

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

## Wicklow Town

**Planning Register Reference Number: 08/3292**

An Bord Pleanála Reference Number: PL 86.233844

**APPEAL** by Joseph and Noreen Vize care of Scott Tallon Walker of 19 Merrion Square, Dublin against the decision made on the 7<sup>th</sup> day of May, 2009 by Wicklow Town Council to grant subject to conditions a permission to Charles Shanley care of John Hodgins of Amalfi, Rocky Road, Wicklow.

**PROPOSED DEVELOPMENT:** Demolition of existing retail/warehouse unit and construction of a four-storey mixed use development comprising car parking and two retail units at ground floor and 12 number two bedroom apartments in three floors over ground floor at South Quay, Wicklow Town, County Wicklow.

## DECISION

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

1. Having regard to the pattern of development in the vicinity and to the height and proximity of the proposed building to existing residential properties on The Mall, it is considered that the proposed development by reason of undue proximity, would result in the loss of aspect and natural light to adjoining properties and would seriously injure the residential amenity of adjacent properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
2. Having regard to:
  - (a) the proximity of the proposed southern elevation of the building within circa one metre of the private outdoor space of apartments to the rear of the subject site,
  - (b) the impact of severe overshadowing from the steep topography and structures on the southern boundary of the site on the amenity of proposed private outdoor balconies,
  - (c) the two single aspect north facing units, and
  - (d) the standards, as set out in Chapter 16, Development Management, of the Wicklow Town Development Plan 2007-2013 regarding residential amenity,

it is considered that the proposed residential development on the upper floors would constitute substandard accommodation with respect to private outdoor amenity, would seriously injure the residential amenities of the area and would depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2009.**