



An  
Bord  
Pleanála

## Board Order PL 27.249010

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 17/581**

**Appeal** by H.J. Ward care of Joe Bonner Town Planning Consultant of 127 Lower Baggot Street, Dublin against the decision made on the 10<sup>th</sup> day of July, 2017 by Wicklow County Council in relation to the application for permission for development comprising two number independent buildings comprising: (i) four number two bedroom dwellings with enclosed terrace at attic level, 10 number car parking spaces, all to the rear, (ii) two number ground floor commercial units with associated signage and two number one bedroom apartments over with rear balconies to replace derelict building, to be demolished, all to the front and associated site works at Main Street, Blessington, County Wicklow in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for construction of one number building to the front of the site comprising two number ground floor commercial units with associated signage and two number one bedroom apartments over the rear balconies to replace derelict building to be demolished and all associated site works and to refuse permission for construction of four number two bedroom dwellings with enclosed terrace at attic level and 10 number car parking spaces, all to the rear and associated site works).

## **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 zoning provision for the site, the town centre location, to the existence of a vehicular entrance into the site, to the nature and extent of uses in the immediate vicinity, and to the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the visual amenities and character of the Blessington Architectural Conservation Area, would not seriously injure the amenities of adjoining properties, would provide a satisfactory standard of accommodation for occupiers of the proposed development, would be acceptable in terms of pedestrian and traffic safety, and would be in accordance with the provisions of Blessington Local Area Plan 2013-2019 and Wicklow County Development Plan 2016-2022. 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. The use of the proposed commercial units shall be restricted to use as shops, as defined in Article 5 of the Planning and Development Regulations 2001, as amended, or to use for office purposes as defined in Class 3 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001, as amended. Any other use shall be the subject of a separate grant of planning permission.

**Reason:** To limit the use of this part of the development to a use which is considered to be acceptable within the area, and to allow the planning authority to assess any other use(s) through the statutory planning process.

3. (a) The shopfront design shall be revised to provide for a more traditional design which is in keeping with shopfronts in the vicinity. The revised design shall also provide for greater symmetry between each shopfront and with the first floor fenestration.
- (b) The first floor windows to the front elevation shall be revised so that they are vertical timber sliding sash windows in line with other window types in the vicinity.
- (c) All external joinery on the front elevation of the building shall be timber only including soffits, eaves, fascia, pilasters, window frames and sashes, door and frames. PVC shall not be used.

Prior to commencement of development, revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of visual amenity and to protect and enhance the character of the Blessington Architectural Conservation Area.

4. (a) Signage for the proposed development shall be restricted to the shopfront fascias only, and shall consist of individual raised lettering, without backlighting, or of hand painted signs. Details of such signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The erection of any external roller shutters shall not take place.

**Reason:** In the interest of protecting the amenities of the Blessington Architectural Conservation Area.

5. Apart from the fascia signage agreed under condition number 4 (a) of this permission, and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess any such further signage or advertisements through the statutory planning process.

6. The proposed development shall be amended as follows:-
  - (a) The proposed hidden terraces at roof level in the four proposed houses shall be omitted, together with the internal mezzanines and stairs serving them, and the first floor level within these houses shall be of full height internally throughout.
  - (b) The internal courtyard car parking area shall be reduced in order to provide for two number enclosed refuse storage areas, one for the ground floor retail/office units and the second for the proposed apartments/houses. These shall be of sufficient size to accommodate the full range and size of recycling bins required by the planning authority and shall, in each case, be fully roofed.
  - (c) All rear gardens shall be provided throughout with dividing boundary walls of concrete block construction, not less than 1.8 metres in height, which shall be rendered on both sides and capped. (Concrete post and timber panel fencing shall not be used).

Revised drawings 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 interests of residential and visual amenity, adequate refuse storage and to ensure the provision of durable boundary treatment to rear gardens.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings, other than those required under condition number 3 of this order, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Roof colours shall be blue-black or slate grey only (including ridge tiles).

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

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the proposed four houses without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area, having regard to the limited area of private open space provided to these houses.

9. 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. Prior to commencement of development, details of attenuation proposals, including calculations that take into account an allowance for climate change and the means by which the flow of surface water from the site shall be controlled, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of public health.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

11. 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 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 for the area.



