



Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/599

APPEAL by Robert Whelan of Killough Lower, Kilmacanogue, County Wicklow and by Felix and Rose Whelan and Others care of Kiaran O'Malley and Company Limited, Town Planning Consultants of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin against the decision made on the 4th day of January, 2023 by Wicklow County Council to grant subject to conditions a permission to Jennifer Lawless care of Flynn Planning and Design of Carrig na Sí, Rocky Valley Drive, Bray, County Wicklow.

Proposed Development: New dwelling, connection to mains water, effluent disposal system to EPA guidelines, relocation of existing entrance on to public road to service both this dwelling and existing dwelling, upgrade of existing septic tank serving existing dwelling to new domestic waste water treatment system and percolation area to EPA standards 2021 and associated site works at Killough Lower, Kilmacanogue, County Wicklow.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. The proposed development by reason of:
 - (a) the site being located on a minor road which is seriously substandard in terms of width, horizontal and vertical alignment,
 - (b) the extra traffic and turning movements generated by the proposed development in conjunction with the already excessive number of houses in the area with access onto this busy local road, and
 - (c) the restricted sight lines at the proposed vehicular entrance and the insufficient information regarding traffic speeds on the adjacent public road.

it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users and would, therefore, not be in accordance with the proper planning and sustainable development of the area.



2. The proposed development by reason of:
 - (a) the location of the site within a landscape, designated as High Amenity, and
 - (b) the open and exposed nature of the site and the visibility of the proposed development from the wider landscape and from views designated with a Special Amenity Value or Special Interest,

it is considered that the proposed development, taken in conjunction with existing development in the area, would constitute an excessive density of development in a rural area designated as a High Amenity Landscape and would have a detrimental impact on a view of the Scalp and Scalp Valley from Ballyman to the west of the site which is designated with a Special Amenity Value in the Wicklow County Development Plan 2022-2028. The proposed development would contravene CPO 17.38 of the Wicklow County Development Plan 2022-2028 which seeks to protect listed views and prospects from development, would be detrimental to the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would contribute to the suburbanisation of this rural area. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by wastewater treatment facilities in a limited area. The proposed development, would, therefore, be prejudicial to public health.



The Board noted, on the basis of the material submitted with the application, that the Inspector raised concerns relating to the existing house on the site and conditions attached to a previous permission, the Board considered that further analysis would ordinarily have been warranted, however, having regard to the substantive reasons for refusal set out above, it was decided not to pursue this further in the context of the current appeal.



Mary Henchy

Member of An Bord Pleanála

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

Dated this 16th day of February 2024