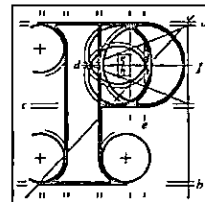


Our Case Number: ABP-315326-22

Planning Authority Reference Number: SD22B/0429



An
Bord
Pleanála

LAND USE, PLANNING
& TRANSPORTATION DEPT.

15 DEC 2022

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 14 December 2022

Re: Alterations to previously granted planning permission (Ref No SD19B/0332) to include a) alterations to Front Porch b) alterations to single storey extension to rear and side of the dwelling c) alterations to front elevation and all associated site works
93, Marian Road, Rathfarnham, Dublin 14, D14 F2N4

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

As the appeal relates solely to the proper application by the planning authority of the terms of the development contribution scheme adopted under section 48 of the Act in respect of the condition(s) under appeal, and as there are no other appeals against the decision of the planning authority on the planning application, the provisions of section 48(10)(b) and (c) of the Act apply to this appeal.

Section 48(10)(c) of the Act provides that the planning authority shall, subject to the applicant furnishing to the planning authority security for payment of the full amount of the contribution(s) specified in the condition(s) the subject of the appeal, make the grant of permission.

The Board will determine the appeal on the basis of the proper application of the terms of the development contribution scheme and will issue appropriate directions to the planning authority when it has determined the appeal.

Submissions or observations by the planning authority.

As a party to the appeal you may, under section 129 of the Act, make submissions or observations in writing to the Board in relation to the appeal within a period of 4 weeks beginning on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the appeal without further notice to you.

Please note that in accordance with section 251 of the Planning and Development Act, 2000, (as amended), the period beginning on 24th December and ending on 1st January, both dates

Teil (01) 858 8100
Glao Áitiúil LoCall 1800 275 175
Facs Fax (01) 872 2684
Láithreán Gréasáin Website www.pleanala.ie
Riomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations.

Your submissions or observations should specifically address the grounds of appeal relating to the alleged improper application of the development contribution scheme to the condition(s) under appeal. You should also supply details of the calculation involved, the basis on which the calculation was made and the specific provisions in the scheme on which the calculation was based.

Submissions of documents etc. to the Board.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Act. Please forward, within a period of 2 weeks beginning on the date of this letter, the following documents:-

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Act. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant.

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of the reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority in accordance with the permission regulations by persons or bodies other than the applicant.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items, by signing the certification on page 2 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above please supply particulars and relevant documents relating to previous decisions affecting the same site only where these are relevant to the proper application of the development contribution scheme.

Please quote the above appeal reference number in any further correspondence.

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93 Marian Road

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Dublin 14

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13th Dec 2022

AN BORD PLEANÁLA	
LDG-	<u>059969-22</u>
ABP-	_____
13 DEC 2022	
Fee: €	<u>220</u> Type: <u>canal</u>
Time:	<u>15.45</u> By: <u>hand</u>

To whom it concerns,

We are submitting a first party appeal against the Development Contribution of €4963.28 being applied to SD22B/0429.

We were granted planning permission (SD19B/0332) on 16-Oct-2019 to extend and renovate our home at 93 Marian Road. At this time we made a Development Contribution of €533.47 to SDCC. Over the course of the building work some amendments were made that slightly differed from the plans that were submitted under SD19B/0332, namely the extension to the rear changed in shape but reduced in size and the utility to the side increased very slightly in size. (Plans included below).

We applied for retention which was granted (SD22B/0429 – 18-Nov-2022) and another Development Contribution, now €4963.28 has been requested. The breakdown of this fee, as provided by SDCC, is show in Appendix 1.

We believe the assessable area used in the calculation of the development contribution is incorrect. SDCC have applied the fee to 47.5m² - i.e. they are in effect charging for the entire utility and kitchen/living area but not taking into consideration

- (i) that this area includes the original kitchen area which was 16.8m² which we don't believe should be part of the assessable area and
- (ii) the vast majority of this 47.5m² had been given planning permission under SD19B/0332 which we also don't believe should be part of the assessable area
- (iii) the difference in m² between what was permitted under SD19B/0332 and what was submitted in the retention was in fact just an increase of 1.4m² on the utility room and decrease of 1.8m² to the kitchen/living area.

