

An  
Bord  
Pleanála

## Board Order ABP-320191-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 24/60254**

**Appeal** by Brendan Dillon of Flat 2, Rear of 10 Prince of Wales TCE, Bray, County Wicklow and by others against the decision made on the 18<sup>th</sup> day of June, 2024 by Wicklow County Council to refuse permission to Dave Tew care of Derek Whyte of Great Connell, Newbridge, County Kildare for development comprising retention permission for a temporary period of two years for the existing structure, as constructed, located to the front of the existing building, and permission for the permanent construction of a single-storey contemporary style structure as an extension to the existing original structure to replace the existing structure for use as a coffee shop sit-down area and all associated site works, all at Strand Road, Bray, County Wicklow.

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## **Decision**

**GRANT permission for the permanent construction of a single-storey contemporary style structure as an extension to the existing original structure to replace the existing structure for use as a coffee shop sit-down area and all associated site works based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention for a temporary period of two years for the existing structure as constructed, located to the front of the existing building for the reasons and considerations marked (2) under.**

## **Reasons and Considerations (1)**

Having regard to the provisions of the Wicklow County Development Plan 2022-2028, the nature, scale, and character of the proposed development, and the provisions of Section 34(13) of the Planning and Development Act 2000, as amended, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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## Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed extension shall be reduced in width to avoid obscuring the carved stone features (the corner buttresses and the carved stones above them) at the ends of the front elevation, and the roof shall be set below the sawtooth string course. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to not obscure the features of the existing building, in the interest of the protection of architectural heritage.

3. All external signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such signage. Where agreement cannot be reached between the developer and the planning authority, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or 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.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** To prevent flooding and in the interest of sustainable drainage.


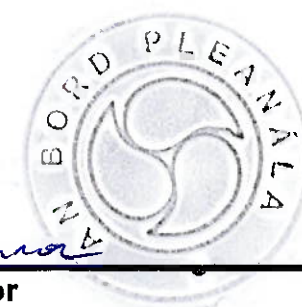
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7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf 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.

## Reasons and Considerations (2)

The structure proposed to be retained has since been removed and, therefore, cannot be retained.

  
  
**Marie O'Connor**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this 15 day of January 2025.