



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 19/437

Appeal by Avril and Andy O'Hara of 31 Oaklands, Church Lane, Greystones, County Wicklow against the decision made on the 20th day of September, 2019 by Wicklow County Council to grant subject to conditions a permission to Marguerite Fairclough care of Declan Collins Architects of 22 Abbey Road, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of two two-storey detached houses with future attic accommodation on individual sites, existing front entrance to Knockrath site to be modified to incorporate new entrances and driveways and all associated site works at Knockrath, Church Lane, Greystones, County Wicklow.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the nature, extent and design of the proposed development and the provisions of the Wicklow County Development Plan 2016 - 2022 and the Greystones - Delgany and Kilcoole Local Area Plan 2013 - 2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of August, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A site layout plan at 1:200 which clearly indicates the location and type of site boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall clearly delineate the areas of private amenity space allocated to each house and also indicate the area of the vehicular/pedestrian access to house number 2 passing to the front of house number 1.

Reason: In the interest of clarity.

3. The mitigation measures outlined in the Ecological Assessment report prepared by Seán Meehan dated the 11th day of November, 2019 and received by An Bord Pleanála on the 14th day of November, 2019 shall be carried out in full by the developer.

Reason: In the interest of protection of ecology.

4. The landscaping scheme shown on Drawing Number A05, as submitted to the planning authority on the 27th day of August, 2019 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) All existing trees on site other than those identified for removal (Drawing Number A05) shall be retained and protected by means of a one metre high fence during construction work. This fence shall be erected just outside the crown spread of the tree and maintained during the construction period. The ground level within this protected area shall not be raised or lowered.
- (b) No structures, material storage or cabling shall be located within this protected area during the construction phase.
- (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour shall be blue-black, black, or dark grey in colour only.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

8. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. All necessary measures shall be taken by the contractor to prevent the spillage of deposit or clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. The developer shall pay to the planning authority a financial contribution 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 the 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

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

Dated this day of 2020.