



An
Bord
Pleanála

Inspector's Report

ABP-319803-24

Development	Permission & Retention permission for development consisting of new single storey extension to front & side of house, & retention permission of extensions being, single storey porch & canopy to front, & rear single storey extensions & alterations to roof.
Location	134 The Coppice, Woodfarm Acres, Palmerstown, Dublin 20.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD23B/0359
Applicant	Amanda Palmer
Type of Application	Permission & Retention
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First Party v. Conditions
Appellant(s)	Amanda Palmer
Observer(s)	None.
Date of Site Inspection	20 th August 2024
Inspector	Matthew O'Connor

1.0 Site Location and Description

1.1. The appeal site is 0.033ha and comprises a two-storey semi-detached dwelling in 'The Coppice' area of the wider 'Woodfarm' housing estate located to the northwest of Kennelsfort Road Upper, to the south of the Chapelizod Bypass and to the southeast of Junction No. 7 of the M50 motorway in Palmerstown. The area is primarily residential in character and the dwellings in 'Woodfarm' date from the latter part of the twentieth century and are predominantly two-storey semi-detached units of conventional designs with front garden areas containing on-curtilage carparking and garden spaces to the rear. Many of the dwellings have been modified and extended over time which has resulted in a terracing effect of many semi-detached units.

2.0 Proposed Development

2.1. The proposed development comprises:

- permission for new single storey extension (approx. 3.55sq.m having been revised from 8sq.m on foot of a request for Additional Information) to front and side of house.
- retention of a single storey porch area (approx. 3.62sq.m) and canopy to the front of the dwelling;
- retention of a single storey extension located to the rear of the dwelling (approx. 13.6sq.m); and
- retention of alterations to part of the roof serving an existing rear and side converted garage area.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 The Planning Authority granted permission and retention for the subject development, subject to 6 no. conditions. The following conditions are of relevance in the context of the subject appeal and are briefly summarised below:

Condition 2: Surface Water Amendments - The applicant/developer shall submit a Letter of Exemption from Uisce Eireann connection of the proposed surface water drainage system to a combined sewer; and, cease outfall/overflow of surface water from the site to the neighbouring property to the east.

Condition 3: Uisce Eireann - The applicant/developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann.

Condition 5(c)(i) and (ii): Drainage (Uisce Eireann) - Water supply and drainage infrastructure shall comply with Uisce Eireann requirements; and, complete separation of the foul and surface water drainage systems

Condition 6: Development Contributions - Payment of a development contribution of €6,792.17

3.2. Planning Authority Reports

3.2.1. Planning Report(s)

- The first Planner's Report had regard to the locational context of the site, zoning and policy framework of the Development Plan, inter departmental reports and observation received.
- The principle of the development was generally in accordance with policy for residential extensions.
- Additional Information sought regarding SuDs features, surface water drainage, and revised drawings altering the front extension to address of impacts on visual and residential amenities.
- The second Planner's Report provides an analysis of the applicant's Additional Information response. The revisions to the proposed extension water services elements were deemed acceptable – subject to conditions.

Other Technical Reports

- Water Services/Drainage – Initial report recommended Additional Information with regard to SuDs features. Surface water run-off should be attenuated above ground rather than soakaways and all drainage should flow within the property or into piped connections to the surface water network. 'No objection' in terms of Flood Risk.
- The assessment of Additional Information indicated connections of surface water to the combined sewer is not allowed and should only go to a surface water sewer or SuDS system. However, a letter of exemption from Irish Water would be another alternative.

3.3. Prescribed Bodies

- Uisce Eireann - 'No Objection' subject to connection agreements in relation to foul and water.

3.4. Third Party Observations

3.4.1 1 no. third party submission was received from Vincent & Kathleen Branagan whose grounds of objection are summarised as follows:

- Site Notice not erected on stated date.
- The need for the wheelchair provision is queried.
- The items to be retained are not accurately detailed.
- Issues regarding drainage and risk of flooding.
- Concerns regarding lighting and overshadowing from the development.

