

Planning and Development Acts 2000 to 2021

Planning Authority: Wicklow County Council

Planning Register Reference Number: 21/398

Appeal by David Tempany care of Conroy Crowe Kelly Architects and Urban Designers of 65 Merrion Square, Dublin against the decision made on the 28th day of May, 2021 by Wicklow County Council to grant subject to conditions a permission to Eoin Reynolds and Iseult Nic Ghearrailt care of John McLaughlin Architects of 5 Adelaide Street, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a part one-storey, part two-storey, 190 square metres detached house, together with new driveway off existing cul de sac, connection to all services and ancillary site works at The Elms, Knockroe (rear of number 7 Knockroe), Delgany, 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 application site in an established residential area zoned for residential development in the Greystones, Delgany and Kilcoole Local Area Plan 2013, the pattern of development in the area, the availability of vehicular and pedestrian access and, subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the amenity of the area or of property in the vicinity, would accord with the provisions of the Wicklow County Development Plan 2016 - 2022 and 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 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. Foul and surface water drainage arrangements shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

3. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

4. Prior to the commencement of development, a comprehensive boundary treatment and landscaping scheme, including for the provision of a two metre solid timber fence along the northern boundary of the site, shall be submitted to and agreed in writing with the planning authority. The boundary treatment and landscaping works on site shall be completed in accordance with the agreed scheme.

Reason: In the interest of visual and residential amenity.

5. All existing mature trees along the northern boundary of the site shall be retained and preserved against damage during construction work. Protective measures to be taken shall include the erection of a one metre high fence, within the application site area just beyond the crown spread of the trees/groups of trees to be maintained in position for the full construction period. To lessen the risk of fire, any weed growth within the fenced area shall be controlled by the use of a granular selective herbicide. Ground level within the fenced area shall not be raised or lowered. No construction plant or machinery shall be stored within the fenced area. Storage of all materials, including topsoil, chemical and fuels, shall be outside of the fenced area.

Details of the fencing shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

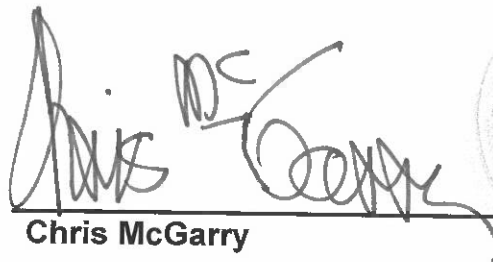
Reason: In the interest of visual and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between the hours of 0800 to 1400 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.

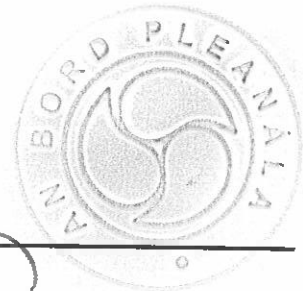
Reason: In the interest of residential amenity.

7. 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 the 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.



Chris McGarry



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

Dated this 29th day of March 2022