



An
Bord
Pleanála

Board Order ABP-319785-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 24/60148

Appeal by Wentworth Residential Apartments Limited of 5A Church Street, Wicklow Town, County Wicklow against the decision made on the 2nd day of May, 2024 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: 1. Construction of new rooftop apartment comprising 91 square metres, and 2. all necessary ancillary works to facilitate this development at 4 Wentworth Place, Wicklow Town, County Wicklow.

Decision

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

Reasons and Considerations

Having regard to the information submitted with the application, to the nature and scale of the proposed development, to the provisions of the Wicklow County Development Plan 2022 – 2028, and SPPR 7 and SPPR 8 therein, and the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for planning authorities” issued by the Department of Housing, Local Government and Heritage in December, 2022, it is considered that the proposed development would result in the loss of the existing good quality communal open space, which is the only functional communal open space on site serving the 14 residential apartment units of the development, and would seriously injure the amenities of the residents.

Furthermore, the proposed development would be contrary to Ministerial Guidelines “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for planning authorities” issued by the Department of Housing, Local Government and Heritage in December, 2022 which sets out minimum standards and guidelines for the provision of communal amenity space in apartment developments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted that condition 8 of the grant of permission for the residential development in 2017, required the development, retention and maintenance of the roof top garden as an area of *communal open space* for residents of the complex, while the Inspector focused on the availability of alternative *public* open space in the vicinity. The Board noted that while SPPR 8 of the Development Plan allows for flexibility in the provision of *communal* open space within a development, no alternative on site location was proposed.

Finally, the Board further noted that it had insufficient detailed information (for example, photo imagery) to consider the impact of the proposed roof extension, if alternative communal open space had been provided.



Declan Moore

Member of An Bord Pleanála

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

Dated this 16th day of October 2024