



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/1195

Appeal by Sheila Woods care of Brian Woods of 16 Burnaby Park, Greystones, County Wicklow and by Others against the decision made on the 22nd day of January, 2019 by Wicklow County Council to grant subject to conditions permission to David Speicher care of Arc Design of Willow Grove, Delgany, County Wicklow in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing 29 square metres bungalow and construction of replacement two-storey dwelling, all associated site development works, drainage, driveway access and landscaping to accommodate new replacement dwelling, all at Brockagh, Kimberly Road, Greystones, 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

Having regard to the 'Town Centre' zoning objective for the area, as set out in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, to the planning history of the site, to the pattern of development along Kimberley Road and within the Greystones Harbour Architectural Conservation Area and to the design and layout of the proposed contemporary dwelling on this restricted and constrained site, the Board considered that the proposed development would not seriously injure the residential and visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the planning history of the site and considered that the revised design, which reduced the scale, height and mass of the proposed dwelling from that previously refused by the Board, had generally overcome the Board's previous concerns that the property would be visually overbearing and would seriously injure the visual and residential amenities of the area. In particular, the Board took cognisance of the use of high-level windows within the side elevations, the 1.2-metre setback of the first floor from the northern site boundary, and the relative position of the front building line of the proposed replacement dwelling with the first floor window in the southern gable of the adjacent house to the north-east. The Board considered that the proposed replacement dwelling was acceptable in an area zoned 'Town Centre' where the site and adjoining sites were constrained, would not be overbearing and would not give rise to an unacceptable level of overlooking or overshadowing of adjacent residential properties. 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, as amended by the further plans and particulars submitted on the 21st day of December, 2018, 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. 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.

3. 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.

Reason: In the interest of public health.

4.
 - (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
 - (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

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

Reason: In the interests of visual and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and 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.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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

Dated this day of 2019.