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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 19/571**

**APPEAL** by Caroline Byrne care of Vincent JP Farry and Company Limited, Planning and Development Consultants of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 12<sup>th</sup> day of July, 2019 by Wicklow County Council to refuse permission.

**Proposed Development:** Retention of existing timber dwelling with services and all ancillary site works at 3 Ballygannon, Rathdrum, County Wicklow.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. Having regard to the location and infill backland setting of the site, the design and nature of the structure, its intended use as a place of residence, the poor aesthetic value of the structure and the likelihood of it deteriorating over time by virtue of the materials used in its construction, and the prevailing pattern of development of the area, it is considered that the development for which retention permission is sought:
  - (a) would be contrary to Objective HD16 as contained in Section 4.4 of the Wicklow County Development Plan, 2016-2022 which states that ‘temporary residential structures (that is mobile homes, caravans, cabins and portacabins) form a haphazard and substandard form of residential accommodation and generally have poor aesthetic value and can detract from the overall appearance of an area’ and that ‘permission will generally not be granted for such structures’;
  - (b) would fail to accord with the ‘Development and Design Standards’ for residential structures as set out in Section 1 of Appendix 1 of the Wicklow County Development Plan, 2016-2022, which states that ‘by reason of the overall design and construction of such temporary structures, they are normally seriously substandard as regards attainable amenity as a place of residence’ and that ‘permission will generally not be granted for such structures’;
  - (c) would be contrary to the zoning objectives for the site which seek ‘to protect, provide and improve residential amenities of existing residential areas’;
  - (d) would seriously injure the amenities and depreciate the value of property in the vicinity;
  - (e) would result in a substandard residential development by reason of the nature of the building fabric, which would have a detrimental

impact on the visual amenities of the area, and by reason of the building fabric and of the size and internal layout of the structure, which would have a detrimental impact on the residential amenities of the occupants of the structure; and

- (f) would set an undesirable precedent for similar type proposals in the area.

The development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the development for which retention permission is sought, is safely accessible from the public road by vehicular traffic given its reliance on works which do not have the benefit of planning permission or which are required to be carried out on lands outside of the applicant's control. In the absence of a suitable means of vehicular access to the site and associated off-street car parking, it is considered that the development for which retention permission is sought would fail to satisfy the requirements of the Wicklow County Development Plan, 2016-2022, would interfere with the free flow of traffic, would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this                      day of                      2019**