



An  
Bord  
Pleanála

## Board Order ABP-313172-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 21/1337**

**Appeal** by Conor Lucey care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 4<sup>th</sup> day of March, 2022 by Wicklow County Council to grant, subject to conditions, an outline permission to Listy Byrne care of PD Lane Associates of 1 Church Road, Greystones, County Wicklow.

**Proposed Development:** Proposed two number dwellings, vehicular entrances and ancillary site development works and the demolition of three number garden sheds. This property is located within the Burnaby Architectural Conservation Area all at Burleigh Lodge, Saint Vincent Road, The Burnaby, Greystones, County Wicklow.

### Decision

**GRANT** outline 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.

## **Reasons and Considerations**

The Board, having regard to the location and nature of the proposed development and the documentation submitted, 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 adjoining properties, would be acceptable from a heritage perspective, would not detract from the Burnaby Architectural Conservation Area and would therefore be in accordance with the proper planning and sustainable development of the area. The Board also had regard to the Wicklow County Development Plan 2022-2028 and considered that the proposed development did not conflict with DM standard 3.1.6 and 9.2.2 of Appendix 1 of that plan.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board, having regard to the greater separation now proposed between the proposed dwellings, the revised configuration of the site layout, the proposed single access to the site and the comprehensive arboricultural report, considered that the proposed development would not be cramped, haphazard and incongruous and would not adversely impact on the sylvan character of the Burnaby Architectural Conservation Area. In that regard the Board considered that the proposed development adequately addressed the refusal reasons numbered 1 and 3 of appeal reference number ABP 306351-20 (planning register reference number 191143).

The Board disagreed with the Inspector that sufficient information was not available to allow an assessment to be carried out. The application was for outline permission, and as such the Board considered that the information provided was sufficient to enable a decision in respect of outline permission.

## Conditions

1. This permission refers only to the development as described in the documents lodged with the application and appeal, save as the conditions hereunder may require.

**Reason:** In the interest of clarity.

2. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:
  - (i) A detailed landscaping and boundary treatment plan, which includes the retention and reinforcement of existing tree and hedge planting, and the blocking up of the existing entrance off Saint Vincent Road.
  - (ii) Proposals to protect the privacy and amenity of existing adjacent properties.
  - (iii) Design proposals which have regard to the design and character of the built environment in the vicinity.
  - (iv) Dwelling number 1 shall have a finished floor level of 44.75 and dwelling number 2 shall have a finished floor level of 46.00 as detailed on the Site Layout Plan, Drawing number B-62-6 Rev A, received by the planning authority on the 23<sup>rd</sup> day of February, 2022.

**Reason:** In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

**Reason:** In the interest of public health.

4. 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. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with the planning authority at permission consequent stage.

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

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

8. The developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement at permission consequent stage. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

9. 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 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.



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Mary Cregg

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

Dated this 28<sup>th</sup> day of September . 2023