Our architect, who consults on 50+ houses per year, believes this fee is highly unusual and incorrect as he has not seen this before with retention applications.

We have provided 3 images below for clarity (i) the house as it was, (ii) the plans approved under planning permission application SD19B/0332 and (iii) the house as it is now which was approved retention under application SD22B/0429. These are also available with the planning application and the retention application on the SDCC website.

(For reference:

SD19B/0332 – planning permission - 16-Oct-2019

SD22B/0429 – retention – 18-Nov-2022)

We can provide any further details or clarification needed and can be contacted on 085-7127822 or 085-7067110.

Thank you in advance for reviewing this case.

Kind regards,

Niamh Troy & Shane Teefy

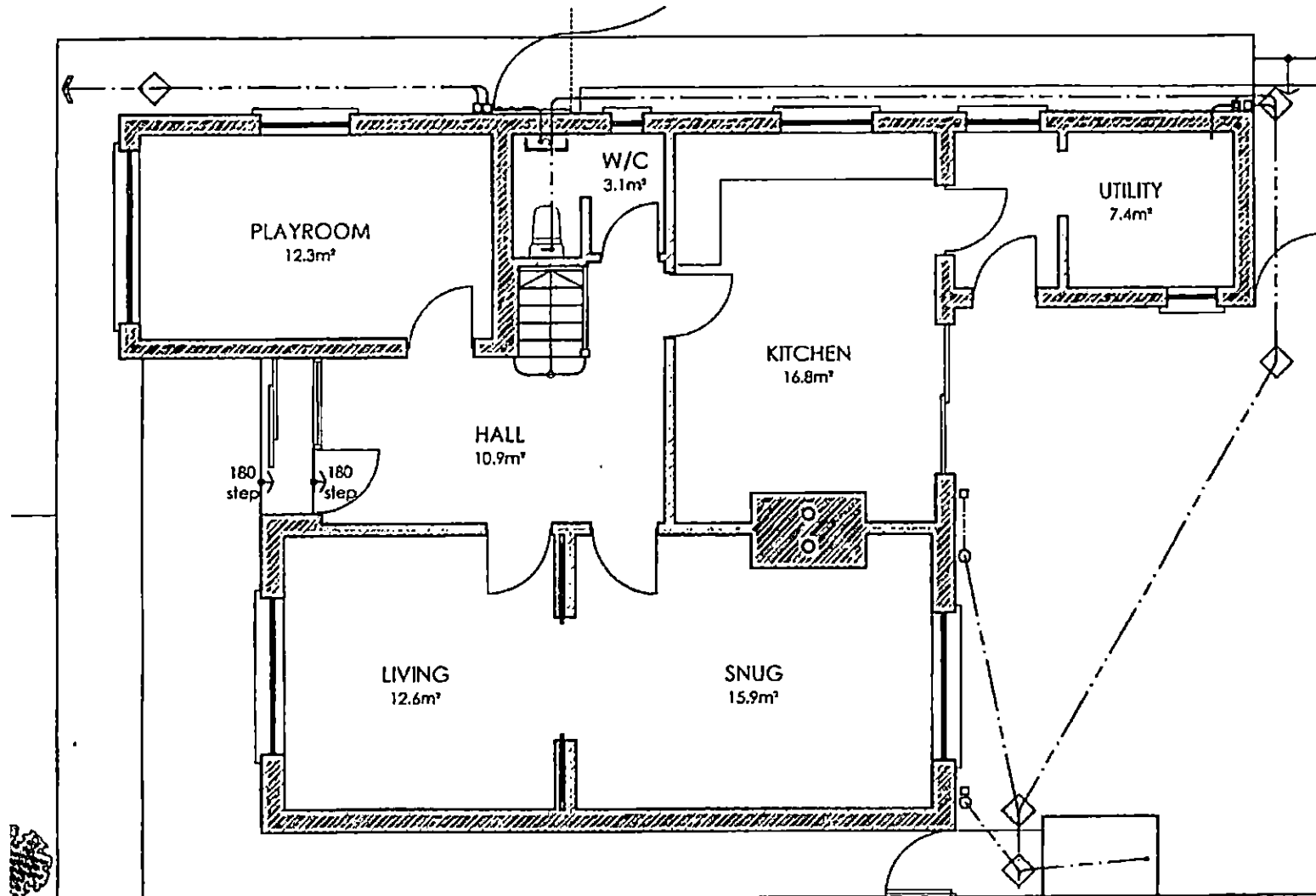


Figure 1 Original ground floor layout before building works

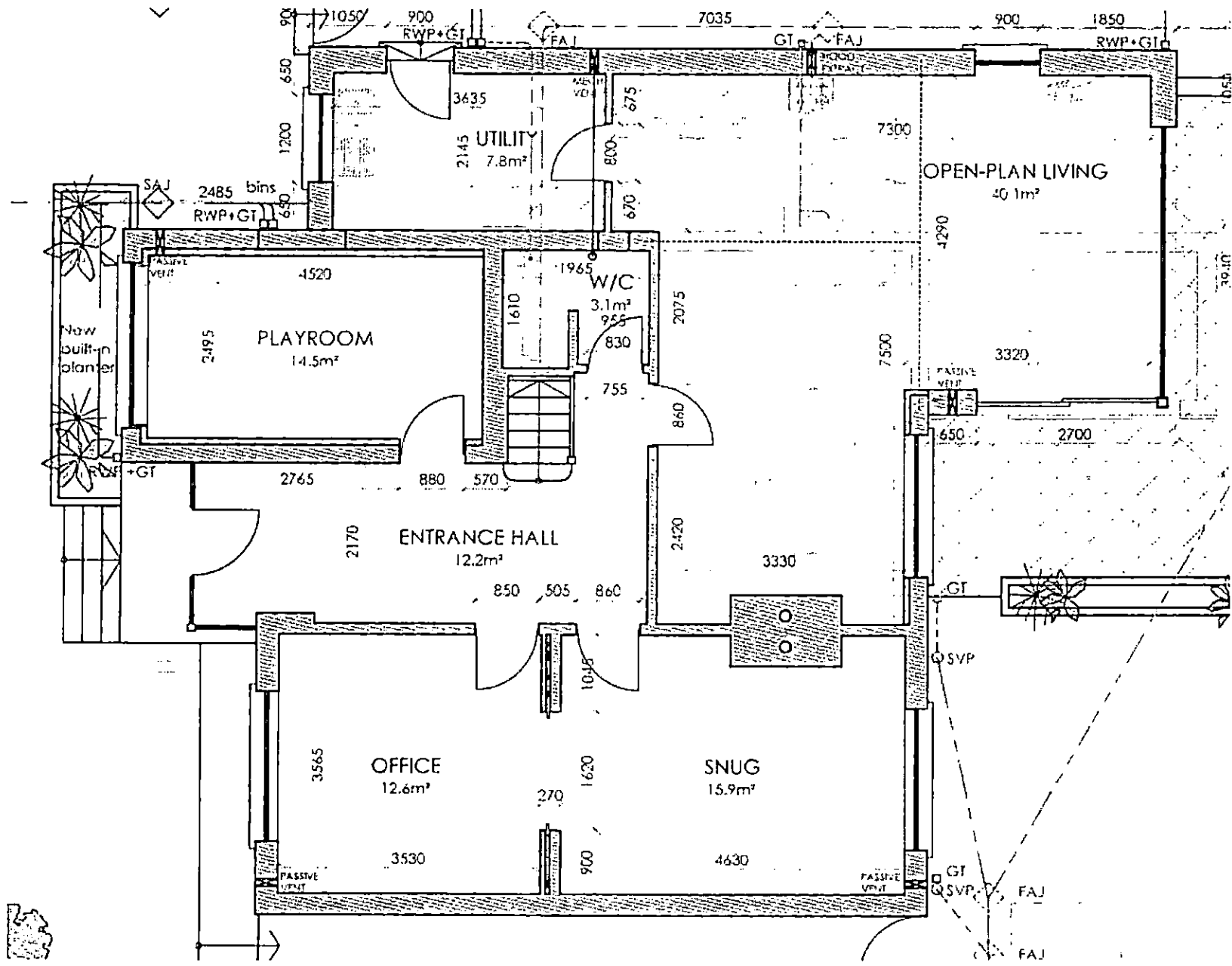


Figure 2 Ground floor layout which was granted planning permission (SD19B/0332)