4.0 Planning History

4.1. There is no available planning history associated with the appeal site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The South Dublin County Development Plan 2022-2028 is the relevant Development Plan for the subject site. The site is zoned 'RES' - Existing Residential with an objective 'To protect and/or improve residential amenity'. Residential use is listed as a 'permitted in principle' development type in this zoning designation.

5.1.2. The following Development Plan chapters and associated policies/objectives are considered to be most relevant:

Section 6.8.2 - 'Residential Extensions'. The following policy and objectives are summarised below:

Policy H14 seeks to *'support the extension of existing dwellings subject to the protection of residential and visual amenities'*.

H14 Objective 1 – Seeks to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with various standards set out by South Dublin County Council.

Chapter 4 - Green Infrastructure. The following summary of the overarching policy and associated objectives is set out as follows:

- Policy GI1 – Seeks to protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach.
- GI1 Objective 4 - Requires development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial, and mixed uses.

Section 4.2.2 relates to Sustainable Water Management and includes commentary on Sustainable Drainage Systems (SuDS). It is the Planning Authority's policy (Policy G14) to *'require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.'* The following objectives are of note and summarised below:

- GI4 Objective 1: Limit surface water run-off from new developments through the use of SuDS using surface water and nature-based solutions and ensure that SuDS is integrated into all new development and designed in accordance with SDCC guidance.
- GI4 Objective 4: Require that SuDS measures are completed to a TIC standard.
- GI4 Objective 5: Promote SuDS features as part of the greening of urban and rural streets to restrict or delay runoff from streets entering the storm drainage network.
- GI4 Objective 6: Maintain & enhance existing surface water drainage systems and promote and facilitate the development of SuDS, including integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.

Section 11.2 relates to Surface and Groundwater. It is the Planning Authority's policy (Policy IE3) to *'manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive'*.

- IE3 Objective 8: Integrate Surface Water and Groundwater systems as an essential component of all new developments, in accordance with requirements of Chapter 12: Implementation and Monitoring and the policies and objectives of chapter 4.

Chapter 12 - Implementation and Monitoring. Section 12.6.8 relates to Residential Consolidation and contains reference to Extensions and that regard be had to the permitted pattern of development in the area and the South Dublin County Council House Extension Guide (2010).

5.2. Other Relevant Guidance

South Dublin County Council House Extension Design Guide (2010)

The document provides design guidance and advice for domestic extensions and is required to be read in conjunction with the Development Plan.

South Dublin County Council Development Contribution Scheme 2021-2025

The South Dublin County Council Development Contribution Scheme (SDCCDCS) 2021-2025 came into effect on 1st January 2021. Article 9 of the SDCCDCS relates to the 'Level Of Contribution' with an indicated rate of €96.39 per sq.m applied to residential developments, except where an exemption or reduction applies. An indicated rate of €126.46 per square metre for residential development is effective from 1st January 2024.

Article 11 of the SDCCDCS sets out circumstances where no contribution or reduced contribution apply with Article 11(i) stating:

- (i) The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.*

5.3. Natural Heritage Designations

5.3.1 The appeal site is not located on or within proximity to any designated Natura 2000 sites. The nearest designated site being the Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398) which is located approximately 7.4km to the west of the site. Other designated Natura 2000 sites include the South Dublin Bay & River Tolka Estuary Special Protection Area (Site Code: 004024) which is located approximately 10km to the east and the South Dublin Bay Special Area of Conservation (Side Code:000210) which is located approximately 11.2km to the east. The Liffey Valley pNHA (Code: 000128) is located approximately 0.63km to the north of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the subject development, which is for extensions to a residential property in a built-up urban area, it is not considered that it falls 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. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This first party appeal is against Conditions 2, 3, 5 (part thereof) and 6 of the Planning Authority's decision to grant permission and retention under Reg. Ref. SD23B/0359. The grounds of appeal summarised as follows:

