



Planning and Development Acts 2000 to 2020

Planning Authority: Wicklow County Council

Planning Register Reference Number: 19/1239

Appeal by Caitriona and Seán Fitzpatrick care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 13th day of July, 2020 by Wicklow County Council to refuse a permission for the proposed development.

Proposed Development: (i) Demolition of existing single storey, detached fire damaged dwelling known as Meadow Garden and removal of existing vehicular entrance gate; (ii) construction of a replacement two-storey, four bedroom, detached dwelling with hipped roof, chimney and private amenity spaces to include ground and first floor level external terraces and garden at ground level; (iii) provision of two number on-curtilage vehicular parking spaces and internal driveway accessible via new vehicular entrance gate off Farm Lane; (iv) installation of a new EN 12566-3 Certified Advanced Wastewater Treatment System and associated polishing filter; (v) improvement works to Farm Lane comprising the surfacing of the road to a minimum width of 4.1 metres and, (vi) all ancillary works necessary to facilitate this development including SuDS drainage, landscaping and

boundary treatments at Meadow Garden, Farm Lane, 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 the location of the site on residentially zoned lands as set out in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, the established use of the site for residential purposes, the extent of the site and its relationship with adjoining property, the existing pattern of development in the vicinity of the site, and the scale and design of the proposed replacement dwelling house, 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. 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 24th day of June, 2020 and by the further plans and particulars received by An Bord Pleanála on the 10th day of August, 2020, 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 development shall be amended as follows:
 - (a) The 1.8 metre high rendered blockwork wall along the western site boundary and the associated retaining wall construction shall be omitted.
 - (b) The existing ground levels shall be retained within the intervening garden area between the westernmost terrace and the western site boundary.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

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. Water supply and drainage arrangements, including the attenuation and 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.

5. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. All service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interests of visual and residential amenity.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-

- (a) A plan to a scale of not less than 1:250 showing –
 - (i) All existing trees, hedgerows, and other planting, specifying which are proposed for retention as features of the site landscaping;
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period; and
 - (iii) The species, variety, number, size and locations of all proposed trees, shrubs and other screen planting.
- (b) Details of all proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interests of residential and visual amenity.

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

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures.

Reason: In the interests of public safety and residential amenity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. 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.

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

Dated this day of 2020