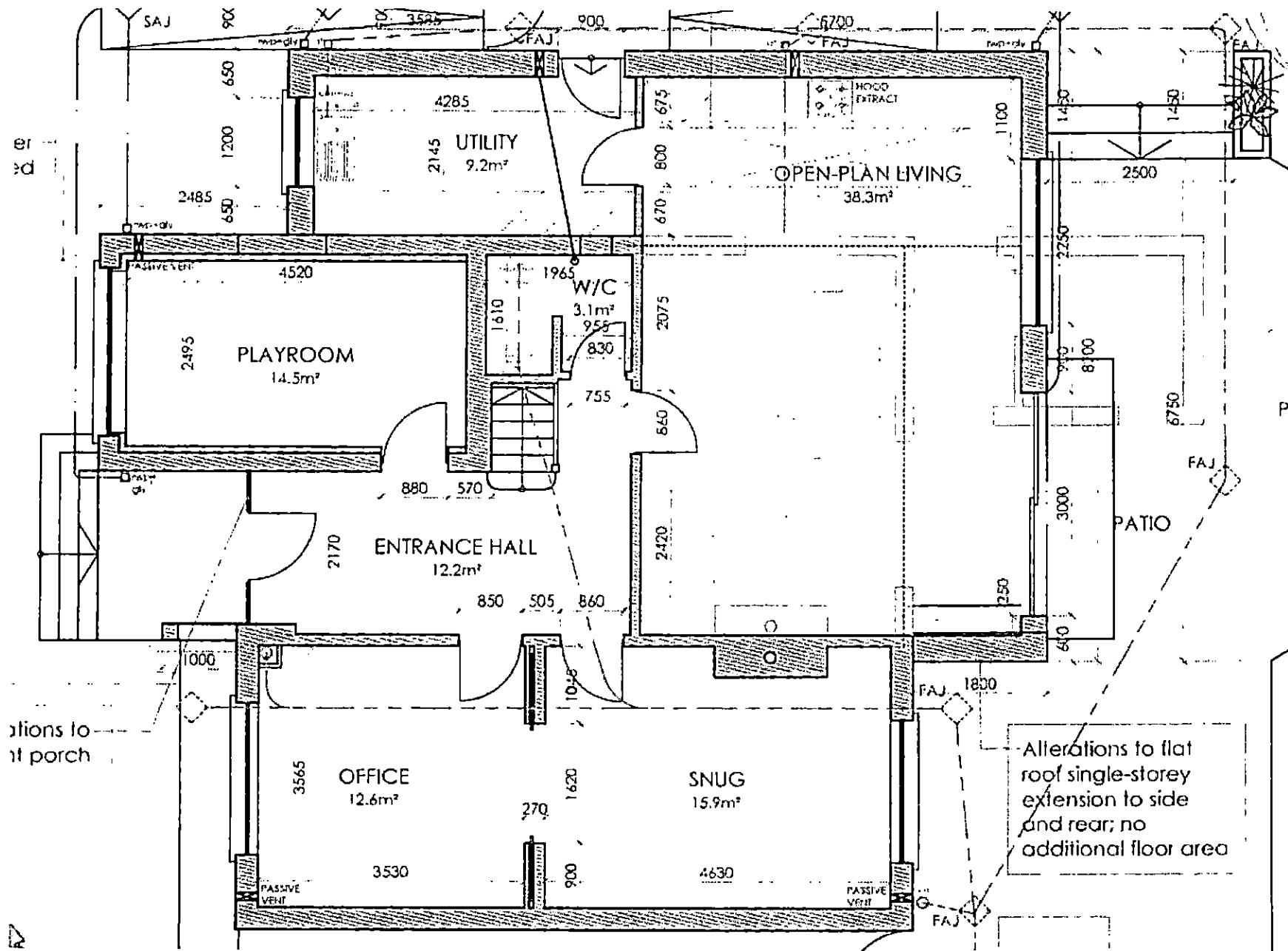


Figure 3 Ground floor layout as built which was granted retention SD22B/0429 resulting in Development Contribution Fee of €4963.28 being requested by SDCC

Appendix 1:

This was provided by SDCC:

Development Contributions

Extension (retention)

9.2sq.m utility and 38.3sq.m living area = 47.5sq.m

No exemptions for retention of habitable spaces.

