An Coimisiún Pleanála

Inspector's Report

PL-501412-DS-26

Development	(1) retention of the demolition of a substantially destroyed coach house and later extension and the part construction of a 93sqm 2-storey, 2-bedroom, townhouse and a below ground attenuation tank (all previously permitted under lapsed permission reg. Ref. 2845/20); and (2) full permission to complete the development of the 93sqm 2-storey, 2-bedroom townhouse to a revised design with 2 no. Rooflights to the front and rear and associated site works at 44 Percy Lane, Dublin 4, located to the rear of a protected structure (44 Haddington Road RPS 3435). PROTECTED STRUCTURE
Location	44 Percy Lane, Ballsbridge Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1258/26
Applicant(s)	Shane Santry
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions

Type of Appeal	First Party Normal Planning Appeal (s.48(10))
Appellant(s)	Shane Santry
Site inspection	23/07/2026
Inspector	Conor McGrath

1.0 Introduction

1.1. This report relates to a first party appeal under s.48(10) of the 2000 Act, as amended, against condition no. 2 of the planning authority decision to grant permission for the proposed development.

2.0 Site Location and Description

The appeal relates to the redevelopment of a mews site located on Percy Lane to the rear of 44 Haddington Road. Percy Lane is set out in a T-shape between Percy Place (Grand Canal) to the northwest and Haddington Road to the south-east. The appeal site is located on the leg of the T. The lane is characterised by two-storey mews type development. No. 44 Haddington Road is a protected structure.

3.0 Proposed Development

The proposed development, within the curtilage of a protected structure, comprises

(1) Retention of the demolition of a substantially destroyed coach house and later extension and the part construction of a 93-sqm 2-storey, 2-bedroom, townhouse and a below ground attenuation tank (previously permitted under lapsed permission reg. ref. 2845/20); and

(2) Full permission to complete the development of the 93sqm townhouse to a revised design with 2 no. rooflights to the front and rear and associated site works.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 14 no. conditions, including condition no. 2, which required the payment of a development contribution of €16,146, in accordance with the Dublin City Council S.48 Development Contribution Scheme.

In considering the application, the planning authority had sought further information with regard to the design of the roof and of the proposed front elevation, and the boundary treatment between the proposed mews and the Protected Structure.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The proposed 2-bed mews would accord with minimum residential standards and is acceptable in principle to the Planning Authority.

There were concerns regarding the visual appearance of the development in the context of the existing character and streetscape of the area. The roof ridge would extend by c. 2 metres from what was previously permitted. This was considered unsympathetic in the context of the terraced mews and would have an overbearing impact on the sensitive character of the area. Further information was sought to revise the design. The Conservation Officer recommended that more appropriate materials are selected for boundary treatments, such as masonry wall. The Transportation Planning Division have recommended a grant of permission subject to conditions

The response to request for FI was considered satisfactory and a grant of permission was recommended, subject to conditions.

4.2.2. Other Technical Reports

- Drainage Division: Recommended grant subject to conditions.
- Transportation Planning Division: Recommended grant subject to conditions.
- Conservation Division: Following receipt of further information, a grant of permission with conditions was recommended.
- Levy Sheet: The accompanying levy sheet indicates that contributions were calculated on the basis of:

  Residential 135-sq.m. x €177/sq.m. + Residential Parking 12-sq.m.* €29.25

  €15,795 + €351 = €16,146.

4.3. Prescribed Bodies

No submissions received.

4.4. Third Party Observations

One observation on the application was received by the planning authority which raised issues of height, design, materials, boundary treatment and drainage.

5.0 Planning History

PA ref. 2845/20: Permission granted for the demolition of a substantially destroyed coach house and later extension and the construction of a 93sqm 2 storey, 2 no. bedroom, townhouse with 1 no rooflight and balcony; 1 car space and new boundary dividing fence, 1.8m high, and a below ground attenuation tank.

PA ref. WEB1128/12: Permission refused for demolished two storey terraced dwelling, with 1 no. off street parking space accessed from Percy Lane, with a two-storey extension to the rear, boundary treatment, drainage and associated site works for two reasons, generally:

1. The design of the proposed front elevation would be seriously injurious to the visual amenities of this residential conservation area. The proposed development would be contrary to the Para. 17.9.14 of the Dublin City Development Plan and to the proper planning and sustainable development of the area.

2. The length of the rear garden of the proposed house does not comply with the minimum length of 7.5m ordinarily required for a mews dwellinghouse contrary to the Dublin City Development Plan 2011-2017.

6.0 Policy Context

6.1. Dublin City Development Plan 2022 – 2028

The appeal site is zoned Z2 Residential Neighbourhood (Conservation Area). Residential use is permissible therein.

No. 44 Haddington Road, as well as adjoining properties, is identified as a protected structure. Properties on Percy Place, facing the canal are also protected structure and located within a Conservation Area.

Policy BHA2 seeks to conserve and enhance protected structures and their curtilage.