- Condition No. 2(a) requiring the submission of Letter of Exemption from Irish Water for the proposed surface water drainage system to connect to a combined sewer is unreasonable as the house was constructed around 1973. Drainage is laid out in a combined sewer behind the houses and then onto roadway whilst stormwater sewers to the front of the houses are shared between every 2 no. houses.
- Condition No. 2(b) requiring revised plans displaying the cessation of neighbouring property for outfall/overflow of surface water and the closing up of a hole in the boundary wall is not valid. The original surface water connection but runs underground to front of the house to the neighbours' gully. The hole in the boundary wall is not for letting surface water through to the neighbours' property. This arrangement is with every second house in the subject estate.
- Condition No. 3 requiring the entering of a water connection agreement and an waste water connection agreement is unreasonable as the subject dwelling was constructed in or around 1973 and the subject works relate to extensions.
- Condition No. 5(i) and (ii) relating to water supply/drainage infrastructure complying with Irish Water requirements and the complete separation of foul and surface water drainage are not appropriate. It is reasonable to request compliance regarding new drainage works but there should be no requirement to separate foul and surface water given the existing services layout.
- The financial contribution fee under Condition No. 6 has been misapplied.

6.2. Planning Authority Response

6.2.1. A response from the Planning Authority has been received on file and states that *'the Planning Authority confirms its decision. The issues raised in the appeal have been covered in the 'Executive Order'.*

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Having examined the application details, the reports of the Planning Authority and all other documentation on the appeal file, having conducted an inspection of the site, and having reviewed relevant local policies and guidance, I consider that the main issues raised in this first party appeal relate to the inclusion of all or part of Conditions 2, 3, 5 and 6.

7.2. I am satisfied that the determination of the application by the Board, as if it has been made to it in the first instance, would not be warranted. Therefore, in accordance with the provisions of Section 139 of the Planning and Development Act 2000 (as amended), I recommend that this appeal should be limited to only consider the issues arising out of the disputed conditions as referred.

7.3. Condition 2 (Surface Water – Amendments)

7.3.1. The appellant does not consider Condition No. 2 to be valid or reasonable. Condition 2 states:

Amendments - Surface Water: Within 3 months of the Final Grant in permission, the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

(a) A Letter of Exemption from Uisce Eireann (Irish Water) for the proposed surface water drainage system to connect to a combined sewer.

(b) Revised plans that incorporate and display the ceasing of the use of the neighbouring site to the east (no.132) for the outfall/overflow of surface water resulting from the subject site. The existing opening/hole in the boundary wall shall be made good and returned to original condition with the surface water from the subject site flowing within the bounds of the property. N.B: The applicant shall note that if the original surface water connection or drain is lost, or compromised within

the subject site, the applicant can apply to South Dublin County Council for a new surface water connection for the property.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

- 7.3.2. In relation to Condition 2(a), the appellant claims that the dwelling was erected around 1973 and that drainage, in the form of a combined sewer, runs to the rear of houses and then out to the public roadway. The stormwater sewers are located to the front of the houses and claimed to be shared between every two houses. The Planner's Report indicated that the Water Services Department were not satisfied with the initial application or with the response to Additional Information as it indicated that some surface water is to be connected to a combined sewer (foul and surface water).
- 7.3.3. The Planning Authority included the condition requiring the submission of a Letter of Exemption from Uisce Éireann to connect some of the proposed surface water drainage to the combined sewer as an alternative measure for the appellant to allow surface water to discharge from within the curtilage of the appeal site. I do not consider this to be an unreasonable condition as such an exemption may be acceptable to Uisce Éireann in certain exceptional circumstances e.g. where discharges are below or near the existing rates or where there is no increased risk of environmental harm or flooding. Given the existing built status of the site and limited increase in surface water arising from the subject development, I consider that Uisce Éireann may provide an exemption for the discharge of storm water from the site to the combined sewer. I am satisfied that this is a pragmatic request from Planning Authority to address surface water drainage on the site. I therefore consider that Condition 2(a) is justified and in the interest of public health and the proper planning and sustainable development of the area.
- 7.3.4. In relation to Condition 2(b), the appellant claims that the original surface water connection drain is underground to front of the dwelling and runs into the gully on the neighbours' property. According to the appellant, all houses in the estate follow this layout/arrangement. The appellant disputes that the hole in the boundary wall is for letting surface water through to the neighbours' property as the level of this hole is above the ground surface and therefore too high to release surface water into the neighbours' driveway.