Assessable area = 47.5sq.m

Planning Reference Number	SD22B/0429
Summary of permission granted & relevant notes:	Residential extension
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	47.5
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	47.5
Total development contribution due	€4,963.28

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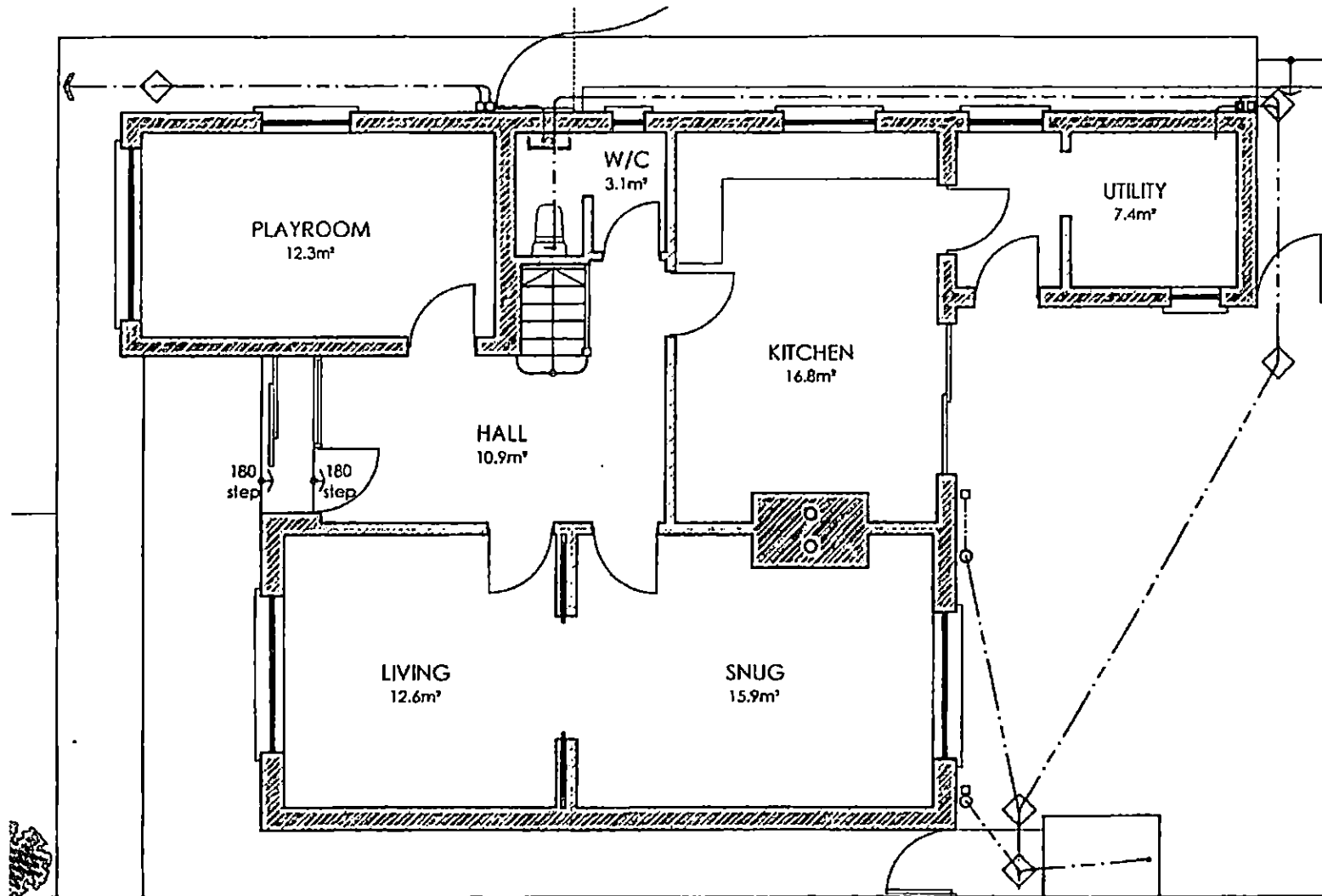