It is policy under QHSN2 to have regard to National Guidelines on housing.

Policy QHSN6 promotes residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

Section 15.13.4 and section 15.13.5 provide direction with regard to Backland Housing and Mews development, including design, height and massing and access.

Policy BHA14 Mews, promotes the redevelopment and regeneration of mews lanes.

Objective BHAO5 Mews is to prepare a best practice design guide regarding appropriate mews development in the city.

15.2.5 Development Contributions

Dublin City Council may, when granting planning permission, attach conditions requiring the payment of contribution(s) in respect of public infrastructure and facilities, benefiting development in its area. Details of such contributions are set out in the Council's Development Contribution Scheme, and in Supplementary Development Contribution Schemes, where relevant

6.2. **Dublin City Council Development Contribution Scheme 2023-2026**

Note: This is the scheme which was in force at the date of the planning authority decision. It has since been superceded by the Dublin City Council Development Contribution Scheme 2026-2029) effective in respect of Planning Applications lodged from 1st July 2026.

Section 9 set out the level of contributions payable, broken down by Class. Total contributions payable in respect of residential development are:

€113.82 per square meter of Residential Development

(Note this rate was indexed to €117 per sq.m.)

Note 1: The above rates shall be fixed from 1st April 2023 to 31st December 2024. Consideration may be given to applying **indexation** to the rates of contribution effective thereafter in consideration of the SCSI Construction Tender Price Index.

Note 2:

(a) The floor area of proposed development in a single dwelling unit or commercial development shall be calculated as the gross floor area. This means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions) and including mezzanine floors.

(b) In the case of multi-unit residential buildings, the gross floor area of the development shall be calculated excluding common circulation areas, bin and bicycle storage areas and ancillary uses solely for residents.

In all cases, the floor area of proposed development shall be calculated to include car parking.

Note 3: New extensions to existing developments, including domestic extensions, will be charged at the above rates, other than in circumstances where no contribution or a reduced contribution applies as per below.

Section 10 set out circumstances where no contribution or a reduced contribution apply.

Section 11 identified development liable for a reduced rate of development contributions under the Scheme, including:

- Where an applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contribution payable is to be charged on the net additional floor space created;
- Residential ancillary car parking will be calculated at 25% of the applicable rate of contribution;

Section 12 noted that no reductions in whole or in part shall apply to permissions for retention of development.

5.4 Natural Heritage Designations

The site is located to the southeast of the Grand Canal Proposed Natural Heritage Areas.

7.0 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 appeal 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.

8.0 The Appeal

8.1. Grounds of Appeal

The first party make the following points in their appeal against condition no. 2 of the planning authority decision to grant permission:

- The incorrect area was applied in calculating the contribution.
- The area sought and granted is 93-sq.m..
- An external covered area / parking bin storage etc, has been incorrectly included in the contribution calculation.
- The contribution amount should be reviewed to reflect the applicable floor area.

8.2. Planning Authority Response

In response to the first party appeal, the planning authority note the following:

- The points raised in the appeal have been considered.

- The planning authority agrees that the car port was incorrectly included in the floor area calculation.
- The drawings were re-measured and the correct area on which the levy should be calculated is 113-sq.m. and not the 93-sq.m. stated by the applicant.
- The statutory register will be updated to reflect this.

The response was accompanied by a copy of the original levy calculation sheet.

8.3. **Further Responses**

The first party make the following comments on the planning authority response to the first party appeal:

- The DCC acknowledgement of overcharging is noted, but the extent of reduction is not as requested.
- This arises from the inclusion of the external covered storage area and access lane within the chargeable area.
- An accompanying drawing illustrates the habitable internal floorarea and external storage and access lane.
- While this space is sheltered by the building it remains external, separated from the parking bay by light fencing, which does not create an internal space.
- It does not comprise part of the internal accommodation, is of limited external function.
- It should not therefore be considered as chargeable internal floor area.

9.0 Assessment

9.1. This is a first party appeal under S.48(10) against a development contribution condition (no. 2) attaching 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)(c), this report confines its consideration to whether the terms of the development contribution scheme were properly applied by the planning authority and will not consider the merits or otherwise of the proposed development or of the Scheme itself.

9.2. Further, the appeal relates to whether the terms of the scheme then in operation were correctly applied by the planning authority. This report therefore considers the Dublin City Council Development Contribution Scheme 2023 – 2026 and does not have regard to the subsequently adopted scheme.

9.3. Condition no. 2 of the planning authority decision requires the payment of development contributions of €16,146 in respect of the proposed development. There is no dispute between the parties that the development is liable to development contributions under the Dublin City Development Contribution Scheme. The matter in dispute relates to the floorarea of development liable to residential development contributions, in particular whether the covered area / parking bin storage etc, should be included in the contribution calculation.

