

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 15/989

An Bord Pleanála Reference Number: PL 27.245896

APPEAL by Multilane Limited care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 20th day of November, 2015 by Wicklow County Council to refuse permission.

PROPOSED DEVELOPMENT: Retention of (a) demolition of a derelict shed of 30 square metres on the north side of the Harbour Bar, and replacement with new rear and side ground floor extension of 90 square metres containing a kitchen, keg room, fridges and storage, (b) addition of a first floor enclosed fire exit on the north side of the subject building, (c) change of use of 98 square metres of the first floor level from residential to public house and facilities, and (d) erection of a canopy shelter in the front yard of the subject site fronting onto Dock Terrace, all at The Harbour Bar, numbers 1-4 Dock Terrace, Harbour Road, Bray, 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. The site is located in a mixed use area, adjoining an area zoned to protect existing residential amenity. It is the policy of the planning authority, as set out in Section 13.1.2 of the Bray Town Development Plan 2011-2017, to avoid developments that would be detrimental to amenity, and in zones abutting residential areas to pay particular attention to the use, scale, density and appearance of development proposals, in order to protect the amenities of residential properties. Based on the submissions made including in relation to the history, nature and operation of the public house at first floor and ground floor and outdoors, the Board is not satisfied that the development proposed to be retained does not constitute a significant intensification of use, which is significantly affecting the amenities of the area, including the residential amenities of property in the vicinity. In the absence of an effective noise management programme, including hours of operation and the hours of use of the outdoor area in particular, it is considered that the development proposed to be retained would constitute an excessive form of development that would contravene section 13.1.2 of the development plan, and would be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with the other structures attached to the front and side of the building, including an awning, a conservatory and a storage container, it is considered that the proposed canopy would be incongruous in terms of its design, would contribute to visual clutter, would be out-of-keeping with the character of the streetscape, and would set an undesirable precedent for further such development in the vicinity. The development proposed to be retained would, therefore, seriously injure the visual amenities of the area and of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2016.