



An
Coimisiún
Pleanála

Inspector's Report

PL-500810-SD-26

Development	Retention permission for as constructed single storey house and ancillaries.
Location	Tralee, St. John's Avenue, Dublin 22.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD25A/0290W
Applicant(s)	Anandaraman Narayanan.
Type of Application	Retention permission.
Planning Authority Decision	Grant retention
Type of Appeal	First Party
Appellant(s)	Anandaraman Narayanan.
Observer(s)	None.
Date of Site Inspection	06/04/2026.
Inspector	Anthony Abbott King

1.0 Site Location and Description

- 1.1. The appeal site comprises a detached house and its curtilage located on St. Johns Avenue to the southwest of Clondalkin.
- 1.2. The subject detached single-storey multi-bay house known as "Tralee" is located at the western end of the streetscape.
- 1.3. The streetscape on the north-western side of St. John's Avenue is principally characterised by semi-detached two-storey houses.
- 1.4. There are 3 detached houses at the southwestern extremity of the streetscape, which comprise the subject bungalow and two adjoining detached houses to the immediate north-east of "Tralee"
- 1.5. The house is setback from the street with in-curtilage car parking.
- 1.6. The site area is given as 0.1 hectares.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of a single-storey dwellinghouse and ancillaries.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 5 Conditions.

- 3.1.1. Condition no. 5 is relevant (Financial Contribution):

The developer shall pay to the Planning Authority a financial contribution of €24,198.74 (Twenty four thousand, one hundred and ninety eight euro and seventy four 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 2026 - 2028, made under Section 48 of the Planning and Development Act 2000 (as amended). Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at

the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of South Dublin County Council reflects the recommendation of the planning case officer.

The planning case officer concluded that the retention of the as-constructed single-storey dwelling generally satisfies the relevant criteria for development on infill sites as outlined in Section 12.6.8 of the South County Dublin Development Plan 202-2028 and generally complies with the minimum requirements of a 4-bedroom 5-person dwelling. The design and layout of the subject dwelling is considered acceptable and respects / integrates satisfactorily with the character of the surrounding area.

The following table is relevant to the grounds of appeal

Planning Reference Number	SD25A/0290W
Summary of permission granted & relevant notes	Retention permission for an as constructed single storey house and ancillaries.
Are any exemptions applicable ?	No
If yes, please specify:	N/A
Is development commercial or residential?	Residential
Standard rate applicable to development:	€126.45

% reduction of rate, if applicable (0% if N/A)	0
Rate applicable	€126.45
Area of Development (m2)	191.37
Amount of floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	191.37
Total development contribution due	€24,198.74

3.2.2. Other Technical Reports

- Roads Department no objection subject to condition.

3.3. Third Party Observations

There are no third-party observations on file.

4.0 Planning History

4.1. There is no relevant planning history.

5.0 Policy Context

5.1. Development Plan

The local policy framework is provided by the South Dublin County Development Plan 2022-2028. The relevant policies and objectives are set-out below:

- Zoning

The relevant land-use zoning objective is "RES": '*To protect and/or improve residential amenity.*'

The proposed development for one infill house is permissible.

- The Infill Development

Chapter 12 (Implementation and Monitoring) Section 12.6.8 (Residential Consolidation), *inter alia* Paragraph Corner / Side Garden Sites is relevant.

Development on corner and / or side garden sites should be innovative in design, appropriate in context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible. Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case- by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

- The Department of Environment, Heritage and Local Government 'Development Management Guidelines for Planning Authorities' (2007).
- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).
- Department of Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).

6.0 EIA Screening

This case relates to a first party appeal against a financial contribution condition attaching to the planning authority decision to grant permission. Having regard to the nature of the appeal and the provisions of s.48(10)(c), I conclude that the proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal are summarised below:

- This appeal does not contest the grant of retention planning permission, which is welcomed. The appeal relates solely to the development contribution attached to the grant of retention permission.
- The appellant claims that the development contribution has been incorrectly and unreasonably applied in the circumstances of this retention planning application. It is claimed that it is inequitable to apply a full development contribution where the application serves only as an administrative and documentary function.

- It is claimed that the retention permission merely records an existing structure, as the retention application arose solely due to the absence or loss of historical planning records.
- The appellant clarifies that the need for retention did not arise from unauthorised works or deliberate non-compliance rather from archival gaps outside the control of the property owner despite extensive record searches.
- It is claimed that development contributions are intended to offset the impact of new development on public infrastructure and services. The circumstances of the subject application are distinct from 'proposed development', as the retention permission of a dwelling constructed over five decades ago does not require new construction or intensification of use. Furthermore, no additional demand is being created on roads, drainage, water, community facilities or other public services.
- It is claimed that any development contribution applicable to the dwelling would have arisen under the legislation and administrative frameworks in force at the time of the original construction of the dwellinghouse in the 1970s.
- It is claimed that the development contribution should be proportionate to infrastructural impact. The development contribution applied by the planning authority effectively seeks to retrospectively apply modern contribution schemes to a long-established dwelling, which it is claimed is not consistent with the intent of contribution provisions.
- The appellant respectfully requests the Commission to review the subject contribution condition, determine that it has been inappropriately applied and remove the development contribution in full.

