



An
Coimisiún
Pleanála

Commission Order
ABP-318362-23

Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/648

Appeal by Niamh and Robert Maloney against the decision made on the 5th day of October, 2023 by Wicklow County Council refuse permission.

Proposed Development: a) The removal of container and demolition of existing outbuildings, b) access lane and gate to Kilbride Cottage, c) construction of two number two bed duplex apartments, at first and second floor with first floor balconies, d) vehicular access from Kilbride Lane with bike and bin storage at ground floor, e) boundary treatments and all associated site works within a three-storey building, all at Kilbride Cottage, Killarney Road, Bray, County Wicklow as amended by the revised public notice received by An Coimisiún Pleanála/An Bord Pleanála on the 13th day of February, 2025.

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 nature, scale and design of the proposed development as indicated in the plans and particulars received by An Coimisiún Pleanála on the 29th day of November, 2024, it is considered that the proposed development, subject to compliance with the conditions set out below, would integrate satisfactorily with the established pattern and character of development in the area, would not give rise to unacceptable impacts on the residential amenities of adjacent properties by reason of overlooking, overshadowing, access to daylight or visual overbearance, would provide an appropriate standard of residential accommodation for future occupants of the proposed dwellings and would not adversely affect the visual amenities of the area. Furthermore, it is considered that the proposed development makes a positive contribution to the public realm, adds to the housing stock in Bray and represents an efficient and sustainable reuse of an underutilised brownfield, serviced, zoned urban site which is consistent with the relevant provisions of the Wicklow County Development Plan 2022–2028. 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 received by An Coimisiún Pleanála on the 29th day of November 2024, 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 site layout and the two number two-bedroom, two-storey dwellings permitted pursuant to this Order shall be as indicated in the plans and particulars received by An Coimisiún Pleanála on the 24th day of November, 2024 (and not as indicated in the plans and particulars submitted at application stage).

Reason: In the interests of: clarity, traffic and pedestrian safety, architectural heritage protection, the visual amenities of the area, and the protection of the residential amenities of the properties adjoining the site to the northeast.

3. The design of the windows serving the kitchen areas at first floor level in the rear (northeast-facing) elevation shall be amended such that the internal cill level shall be a minimum of 1.8 metres above the first floor finished floor level. Amended cross sections, a floor plan and a rear (northeast-facing) elevation at a scale of not less than 1:100 indicating this amendment, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To obviate overlooking of the adjoining residential properties to the northeast.

4. (a) External materials and finishes of the development shall be as specified in the plans and particulars received by An Coimisiún Pleanála on the 29th day of November, 2024 and shall not be altered without the prior written agreement of the planning authority.
- (b) Prior to the commencement of development, details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of clarity and visual amenity.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Proposals for a house naming/numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health.

8. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development..

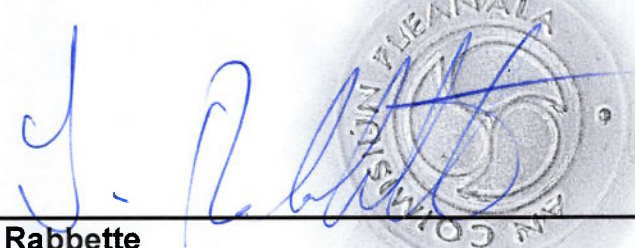
Reason: In the interests of visual and residential amenity.

10. Prior to commencement of works, the developer shall submit to, and agree in writing with, the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

11. 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 Coimisiún 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.



Tom Rabbette

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 27th day of August 2026