

An  
Bord  
Pleanála

**Board Order**  
**ABP-317991-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 2360132**

**Appeal** by O. Geraghty of 7 Wyndham Park, Bray, County Wicklow against the decision made on the 22<sup>nd</sup> day of August, 2023 by Wicklow County Council to grant, subject to conditions, a permission to Simon Lynch care of Yvonne Walsh of The Studio, Kircullen, Kinlen Road, Greystones, County Wicklow in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of a garage and ancillary outbuildings and the construction of a single storey independent living unit linked to the side of Culloden (a Protected Structure, Recorded Protected Structure reference B107) together with associated site works, at Culloden, Wyndham Park, Bray, 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 residential land use zoning objective which applies to the site, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design, form and scale, would not adversely impact on the character or setting of the Protected Structure or any neighbouring structure and would not seriously injure the residential amenities 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, 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 existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. The independent family unit for a family member shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of the main dwelling on the cessation of such use, which shall occur within seven years from the date of this Order. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

**Reason:** In the interest of residential amenity and to control the density of residential units.

4. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, between 0800 to 1300 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.

6. All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and advice series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric on site. All existing original features in the vicinity of the proposed development shall be protected during the course of the works. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

**Reason:** In the interest of the protection of architectural heritage.

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 Contribution 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.

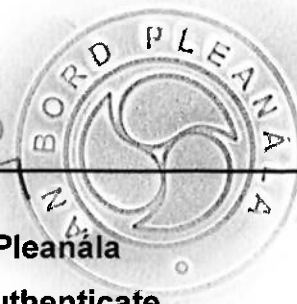
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Mary Henchy**

**Member of An Bord Pleanála**

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



**Dated this 18<sup>th</sup> day of October 2024.**