



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 19/207

APPEAL by Nicola Mitchell and Padraic Hayden of Capistrano, Killegar, Enniskerry, County Wicklow against the decision made on the 15th day of August, 2019 by Wicklow County Council to refuse permission.

Proposed Development: A single storey dwelling with chimney, a six-person Euro-Bio Treatment unit and 50 linear metre of soil polishing filter, a new driveway and entrance onto the R117 using the existing entrance that now accesses a private road and ancillary works above and below ground to facilitate development at Monastery, Enniskerry, 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. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in a rural area that is under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework (February, 2018) to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements. The Board considered based on the documentation submitted with the planning application and the appeal, and the recent planning history relating to the same applicants, that the applicant has not demonstrated an economic or social need to live at this specific site in this rural area and that their housing needs could be satisfactorily met in an established smaller town or other settlement proximate to the site. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within an Area of Outstanding Natural Beauty, a landscape classification that is designated as having a very high vulnerability in the Wicklow County Development Plan 2016-2022 and where a detailed justification of the need for the proposed development at this location is required, the Board considered that the proposed development would further diminish the rural character and scenic quality of the area and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the proposal to develop a new access road to the proposed development that will extend from an existing narrow private roadway and will utilise existing laneways and tracks that currently provide access to allotments, the Board considered that there was potential for conflicting traffic movements arising from shared access with existing non-residential traffic. Furthermore, the Board noted the restricted sightlines and restricted access at the existing junction of this private roadway with the R117 Regional Road where traffic speeds are high. The Board, therefore, considered that the proposed development would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.