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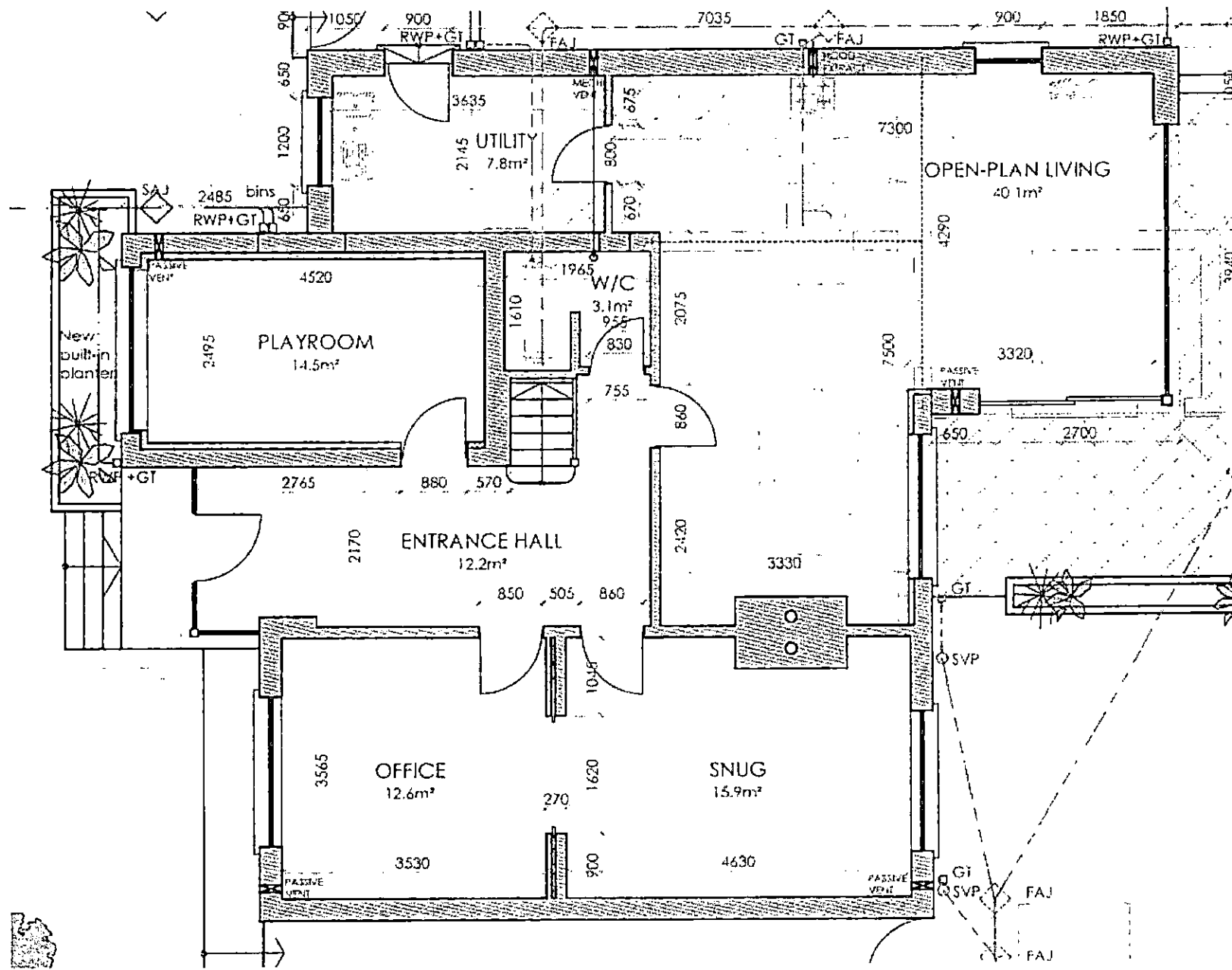