- 7.3.5. From my review of the appeal file, the appellant did not address the concerns of the Planning Authority with respect to surface water on-site collection/disposal or via a piped connection at initial application stage or on foot of a Request for Further Information. The Planning Authority acknowledged the proposed SuDS features (4 no. Planter Boxes and 4 no. Water Butts) as above ground surface water treatment but contended that this arrangement did not address the discharge of surface water from the site to the neighbouring property.
- 7.3.6. Having inspected the appeal site and its surrounding context, I accept that surface water drainage in the front curtilage areas may not be contained on each individual properties in 'The Coppice' but rather follows a communal approach to surface water collection. While I acknowledge the appellant's point that surface water discharge from the site to the neighbouring property is an existing arrangement, I do not consider that the appellant can rely on the existing circumstances to exonerate compliance with appropriate drainage requirements of the Planning Authority for new developments whereby surface water generated on a site is contained within the bounds of a property.
- 7.3.7. I inspected the shallow surface water drain running beneath the party wall towards a gully/grate in the front curtilage of the neighbouring property at No. 132 The Coppice. I also observed a singularly dislodged concrete block from the low-level party wall situated immediately above the drain. Based on my observations, I consider the drain is below the party wall and carries surface water from the subject site to the services network via the neighbouring property. Therefore, I do not consider that the opening in the wall is just a hole, as claimed, as I consider that this opening supports additional surface water outflow from the appeal site to the neighbouring property. In my opinion, this arrangement does not comply with the orderly collection and disposal of surface water.
- 7.3.8. I am satisfied the proposed SuDS features will allow for some on-site attenuation but will not prevent surface water flow into the adjoining residential property. I therefore acknowledge the basis for a condition to contain surface water drainage on the property from a best practice drainage perspective. I also consider that Condition 2(b), as worded, is appropriate to address surface water collection/disposal on the site in accordance with the requirements of the Local Authority who are responsible for surface water and storm water drainage systems.

- 7.3.9. I conclude that this item of the Planning Authority's condition is reasonable and in the interests of public health and the proper planning and sustainable development of the area. Condition 2(b) should be attached.
- 7.3.10. In addition, I consider it prudent that the appellant submits photographic evidence demonstrating the closure of the existing hole in the boundary wall. In my view, this is a necessary requirement to address an inappropriate opening in the boundary between the appeal site and the neighbouring property which supports discharge of surface water from the appeal site. This new condition item, Condition 2(c) shall state: *'Photographic evidence demonstrating the existing opening/hole in the boundary wall in the front curtilage area of the subject site as being made good and returned to its original built condition.'*

7.4. **Condition 3 (Uisce Éireann)**

- 7.4.1. The appellant does not consider that Condition No. 3 is valid or reasonable. Condition 3 states:

Uisce Eireann (a) Water - Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water facilities.

(b) Foul - Prior to the commencement of development the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate waste water facilities.

- 7.4.2. The appellant states that the foul and water services connections are existing since 'The Coppice' housing scheme was built so no such agreement is required. The referral report received from Uisce Éireann indicates 'no objection' to the development subject to conditions regarding water and waste water connection agreement(s).

- 7.4.3. I am satisfied proposals to an existing residential property in an urban area benefit from connections to services infrastructure. I do not consider that there is a sufficient justification for a planning condition requiring the appellant to enter into 'new' water/wastewater connection agreements when pre-existing connections are already established. Furthermore, I do not consider that the omission of this condition would not preclude the occupant(s) from carrying out extra or upgraded connections to

existing infrastructure should they be required to do so by way of a separate condition such as Condition 2 or Condition 5. I recommend that Condition No. 3 be omitted.

