



Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 21/1554

Appeal by Maura Moraghan and Family care of BPS Planning and Development Consultants of Ballinatone, Greenan, County Wicklow against the decision made on the 2nd day of September, 2022 by Wicklow County Council to grant subject to conditions a permission to Tino and Claire Cassoni care of DMVF Architects Limited of 276-278 Lower Rathmines Road, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of two detached two-storey split-level four-bedroom houses with associated rooflight, the relocation of one existing vehicular entrance and the provision of a new second vehicular entrance with associated gates and pillars, together with all associated site and landscaping works, all at 84 Newcourt Road, Bray, County Wicklow, which is located at the junction of Newcourt Road and Raheen Park, as revised by the further public notices received by the planning authority on the 10th day of August, 2022.

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.

Reasons and Considerations

Having regard to the Wicklow County Development Plan 2022-2028 and the Bray Municipal District Local Area Plan 2018–2024, including the RE zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not represent a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 3rd day of August, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The side (eastern) balustrade panel to the first-floor terraces of the proposed houses shall be fitted with a 1.7-metre-high obscure screen.

Reason: To protect against overlooking, in the interest of protecting residential amenity.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details of all boundary treatments. This shall include an elevation of the eastern boundary to House B which clearly identifies the proposed boundary treatment.

Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.

4. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann and shall adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Uisce Éireann Standards codes and practices.

Reason: In the interest of public health.

5. Water supply and drainage arrangements, including the 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.

6. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellings without a prior grant of planning permission.

Reason: In the interest of residential amenity.

7. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a Construction Management Plan. The Construction Management Plan shall deal with issues relating to traffic management, excavation, noise and dust mitigation measures, details of construction lighting and waste minimisation.

Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

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 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.

10. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of replacement tree planting in the vicinity of the proposed development, as a result of the requirement to remove street tree/s to provide vehicular access to the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *14th* day of *July*, 2023.

