



An
Bord
Pleanála

Board Order
ABP-317747-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23480.

Appeal by Niall O'Toole care of OTE Solutions of Dublin Road, Arklow, County Wicklow against the decision made on the 12th day of July, 2023 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: Change of use from two number vacant commercial units to two number residential studio apartments along with all associated site development works at 12B and 12D Upper Main Street, Arklow, County Wicklow.

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 Town Centre (TC) zoning designation of the area it is considered that the proposed change of use, to allow for studio apartments, is in accordance with the objectives of the Wicklow County Development Plan 2022-2028, and also having regard to the site's location on serviced urban lands, to the policy and objective provisions in the development plan in respect of residential development and to the pattern of existing and permitted development in the area, 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 detract from the vitality of the town and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The plantation shuttering proposed to screen the living space from the street, is not an appropriate solution as it would detract from both the street scape and the amenity of the living space, and the Board did not concur with the Inspectors proposal to require the use of one-way glazing. The Board also considered the applicant should provide a more bespoke solution that has regard to the residential amenity of the occupants as well as the vitality of the street. This matter should be subject to written agreement with the planning authority

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed studio apartments shall not be used for short-term letting (that is, let for any period less than one month's duration) without a separate grant of planning permission for change of use.

Reason: In the interest of residential amenity and to permit the planning authority to assess the impact of any short-term letting through the statutory planning process.

3. Prior to commencement of work on site, the developer shall submit revised plans indicating the following for written agreement with the planning authority:
 - (a) Proposed measures for secure and screened provision of the required refuse bins for the two number studio apartments within the proposed communal amenity area.
 - (b) Provision of three number secure, covered bicycle stands within the communal amenity area.

Reason: In the interest of visual amenity, public health and sustainable development.

4. The proposed plantation blinds shall be omitted. The developer shall commission design details incorporating a bespoke solution to screen

the shop windows and doors which shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. These details will be designed to protect the residential amenity of the occupants of the units while enhancing the vitality of the street.

Reason: In the interest of visual and residential amenity.

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.



Mary Henchy

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

Dated this 26th day of July 2024.