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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 18/918**

**Appeal** by Joseph Oliver Morris and Louise Hunt of “The Gables”, Monalin, Newtownmountkennedy, County Wicklow against the decision made on the 23<sup>rd</sup> day of January, 2019 by Wicklow County Council to grant subject to conditions a permission to Mark and Lisa Kavanagh care of BBA Architecture of Suite 3, Eden Gate Centre, Delagany, County Wicklow in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Subdivision of site and construction of 187 square metres, four-bedroom dormer bungalow to the rear garden, new vehicular access via existing cul-de-sac, together with associated landscaping, alterations to existing boundaries and all other associated and ancillary works at “Uplands”, Monalin, Newtownmountkennedy, County Wicklow. Further public notices were received by the planning authority on the 21<sup>st</sup> day of November, 2018.

## **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 location of the proposed development in an area zoned for residential development in the Newtownmountkennedy Local Area Plan 2008 - 2018 and the pattern of residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the zoning objective for the area set out in the Local Area Plan and with the standards for residential development as set out in the current Wicklow County Development Plan. 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 5<sup>th</sup> day of November, 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. 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.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. The dwelling constructed shall be single storey only. No windows or rooflights shall be provided other than as shown on the drawings hereby permitted.

**Reason:** In the interest of clarity and to prevent overlooking of the adjoining property.

5. Prior to commencement of development, the final design and finishes of the set-back area of the entrance onto the public road shall be agreed in writing with the planning authority.

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

6. 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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**Dave Walsh**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019.**