

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 21/1409

Appeal by MGZ Properties (Ireland) Limited care of Hughes Planning and Development Consultants of 85 Merrion Square South, Dublin against the decision made on the 31st day of March, 2022 by Wicklow County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of 1 Bow Lane, extensions and change of use (from residential to commercial retail) of existing ground floor of St. Helena Cottage and Mentone, and change of layout of existing commercial ground floor of Bethnell. New first floor two-bed dormer apartments to St Helena Cottage, and Mentone/Bethnell, new three-storey apartment building at 1 Bow Lane and rear of Mentone and Bethnell. New covered pedestrian entrance to rear apartments through existing passageway between St. Helena Cottage and Mentone. All to provide a total of eight number new apartments (six number one-bed in the new building, with two number two-bed apartments at first floor of the existing buildings along Church Road) and all associated site works. The site is located in an Architectural Conservation Area, all at 1 Bow Lane, Greystones and St. Helena Cottage, Mentone and Bethnell, Church Road, Greystones, County Wicklow.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE conditions numbers 11 and 12 and the reasons therefor.

Reasons and Considerations

Having regard to the following:

- (a) the scope and costs of the works, which would be required by condition numbers 11 and 12 of the planning authority's Notification of Decision to grant permission, would not be necessary or reasonable to facilitate the construction or operation of the proposed development which, it is further considered, would not have any appreciable impact on the capacity of Bow Lane, or the existing public drainage network for the area, and certainly not such that would justify the requirement of the entirety of the cost to be borne by the developer, and
- (b) the planning authority has not made a coherent case in the reports on file, or as part of a response to the grounds of appeal, which would justify the extent and scope of the works as required by condition numbers 11 and 12,

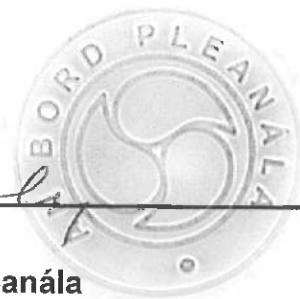
it is considered that condition numbers 11 and 12 of the planning authority's decision would be contrary to the Development Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2007 and specifically the basic criteria for conditions as set out under section 7.3, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *20th* day of *Sept.* 2023.