9.4. The first party appeal has argued that the covered area / parking bin storage etc, is external and has been incorrectly included in the contribution calculation, and that the relevant area for development contributions is 93-sq.m. and not 135-sq.m. as calculated. The planning authority in response have conceded that the "car port" element of the ground floor (22-sq.m.) should have been excluded, and that the relevant floor area is 113-sq.m. As identified in the appellants comments on the planning authority appeal response, the difference between the relevant floor area cited by the first party and the planning authority (20-sq.m.) relates to the ground level bike store, bin store and circulation space ("access lane").

9.5. Section 9 of the Development Contribution Scheme 2023-2026 identifies the rate of contributions payable per square meter of Residential Development. The floor area of a single dwelling unit shall be calculated as the gross floor area, ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions) and including mezzanine floors.

9.6. The plans submitted with the original application showed the bin storage / plant room as an enclosed space with doors on the rear, external frontage and to the car parking space. The elevation to the street was a solid aluminium panel. There were no plans / sections defining the nature of the walls to this space, however, based on the floor plan drawings it is concluded that the space was an internal space.

9.7. At further information stage, the development plans were amended. The front elevation shows a Sectional Garage (up and over) extending across most of the width of the ground floor including the bike store frontage, while Section A-A indicates a partial height barrier between the parking space and storage area / “access lane”. The rear access to the “access lane” remains enclosed by a door.

9.8. On the basis of the above revisions, I consider that it would be similar in nature to the proposed car port which the planning authority have excluded from the relevant area. I conclude that the 20-sq.m. of bin / bike storage and access passage, while enclosed by upper floor accommodation, would effectively comprise an external / undercroft space and would not comprise part of the gross internal floor area of the dwelling. I therefore accept as reasonable the chargeable floor area put forward by the first party of 93-sq.m..

9.9. The development contribution scheme further provides that in all cases, the floor area of proposed development shall be calculated to include ancillary residential car parking, calculated at 25% of the applicable residential rate of contribution. The ancillary car parking space in this instance (12-sq.m.) would therefore be liable to a contribution of €117 psm x 0.25 = €29.25 per square metre. This equates to €351 which contribution charged under condition no. 2 has not been disputed by the first party in this instance.

9.10. Under section 12 of the scheme, a reduction in respect in the demolition and replacement in part or in full of an existing building is not applicable in this case as it relates to the retention of such demolition.

9.11. Total contributions payable in this case would therefore be as follows:

Residential development: 93-sq.m. x €117 per sq.m. = €10,881

Ancillary car parking: (€117 psm x 0.25) x 12-sq.m. = €351

Total: €11,232.

10.0 AA Screening

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

11.0 Water Framework Directive

11.1. 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.

12.0 Recommendation

12.1. I conclude, 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 not been properly applied in respect of condition number 2, and recommend that Dublin City County Council be directed to amend said condition and the contribution payable thereunder for the reasons stated, as follows:

12.2. **Condition**

The developer shall pay to the planning authority a financial contribution of **€11,232** (eleven thousand, two hundred and thirty two euro) 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.

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.

12.3. Reasons and Considerations

The Dublin City Council Development Contribution Scheme 2023-2026 was the applicable contribution scheme at the date of the decision of the planning authority. This scheme set out the levels of contribution payable per residential unit based on gross internal floor area. Having regard to the nature and design of the proposed development, as revised by the further information and drawings submitted to the planning authority on 21/04/2026, it is concluded that the gross internal floor area of the dwelling does not include the covered car parking, bike parking, bin store or access lane. The relevant gross floor area of the proposed development is therefore determined to be 93-sq.m. It is concluded that in including such area within the gross internal floor area of the dwelling unit, the terms of the Development Contribution Scheme were not properly applied in this instance and the planning authority are therefore directed to amend the condition.

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.”

Conor McGrath ADP
07/08/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	**PL-501412-DS-26**
Proposed Development Summary	(1) retention of the demolition of a substantially destroyed coach house and later extension and the part construction of a 93sqm 2-storey, 2-bedroom, townhouse and a below ground attenuation tank (all previously permitted under lapsed permission reg. Ref. 2845/20); and (2) full permission to complete the development of the 93sqm 2-storey, 2-bedroom townhouse to a revised design with 2 no. Rooflights to the front and rear and associated site works at 44 Percy Lane, Dublin 4, located to the rear of a protected structure (44 Haddington Road RPS 3435). PROTECTED STRUCTURE
Development Address	44 Percy Lane, Ballsbridge Dublin 4
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?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	**State the Class here**

<table>
<tr><td colspan="2">☐ No, it is not a Class specified in Part 1. Proceed to Q3</td></tr>
<tr><td colspan="2">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?</td></tr>
<tr><td>☐ 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.</td><td></td></tr>
<tr><td>☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.
EIA is Mandatory. No Screening Required</td><td>State the Class and state the relevant threshold</td></tr>
<tr><td>☐ 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)</td><td>State the Class and state the relevant threshold</td></tr>
<tr><td colspan="2">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)?</td></tr>
</table>

Yes ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: ___Conor McGrath________ Date: ______07/08/2026_______