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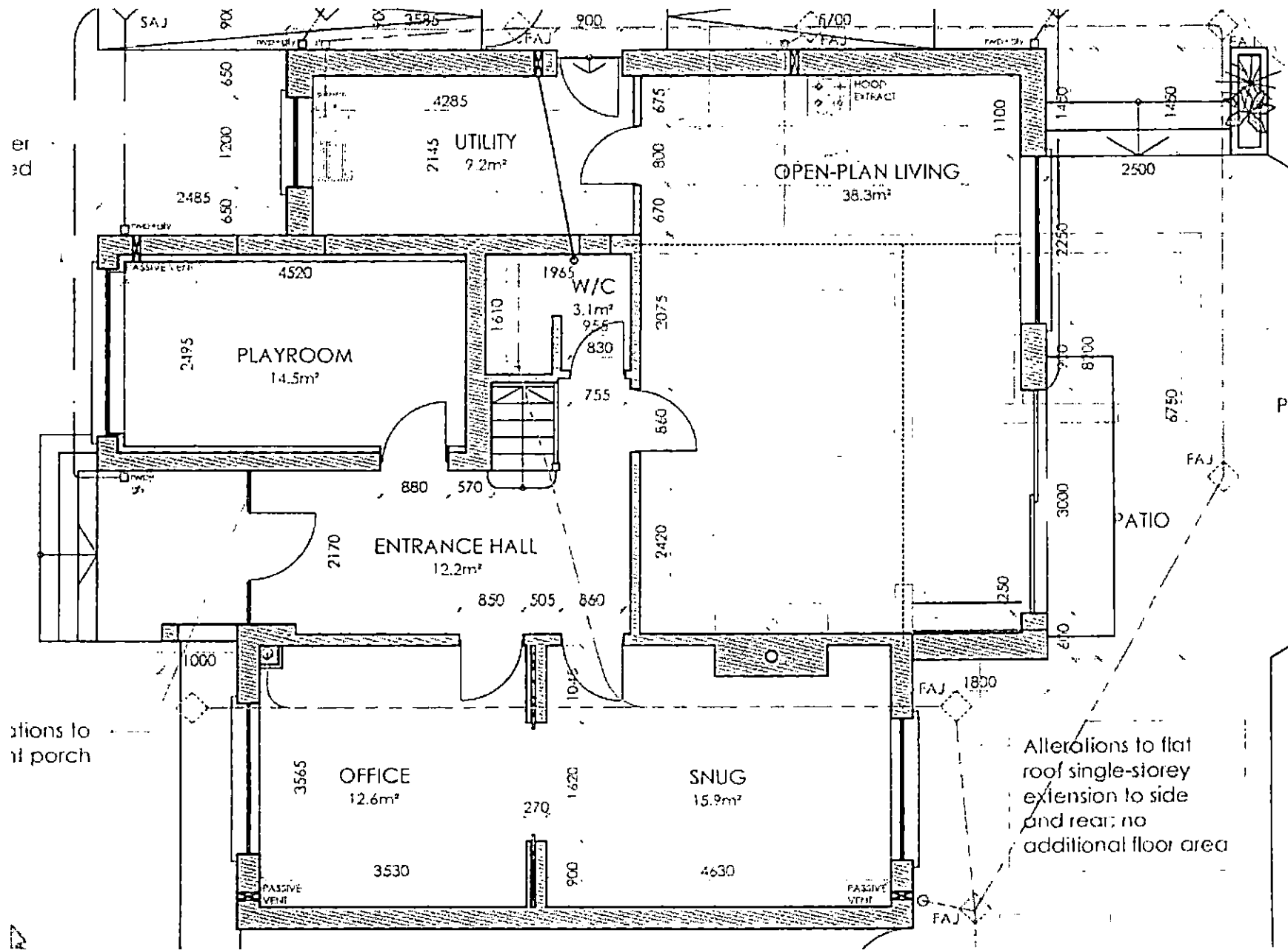


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