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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 18/278**

**Appeal** by David McWeeney and Anna Cullen of De Porres, 1 Meath Villas, Meath Road, Bray, County Wicklow against the decision made on the 1<sup>st</sup> day of May, 2018 by Wicklow County Council for permission for development comprising retention of utility room to the west elevation, bay window to dining room south elevation, installation of two number windows at first floor level south elevation and the erection of boundary fence south elevation, all with associated site works at De Porres, 1 Meath Villas, Meath Road, Bray, County Wicklow in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of utility room to the west elevation, bay window to dining room south elevation, installation of two number windows at first floor level south elevation with associated site works and to refuse permission the erection of boundary fence south elevation).

## **Decision**

**GRANT permission for retention of utility room to the west elevation, bay window to dining room south elevation, installation of two number windows at first floor level south elevation with associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the erection of boundary fence south elevation based on the reasons and considerations marked (2) under.**

## **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)**

Having regard to the nature and extent of development for which retention is sought and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development would be acceptable in terms of visual and residential amenity and would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained 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 retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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 and to ensure a proper standard of development.

3. 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.

## **Reasons and Considerations (2)**

It is considered that the boundary fence, for which retention is sought, is out of character with the surrounding streetscape and, as such, seriously injures the visual amenities of the area. The retention of the fence would also consolidate the unauthorised widening of the entrance to Sidmonton Avenue, for which retention has not been sought. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2018.**