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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 18/814.**

**Appeal** by O'Connor Whelan of 222-224 Harold's Cross Road, Dublin against the decision made on the 17<sup>th</sup> day of January, 2019 by Wicklow County Council to refuse permission for the proposed development.

**Proposed Development:** Variations to the previously approved permission (planning register reference number 17/421) to provide for a partial change of use of the previously approved office at first floor level in the previously approved two-storey extension to a single bedroom studio apartment (40 square metres) including a balcony on the front elevation. All at Mount View, Church 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 Town Centre (TC) zoning designation of the area, it is considered that the proposed change of use to allow for a single studio apartment would be in accordance with the objectives of the Wicklow County Development Plan 2016-2022 and that the addition of a balcony would not be significant in the overall context of the development and would not be visually incongruous in this designated Architectural Conservation Area. 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 proposed studio apartment shall not be used for short term letting (that is, let for any period less than one month's duration) without a separate grant of planning permission for change of use.

**Reason:** In the interest of residential amenity and to permit the planning authority to assess the impact of any short-term letting through the statutory planning process.

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 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.

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**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**