7.2. Planning Authority Response

- The planning authority confirms its decision.
- The issues raised in the appeal have been covered in the Chief Executive Order.

7.3. Observations

None

8.0 Assessment

8.1. This is a first party appeal under s.48(10), against a development contribution condition (no.5) attached to the planning authority decision to grant permission. There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(10), I propose to confine consideration to whether the terms of the scheme were properly applied by the planning authority and will not consider the merits or otherwise of the Scheme itself.

The consideration of the Commission is restricted to whether the terms of the Scheme have been properly applied and there is no discretion to the Commission to selectively apply those terms.

8.2. Therefore, I consider that the only planning matter at issue in this case is Condition number 5 of the notification of decision to grant planning permission and that no other planning matters need to be considered by the Commission.

8.3. *Condition number 5*

Condition number 5 the subject of this appeal requires the payment of a development contribution of €24,198.74 (Twenty four thousand, one hundred and ninety eight euro and seventy four cent) for the purposes of the provision of such facilities that will facilitate the development.

8.4. The planning authority consider it 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 presently provided, or that is intended will be provided, by or on behalf of the Local Authority.

Unreasonable Contribution

8.5. The substantive ground of appeal is that the contribution has been unreasonably been applied by the planning authority given the bespoke circumstances of the retention permission the subject to this appeal, as the existing dwelling house is extant was constructed decades ago and does not require the provision of equivalent infrastructural services to a new build development.

- 8.6. Furthermore, the retention permission merely records an existing structure, as the retention application arose solely due to the absence or loss of historical planning records.
- 8.7. The appellant details in the covering letter with the submitted application that the subject house has existed on site since at least the early 1970s. Land Registry records show the first registered owner, Mr. Thomas Drury, as of June 1973 (Folio 19484). The applicant claims that this would indicate that the house was constructed at this time.
- 8.8. The appellant confirms that after inquiry with the relevant planning authority that no records are held within the South Dublin County Council archive of the authorisation of the subject dwelling (Email SDCC dated 16 September, 2025).
- 8.9. The appellant claims that the house was built several decades ago likely under a valid approval that predates the creation of South Dublin County Council and whose file has since been lost or destroyed during administrative transition. It is claimed that the archival gap is outside the control of the property owner despite extensive record searches.
- 8.10. I note the appeal statement is accompanied by an email tread between Dublin City Libraries and the property owner directing the property owner to the Planning Registry of South Dublin County Council, which holds the relevant planning records for the south Dublin area including the records created before the councils were separated (Dublin County Council subdivision).

Incomplete Record / Lost Archive

- 8.11. It is claimed that the absence of a planning record appears to result from incomplete or lost archives rather than any unauthorised construction. The appellant clarifies that the need for retention did not arise from unauthorised works or deliberate non-compliance.
- 8.12. The appeal statement is accompanied by an email tread between the property owner and the registry section (public planning counter) of South Dublin County Council in the matter of locating the archival documentation that relates to the authorisation of the subject dwelling circa late 1960s / early 1970s.
- 8.13. The planning search including review of “old town plans” did not result in the location of the relevant documentation.

- 8.14. I note that there is no documentary or affidavit evidence included with the appeal statement to confirm that the absence of a planning record appears to result from incomplete or lost archives.
- 8.15. Finally, I note that the appellant applied for retention permission, which is principally a mechanism to regularise unauthorised development.
- 8.16. I conclude that there is no supporting evidence to substantiate the claim of the appellant that the absence of a planning record appears to result from incomplete or lost archives rather than any unauthorised construction.
- 8.17. I note these matters of circumstance.
- 8.18. I consider that the relevant matter of this appeal is the application by the planning authority of the SDCC Development Contribution Scheme 2026-2028 (Section 48(10)(b) of the P & D Act 2000, as amended) to this retention development.

Development Contribution Scheme

- 8.19. The applicant applied to retain an existing dwelling house with a gross floor area of 160 sqm on a site of 1000 sqm. The planning case officer highlighted that 191.37 sqm. is the stated floor area on the submitted drawings rather than the 160 sqm stated on the application form. I concur with the planning case officer (see below).
- 8.20. The applicant confirms that no material extension of the dwelling has been constructed subsequent to the original construction (circa 1973) and the existing floor area is as originally built.
- 8.21. The applicant has sought retention planning permission in order to regularise the planning status of the property in respect of current planning requirements. It is claimed the application is submitted in good faith and is consistent with planning policy, including the residential zoning objective, and the proper planning and sustainable development of the area.
- 8.22. The SDCC Development Contribution Scheme 2026-2028 (adopted at October 2025 meeting of SDCC) states the amount of the residential contribution applicable to residential development is €126.45 per square metre.
- 8.23. Note 1 of the Scheme *inter alia* states: *that these rates of contribution shall be effective for all permissions granted by South Dublin County Council and Coimisiún Pleanála*

after the 1st January, 2026 for development within the administrative area of South Dublin County Council, irrespective of when the planning application was submitted. The above rates shall be fixed from 1st January 2026 to 31st December 2026.