7.5. **Condition 5(c)(i) and (ii) (Drainage – Uisce Éireann)**

7.5.1 The appellant does not consider that (c)(i) and (c)(ii) of Condition No. 5 are valid. These condition items state:

5(c)(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

5(c)(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

7.5.2. The appellant is not opposed to compliance in relation to new drainage works but considers it unreasonable to request the complete separation of the foul and surface water when combined sewers exist since the 1970s.

7.5.3. In relation to Condition 5(c)(i), I consider this condition to be appropriate as it allows Planning Authorities to manage surface water development within their administrative areas that accords with the provisions for water-related services; and, enables Uisce Éireann, who has statutory responsibility for water supply and foul drainage, to ensure the integrity of the water and wastewater network is protected. Therefore, I recommend that this item of the Condition be retained in the interest of public health.

7.5.4. With respect to Condition 5(c)(ii), I acknowledge the appellant's point regarding the separation of foul and surface water and note the apparent existing connection status of the appeal site and wider 'The Coppice' housing estate to a combined sewer network. In my opinion, the attachment of this condition appears somewhat contradictory when read against Condition No. 2(a) which requests the submission of a Letter of Exemption from Uisce Éireann for the proposed surface water drainage to connect to the combined sewer. That said, I acknowledge the rationale for the condition from a best practice perspective as it is normal practice that wastewater and storm water systems be separated within developments and only joined immediately prior to connecting with the sewer network. I consider that Condition 2 regarding site

specific surface water treatment and compliance with Uisce Éireann standards would suffice in this instance. The wording of condition 5(c)(ii) should be amended to state: ‘5(c)(ii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works’.

7.6. Condition 6 (Financial Contribution)

7.6.1. The appellant considers Condition No. 6 relating to a financial contribution has been misapplied. The condition states as follows:

Financial Contributions. The developer shall pay to the Planning Authority a financial contribution of €6,792.17 (Six thousand, seven hundred and ninty two euro and seventeen cent), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

7.6.2. In terms of the application of the South Dublin County Council Development Contribution Scheme 2021-2025, hereafter the SDCCDCS, I note the basis for the development contribution due and calculation in the Planner’s Report which I have provided below:

Summary of permission granted & relevant notes:	Permission for new single storey extension to front and side of house & retention permission of extensions being single storey porch & canopy to front & rear single storey extension & alterations to roof at 134, The Coppice, Woodfarm Acres, Palmerstown, Dublin 20
Are any exemptions applicable?	No
If yes, please specify:	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.

Is development commercial or residential?	Residential
Standard rate applicable to development:	126.46
% reduction to rate, if applicable (0% if N/A)	0
Rate Applicable	€126.46
Area of Development	53.71
Amount of Floor area, if any exempt (m2)	0
Total Area to which development contribution applies (m2)	53.71
Total Development Contribution due	€6,792.17

7.6.3. The Planner's Report refers to "Previous Works" comprising a garage conversion (12.8sq.m) and rear extension (20.1sq.m) totalling 32.9sq.m and "Proposed Works", subject to this application, comprising an extension to front/side (3.55sq.m), a rear extension (13.64sq.m) and porch extension (3.62sq.m) totals 20.81sq.m. The Planning Authority calculated the total applicable area for contributions for this application as 53.71sq.m.

7.6.4. I note the reference in the Planner's Report to Article 11(i) of the SDCCDCS which states that exemptions from contributions apply to the first 40sq.m of an extension to a house (including garages and conversion of attic to habitable areas) and that exemptions will not apply to development for which retention permission is sought. The Planner's Report indicates that no exemptions are applicable for this application as part of the development relates to retention permission. Therefore, contributions have been applied to all works (previously carried out and subject to the current development) on the property.

