

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/151

Appeal by Maria Gallen care of Rosemarie McLaughlin of 3 David Road, Drumcondra, Dublin against the decision made on the 5th day of October, 2022 by Wicklow County Council to grant subject to conditions a permission to Peadar and Danielle Bruton care of Ronan Rose Roberts Architects of Morton's Lane, Wicklow, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing single-storey rear extension, construction of new single-storey rear extension, conversion of existing attic to habitable accommodation, restoration of existing roof, new roof lights, new roof structure between existing ridges, new stairs from first floor to attic in existing dwelling and associated site works, all within a protected structure at Mandalay, Violet Hill House, Herbert Road, Bray, County Wicklow (a Protected Structure (WCC RPS Number B25 (Kilbride, Violet Hill)).

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 provisions of Wicklow County Development Plan 2022-2028 (as varied) and the Bray Municipal District Local Area Plan 2018-2024, the location of the proposed development within the settlement boundary of Bray on zoned 'Existing Residential' lands, the relatively small scale nature of the proposal in the context of the appeal site and overall protected structure and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially or adversely affect the protected structure, would not seriously injure the amenities of the area or of property in the vicinity and would not negatively impact on the natural heritage of the area. 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 13th day of September, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall provide for the following:
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
 - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

3. The two number proposed roof lights on the rear elevation and identified as Number 3 in plans submitted with the application shall be obscure glass. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of work on site.

Reason: In the interest of residential amenity.

4. (a) Detailed measures in relation to the protection of trees at Violet Hill that are subject to a Tree Preservation Order (CDP ID B2), including an Arboricultural Method Statement, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of work on site.
- (b) All demolition and construction works shall be carried out under the supervision of a qualified arborist.

Reason: To ensure the protection of the natural heritage on site.

5. 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.

6. 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.

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 Contributions 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.



The image shows a handwritten signature in blue ink over a circular official seal. The seal contains the text 'AN BORD PLEANÁLA' around the perimeter and a stylized logo in the center. The signature is written across the seal.

Tom Rabbette

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

Dated this 23 day of Nov. 2023.