- 8.24. Section 9 requires that this rate is applied to all residential development other than where an exemption or deduction applies, as provided for in Section 11 of the Scheme.

Exemptions / Reductions

- 8.25. Section 11 lists categories of development that are exempted from the requirement to pay development contributions or may pay a reduced rate. I do not consider that the exemptions listed are applicable to the subject residential unit to be retained.
- 8.26. Furthermore, deductions are applicable to certain applicants (organisations having exemption from income tax and corporation tax under Section 207 of the Taxes Consolidation Act 1997 holding an exemption cert from the Revenue Commissioners) and typologies of development to include living over the shop and the activation of vacant / derelict properties.
- 8.27. I do not consider that a reduction applies to a private dwellinghouse.
- 8.28. Finally, Section 11 is explicit in stating that no reductions in whole or in part shall apply to permissions for retention of development irrespective of their exemption / reduction status.
- 8.29. I conclude that an exemption or reduction in the applicable residential development contribution rate as listed in Section 11 would not apply to the subject dwellinghouse to be retained. Therefore, the payment of a residential contribution is applicable.
- 8.30. The planning case officer applied the floor area as stated on the submitted drawings (191.37 sqm) rather than the floor area sated on the application form (160 sqm) in the calculation of the development contribution.
- 8.31. The appellant has not addressed the matter of the applicable floor area in the appeal statement rather the appeal statement solely addresses the principle of the attachment of a development contribution, which it is claimed should be removed in full.

Submitted drawings

- 8.32. The dwellinghouse to be retained is a bungalow. The submitted drawings clearly show a ground floor area of 191.37 sqm (Plan-01 dated 28/10/2025).

8.33. I consider that the planning case officer correctly calculated the residential development contribution €24,198.74 (Rate €126.45 x Floor Area 191.37 sqm).

Planning Authority Response

8.34. Finally, I note that the planning authority response to this appeal is that the issues arising in the appeal statement have been covered in the Chief Executives Order.

8.35. I consider that the planning decision clearly set out how the relevant terms of the Scheme were interpreted and how they were applied to the subject development, as required by the Development Management Guidelines for Planning Authorities (See Section 3.2.1 of this Report).

8.36. I conclude that the planning authority is mandated by the adopted SDCC Development Contribution Scheme 2006-2028 (Section 48 P&D Act 2000 as amended) to apply a residential development contribution to a retention permission application for a private dwellinghouse without discretion as no exemption or deduction is applicable.

9.0 **AA Screening**

9.1. The appeal has been made under the provisions of Section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements under S177U of the Planning and Development Act 2000 (as amended), do not apply.

10.0 **Water Framework Directive**

10.1. The appeal has been made under the provisions of Section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements under the Water Framework Directive do not apply in this instance.

11.0 Recommendation

11.1. I conclude that, in accordance with Section 48 of the Planning and Development Act, 2000, as amended, and based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area have been properly applied in respect of Condition number 5, and recommend that the Council be directed to attach said condition and the contribution payable thereunder for the reasons stated. The developer shall pay to the Planning Authority a financial contribution of €24,198.74 (Twenty four thousand, one hundred and ninety eight euro and seventy four 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 2026 - 2028, made under Section 48 of the Planning and Development Act 2000 (as amended). Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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.

12.0 Reasons and Considerations

The South Dublin County Council (SDCC) Development Contribution Scheme 2026-2028 (adopted October 2025) makes provision for the payment of a contribution for residential development at a rate of €126.45 per square metre. Section 9 requires that this rate is applied to all residential development other than where an exemption or deduction applies, as provided for in Section 11 of the Scheme. No exemption or reduction applies to the subject development. Furthermore, development to be retained is excluded from Section 11 exemption and reduction. Therefore, Condition number 5 of the decision to grant retention planning permission has applied the charge correctly

providing for a development contribution of €24,198.74 (Rate €126.45 x Floor Area 191.37 sqm).

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

A handwritten signature in black ink, appearing to read 'A. Abbott King', written over a horizontal line.

Anthony Abbott King
Planning Inspector

13 April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500810-SD-26
Proposed Development Summary	Development Contribution
Development Address	"Tralee", St. John's Avenue, Dublin 22.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input checked="" type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.

No Screening required.

Yes, the proposed development is of a Class and meets/exceeds the threshold.

EIA is Mandatory. No Screening Required

State the Class and state the relevant threshold

N/A

Yes, the proposed development is of a Class but is sub-threshold.

Preliminary examination required. (Form 2)

OR

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)

State the Class and state the relevant threshold

N/A

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes

Screening Determination required (Complete Form 3)

No

Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

A. [Signature]

Date: _____

13/04/2016