7.6.5. The appellant accepts that financial contributions are applicable in relation to the retention of the rear extension (13.64sq.m) and front porch (3.62sq.m) along with the proposed bedroom extension (3.55sq.m) which totals a floor area of 20.81sq.m. However, it is the view of the appellant that the pre-existing garage conversion (12.8sq.m) and its associated rear extension (20.1sq.m) does not merit contributions and that a financial contribution of €2,631.63 (based on a floor area of 20.81sq.m for works subject only to this application) should be applied.

- 7.6.6. The rationale put forward by the appellant is that works comprising a flat roofed garage conversion (12.8sq.m) and a side/rear extension (20.1sq.m) built in 2004 is exempted development and has submitted a Certificate of Exemption confirming same. Moreover, the appellant indicates that these items have not been included as part of the subject development. The appellant only seeks to retain the alterations to the roof, from a flat roof, over the pre-existing extension and converted garage dating from 2004.
- 7.6.7. Having examined the submitted particulars, I note the retention element of the development description specifically refers to extensions comprising: *'single storey porch & canopy to front, & rear single storey extension & alterations to roof'*. The rear single storey extension, subject to this application, relates only to a further extended part of the kitchen/dining/living area measuring 13.64sq.m (built in 2008). These elements for retention are clearly hatched and annotated for retention on the planning drawings.
- 7.6.8. Furthermore, the floor areas to be retained on Question 12 of the Application Form are listed as *'13.64m² rear extension, & porch 3.62m². 17.26m² total'*. I am fully satisfied that the Development Description, Planning Application Form and Planning Drawings of the subject development do not include the previously converted garage (12.8sq.m) and its associated part-rear extension (20.1sq.m) as part of the subject application. The only aspect of these established works to be retained is a minor adaption to the roof.
- 7.6.9. I accept that the appellant has demonstrated that the conversion of the garage to the side of the dwelling and its associated rear extension (constructed around 2004) is exempted development by way of submission of the Certificate of Exemption and do not form the subject development for consideration. It is my opinion that these works, totalling 32.9sq.m, should be excluded from the application of development contributions as they are not part of this application. I do not consider that the retention of the adaption of the flat roof to a mono-pitch over part of this existing area merits the application of contributions. Additionally, it is my view that the pre-existing garage conversion (12.8sq.m) and rear extension (20.1sq.m) totalling 32.9sq.m should have been discounted in the assessment of this development and reasonably considered as exempt from contributions as they are below the 40sq.m exemption threshold –

notwithstanding my satisfaction that these areas do not specifically form part of the subject development.

7.6.10. I consider that the Planning Authority has incorrectly calculated the ‘assessable area’ of the subject development as 53.71sq.m when only 20.81sq.m is applicable to this application. As note, the works comprising the pre-existing garage conversion (12.8sq.m) and its associated rear extension (20.1sq.m) dating from 2004 have been demonstrated as exempted development and have not formed part of this application (with the exception of minor roof adaption). I do not consider it appropriate for the Planning Authority to apply development contributions to exempted development which does not form part of the subject application.

7.6.11. It is my view that development contributions should relate only to the proposed bedroom extension to the front (3.55sq.m) as a ‘subsequent extension’ under 11 Article 11(i) of the SDCCDCS; and, the retention elements comprising a single storey rear extension (13.64sq.m) and porch extension (3.62sq.m). The SDCCDCS sets out a charge of €126.46 per square metre for residential development. As per Article 11(i) of the SDCCDCS, exemptions do not apply in the case of retention permission so the two areas to be retained are subject to full rate of contribution. I have calculated the applicable development contributions as follows:

Works	Area (sq.m)	Proposed or Retention	Rate	Calculation
Bedroom Extension	3.55	Proposed	€126.46	3.55sq.m X €126.46 = €448.93
Rear Kitchen/Dining Extension	13.64	Retention	€126.46	13.64sq.m X €126.46 = €1,724.91
Porch Extension	3.62	Retention	€126.46	3.62sq.m X €126.46 = €457.79
Total Development Contribution		€2,631.63		

