



An
Bord
Pleanála

Board Order
ABP-319060-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 2360086.

Appeal by Jer Price care of Brian Hutchinson of 2 Ballyroan Lodge, Rathfarnham, Dublin against the decision made on the 23rd day of January, 2024 by Wicklow County Council in relation to the application for permission for development comprising retention for change of use from storage space at first floor level of existing garage to home office and living space for domestic use only, new window to front gable at first floor level and new roof lights to roof at Mullinaveigue, Roundwood, County Wicklow in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to a condition a permission for retention of new window to front gable at first floor level and new roof lights to roof and to refuse permission for retention for change of use from storage space at first floor level of existing garage to home office and living space for domestic use only).

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 the Wicklow County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not contravene relevant development plan policies, would not seriously injure the visual or residential amenities of the area, or of property in the vicinity. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 the planning authority on the 19th day of December, 2023, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The first floor level of the garage shall be solely used by members of the applicant's immediate family as a home office and domestic related uses ancillary to the use of the existing dwelling on the application site and shall not be utilised as an independent residential unit.
- (b) Retention of the kitchenette facilities at first floor level in the garage is not permitted. Within six months of the date of this Order the kitchenette facilities shall be removed.

Reason: To ensure that the garage is used to meet the applicant's housing needs as stated in the grounds of appeal and that development in this rural area is appropriately restricted to ancillary domestic use in the interest of the proper planning and sustainable development of the area.

3. The existing garage structure shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling on the site.

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

4. 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.



Tom Rabbette

Member of An Bord Pleanála

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

Dated this ^a6 day of August 2024.