

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Wicklow County**

**Planning Register Reference Number: 16/719**

An Bord Pleanála Reference Number: PL 27.247234

**APPEAL** by Elmbawn Limited care of BBA Architecture of Suite 3, The Eden Gate Centre, Delgany, County Wicklow against the decision made on the 12<sup>th</sup> day of August, 2016 by Wicklow County Council to refuse permission to the said Elmbawn Limited for the proposed development.

**PROPOSED DEVELOPMENT:** Four number 165-square metre, two-storey detached dwellings with access via the existing Season Park estate road together with connection to all existing services, associated landscaping and all ancillary site works at Season Park, Newtownmountkennedy, County Wicklow.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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, scale, layout and design of the proposed development, the pattern of development in the area, the planning history of the site, the provisions of the Wicklow County Development Plan 2016 – 2022, and the residential zoning objective for the site, as set out in the Newtownmountkennedy Local Area Plan 2008, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be in keeping with the established character of the area, would be acceptable in terms of traffic safety and convenience, and 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. The depth of each of the proposed houses shall be reduced at first floor level by setting back the rear wall of bedroom number two by 1.5 metres. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To prevent undue overlooking and protect residential amenity.

3. Prior to commencement of development, proposals shall be submitted to, and agreed in writing with, the planning authority, indicating how the mature hedgerow bounding the site to the east will be protected from the proposed development, which shall include details of a suitable eastern boundary treatment. These proposals shall be prepared by a suitably qualified and experienced arborist.

**Reason:** In the interest of the visual amenities of the area.

4. 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.

**Reason:** In the interest of visual amenity.

5. The proposed development shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants that 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 order to assimilate the proposed development into the streetscape, in the interest of visual amenity.

6.
  - (1) All rear gardens shall have 1.8-metre high boundaries. The rear boundaries to the rear gardens shall comprise concrete block walls.
  - (2) The western boundary treatment shall be in accordance with the proposals set out in the Contextual Elevation in Drawing Number W045-PL\_04 submitted with the planning application.
  - (3) Details of the proposed boundary treatment to the east of the proposed development shall be submitted to, and agreed in writing with, the planning authority in accordance with condition number 3 above, prior to the commencement of construction.

All concrete block walls shall be suitably capped and rendered on both sides. Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

**Reason:** In the interest of residential and visual amenity.

7. Proposals for a house numbering scheme and any associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, house numbers, shall be provided in accordance with the agreed scheme

**Reason:** In the interest of urban legibility.

8. 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.

9. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and television cables) shall be located underground.

**Reason:** In the interest of visual and residential amenity.

11. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will 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.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. 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 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.

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

**Dated this            day of            2017.**