7.6.12. I recommend that Condition 6 be amended to state: *‘The developer shall pay to the Planning Authority a financial contribution of €2,631.63 (two thousand, six hundred and thirty one euro and sixty-three cent), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission’.*

8.0 Appropriate Assessment (Screening)

8.1. Having regard to the scale and nature of the works to be retained and carried out, and, the existing services network serving the established urban area, it is concluded that no Appropriate Assessment issues arise as the subject development would not 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 that South Dublin County Council be directed to OMIT Condition No. 3 and AMEND Condition Nos. 2, 5 (part thereof) and 6 to read as follows with the reasons and considerations set out under each part respectively:

AMEND Condition No. 2 as follows:

2. Amendments - Surface Water:

Within 3 months of the Final Grant in permission, the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

- (a) A Letter of Exemption from Uisce Éireann (Irish Water) regard the connection(s) of surface water drainage systems on the subject property to the combined sewer network.*
- (b) Revised plans that incorporate and display the ceasing of the use of the neighbouring site to the east (no.132) for the outfall/overflow of surface water resulting from the subject site. The existing opening/hole in the boundary wall shall be made good and returned to original condition with the surface water from the subject site flowing within the bounds of the property. N.B: The applicant shall note that if the original surface water connection or drain is lost, or compromised within the subject site, the applicant can apply to South Dublin County Council for a new surface water connection for the property.*
- (c) Photographic evidence demonstrating the existing opening/hole in the boundary wall in the front curtilage area of the subject site as being made good and returned to its original built condition.*

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

Reasons and Considerations (Condition 2):

Conditions 2 requires the applicant to retain and carry out the subject development in a manner that is consistent with surface water drainage requirements and to ensure that outflow of surface water is restricted from the site in the interests of public health.

to **OMIT** Condition 3:

Reasons and Considerations (Condition 3):

The Board is of the view that there is insufficient justification for a condition requiring the appellant to enter into a water / waste water connection agreements when pre-existing connections for water and foul drainage currently exist.

to **AMEND** Condition 5(c) as follows:

5(c) Drainage - Uisce Éireann (Irish Water)

(i) The water supply and drainage infrastructure, shall comply with the requirements of Uisce Éireann (Irish Water).

(ii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

Reasons and Considerations (Condition 5(c)(i)&(ii)):

Condition 5(c)(i) requires the applicant to retain and carry out the subject development in a manner that is consistent with the requirements of Uisce Éireann. This condition item is considered to be reasonable both in the interests of public health, and, proper planning and sustainable development of the area. In determining to amend the original part Condition 5(c)(ii), the Board considers there is insufficient justification for a condition requiring the appellant to carry out a complete separate of the foul and surface water drainage systems.

to **AMEND** Condition No. 6 as follows:

6. The developer shall pay to the Planning Authority a financial contribution of €2,631.63 (two thousand, six hundred and thirty one euro and sixty-three cent), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

Reasons and Considerations (Condition 6):

The Board considered the South Dublin County Council Development Contribution Scheme 2021-2025 is the applicable contribution scheme in this case and that development contributions had not been properly applied by the Planning Authority. The Board considered that the appropriate rate of payment to be applied in this case relates only to the 'assessable area' of the subject development (i.e. 20.81sq.m) as referred to in the subject application. Accordingly, it is concluded that contributions for the subject development be amended.

to **RETAIN** all other conditions as per the Planning Authority decision:

Reasons and Considerations (All other conditions):

In the interests of clarity, the Board was of the view that there was insufficient justification to amend or omit any other conditions which did not fall under the scope of the subject appeal.

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.

Matthew O Connor
Planning Inspector

14th October 2024

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319803-24		
Proposed Development Summary	Permission for single-storey extension. Retention permission for porch, canopy and rear extension and alterations to roof		
Development Address	No.134 The Coppice, Woodfarm Acres, Palmerstown, Dublin 20.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____