



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 19/342**

**Appeal** by Michael Kelly of Harristown, Hollywood, County Wicklow against the decision made on the 4<sup>th</sup> day of July, 2019 by Wicklow County Council to grant subject to conditions a permission to Joseph and Niamh Byrne care of SK Design of Rednagh Road, Aughrim, County Wicklow in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of the following alterations to Bed and Breakfast Accommodation: (1) porch to the side on northern elevation, (2) extension to the rear western elevation consisting of kitchen, store/toilet, (3) extension to the southern elevation consisting of an additional bedroom and laundry facilities and (4) permission for improvements to roadside entrance and associated works at Abhainn Rí, Ballintober, Hollywood, Co. 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 provisions of the tourism and recreations objectives of the Wicklow County Development Plan 2016-2022 and the stated use of the farmhouse as a Bed and Breakfast in accordance with the exempted development provisions of Article 10(4) of the Planning and Development Regulations 2001, as amended, and to the nature and extent of the proposed development to be retained and constructed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area, would not pose a risk to water pollution and would be acceptable in terms of pedestrian and traffic safety. The proposed development 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 response from the applicant received on the 3<sup>rd</sup> December 2019 which confirmed that a family member was residing in the Bed and Breakfast farmhouse which is the subject of this appeal. The Board was, therefore, satisfied that the use of the farmhouse for overnight guest accommodation was in accordance with the exemptions pursuant to Article 10(4) of the Planning and Development Regulations 2001, as amended, and that it was appropriate to grant retention of alterations and permission for proposed works to the Bed and Breakfast accommodation on this basis.

## **Conditions**

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further particulars submitted on the 12<sup>th</sup> day of June, 2019 and by the further particulars received by An Bord Pleanála on the 3<sup>rd</sup> day of December, 2019, 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 existing bed and breakfast farmhouse/dwelling and proposed extension shall be jointly occupied as a single unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interests of residential amenity.

3. The existing bed and breakfast farmhouse/dwelling shall not be used for overnight guest accommodation unless the house is also occupied by the owner or member of the owner/occupier's family unless the change of use of the house to exclusively overnight guest accommodation is authorised by a prior grant of planning permission.

**Reason:** To restrict the use of the farmhouse in the interests of residential amenity.

4. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

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

5. Details of all signage and lighting shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

**Reason:** In the interest of the amenities of the area.

6.
  - (a) Within six months of the date of this Order, the roadside boundary shall be set back along a line formed by joining a point measured 2.4 metres back from the public road carriageway at the centre of the access driveway to points 60 metres in both directions on the existing road boundary.
  - (b) The area between the public road carriageway and the revised boundary shall be finished 200-300 millimetres above carriageway level and finished in grass.

- (c) The revised boundary shall match the existing roadside boundary.

**Reason:** In the interests of traffic safety and visual amenity.

7. 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 and to ensure a proper standard of development.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

---

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

**Dated this            day of            2020.**