on the front elevation; this matter can be conditioned if permission is granted. There is consistency with the materiality of the existing house in terms of the tiled roof covering proposed for this extension.
- 7.2.3. While relatively large in size, my view is that the proposed new extension does not adversely impact on the character and scale of the existing house. The size of the plot to the side of the existing house in this urban location provides scope to facilitate the development of the extension, as proposed, on this site.
- 7.2.4. I note from the site inspection that a number of dwellings within The Maples have been extended in a similar manner to that proposed in respect of the subject site, including No.115 in close proximity to the appeal site. I consider the proposed development to be in keeping with the pattern of development in the area.

7.3. Impact on Residential Amenity

- 7.3.1. The appellants contend that the proposed two storey extension to the south-eastern side of the house would cause overshadowing impacts to their rear garden and house as it would impede sunlight to these areas. Item 2 of the further information request made by the planning authority to the applicants requested a shadow study in respect of March 21st at hourly intervals (between 0800 and 1800) to demonstrate shadowing impacts of the proposed development on surrounding residential

properties and to also show the shadowing impacts of the existing house for comparison purposes.

- 7.3.2. A Daylight Analysis and Overshadowing Assessment was provided in respect of the proposed development. The Assessment is prepared in accordance with Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice – Third Edition (BRE BR 209 2022). As requested, the Assessment provides a shadow study comparing shadowing from the existing situation to the proposed situation post-development for the requested hours on 21st March. I note that the existing trees between the appeal site and the adjoining rear gardens associated with Nutgrove Park were omitted from the modelling in order to produce the worst case scenario.
- 7.3.3. The Assessment relating to shadowing to amenity spaces finds that 100% of the tested neighbouring amenity spaces comprising rear gardens pass the BRE 2-hours of sunlight on the 21st of March or 0.8 ratio requirement. Therefore, the proposal complies with the requirements of the BRE guidelines with regards to sunlight/shadow to amenity areas.
- 7.3.4. Having regard to the findings of the Daylight Analysis and Overshadowing Assessment, I am satisfied that the proposed development would not cause overshadowing impacts on the appellants' dwelling and its associated rear private amenity space.
- 7.3.5. The appellants express concern that the proposed side extension would have an overbearing impact on their property. I note that the applicant at further information stage submitted updated existing and proposed site layout plans detailing fully the existing pattern of development surrounding the subject site. Having regard to the proposed site layout plan (Drawing No. PL03), the proposed extension would stand approximately between 2.3m and 8m from the south-eastern boundary of the site, beyond which there are trees which provide screening to the rear gardens of adjoining houses at Nutgrove Park. I would advise the Board that Drawing PL03 indicates it is scaled at 1:100, however 1:200 is the correct scale for this drawing. Having regard to the separation distances between the proposed development and the adjoining boundary to the south-east and the appellants house which would equate to approximately 20m, I consider that the proposed extension does not have an overbearing impact on the appellants' property.

7.3.6. The appellants are concerned that the proposed extension would give rise to overlooking impacts of their property leading to a loss of privacy. Having reviewed the floor plans provided with the application, two first floor windows, one serving an ensuite and the other serving a larger bathroom, are proposed on the side elevation of the extension. Given the proposed use of these rooms they would be fitted with permanent opaque glazing and therefore no overlooking impacts would arise from the side elevation of the extension onto adjoining areas. An appropriate condition shall be attached in this regard should permission be recommended. A small window adjoining the proposed side door at ground floor level of the extension is proposed. Having regard to the ground floor location and size of this window along with the existing boundary treatment at the south eastern site boundary comprising fencing and trees, I do not anticipate any undue overlooking impacts arising. I note also that the planning authority requested relocation of the proposed new first floor rear bedroom window to ensure no undue overlooking impacts on adjoining garden areas would occur. In this regard the new rear bedroom window proposed is relocated further to the north-west on the rear elevation which appropriately mitigates undue overlooking impacts on adjoining properties.

7.4. Compliance with local and national standards

- 7.4.1. The appellants contend that the proposed development would not comply with local and national standards. Upon examination of the third party appeal, many of the points made in this regard relate to impacts on residential amenity and integration with existing development, which have been addressed under sections 7.3 and 7.4 above.
- 7.4.2. Concern is expressed by the appellants in terms of private amenity space for the proposed extended dwelling. Having reviewed the proposed site layout plan (Drawing No. PL03) it is apparent that the proposed extended house would be served by amenity space in excess of 75 sqm which in my view is more than adequate. I note that under SPPR 2 of the Sustainable and Compact Settlements, Guidelines for Planning Authorities (2024) the minimum private open space standards for new four bedroom (or more) houses is given as 50 sqm.
- 7.4.3. Reference is made in the appeal documents that the proposed development does not accord with the 22m separation distance rule as set out in section 12.8.7.1 of the

Development Plan, as the separation distance between the proposed development and the appellant's house is below 22m. I note that this standard applies to new residential development. The proposed development comprises an extension to an existing dwelling and there are no opposing rear first floor windows with the appellant's house at No. 33 Nutgrove Park. Furthermore, the proposed first floor windows on the side / gable elevation serve bathrooms, not habitable rooms. Having regard to the foregoing, this standard does not apply to the proposed development.

7.4.4. While the proposed floor plans demonstrate the house would accommodate 6 bedrooms (4 doubles and 2 singles) post development, the response to the appeal received on behalf of the applicants advises that it is intended to use the two existing single bedrooms as home offices having regard to their small sizes. In terms of parking provision there is sufficient in-curtilage space to accommodate two cars which I consider to be satisfactory and appropriate for the property.

7.4.5. While reference is made in the appeal documents to the *Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)* this guidance relates to standards for new housing rather than domestic extensions. I am satisfied that the proposed development complies with the relevant guidance relating to extensions as set out in section 12.3.7.1 of the Development Plan.

7.4.6. While the appeal indicates the proposed development does not comply with provisions of the Dundrum LAP 2023, I note the subject property is not within the boundary of that LAP and therefore provisions outlined therein do not apply to the subject site and the proposed development.

7.5. Other issues

7.5.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

- 7.5.2. The issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

7.6. Appropriate Assessment Screening

- 7.6.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in an urban area within an established residential estate, off Brid Avenue in Clonskeagh, Dublin 14.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account the determination by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Reasons and Considerations

- 8.1. The proposed development complies with the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028. It is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design and scale, would accord with the character of the area and would not seriously injure the residential and visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Recommendation

9.1. I recommend that permission be granted subject to the following conditions:

10.0 Conditions

1.	<p>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 received by the planning authority on the 20th day of February 2024, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(i) The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>(ii) The fenestration on the front façade of the proposed extension shall match the existing front fenestration details of the house.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The glazing of the two windows on the side elevation at first floor level serving the ensuite and bathroom shall be finished in opaque or frosted glass.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>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.</p>

	Reason: In the interest of public health and to ensure a proper standard of development.
5.	The extended house shall be used as a single dwelling unit. Reason: In the interest of clarity.
6.	That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. Reason: To protect the amenities of the area.
7.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 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 amenities of property in the vicinity.
8.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of

	<p>such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

John Duffy

Planning Inspector

24th June 2024