

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 16/127

An Bord Pleanála Reference Number: PL 27.246493

APPEAL by Konrad and Katherine Jay care of Frank Ó'Gallachóir and Associates Limited of 94 Rathdown Park, Greystones, County Wicklow against the decision made on the 31st day of March, 2016 by Wicklow County Council to grant subject to conditions a permission to Rachel Liston and Robin Percy care of Cobbe Architecture of 20 Anglesea Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of new dwelling and garage, a new vehicular entrance and access road, connection to all services and associated site works and the demolition of a derelict dwelling (ruin) at Mount Usher, Ashford, 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

The site is zoned for residential development in the Ashford Town Plan incorporated in the Wicklow County Development Plan 2010-2016. Having regard to the planning history of the site, to the nature, scale and design of the proposed development in the context of a relatively large site, to the screening available within the site and the separation distances of the proposed development from the site boundaries, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenity of adjoining property or the amenities of the area and would be in accordance with the zoning objective for the site as set out in the Wicklow County Development Plan 2010-2016. 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, 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) The first sale/occupation of the proposed dwelling shall be restricted to the applicant or to other persons who have been resident and/or employed in County Wicklow for at least one year or to other such class of persons as the planning authority may agree to in writing.
- (b) Confirmation from a solicitor with professional indemnity insurance that the dwelling is to be occupied in accordance with this condition shall be submitted to the planning authority upon completion of the dwelling.

Reason: To ensure that the use of the dwelling is suitably restricted to meet local growth needs as opposed to regional needs, to ensure the development meets with the requirements of the Regional Planning Guidelines and the County Development Plan with respect to development in the Hinterland areas and in the interest of the proper planning and sustainable development of the area.

3. Water supply and drainage arrangements, including the attenuation and 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 and to ensure a proper standard of development.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be run underground within the site.

Reason: In the interests of visual and residential amenity.

6. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

7. 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.

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

Dated this day of 2016.