

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322005-25

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 2460282**

**Appeal** by Sean and Margaret Donnelly care of Kiaran O'Malley and Company Limited of 2, Priory Office Park, Stillorgan Road, Blackrock, County Dublin against the decision made on the 7<sup>th</sup> day of February 2025, by Wicklow County Council to grant permission, subject to conditions, to Christina Meganety care of Plan8 Architects of Church Road, Delgany, County Wicklow for the proposed development.

**Proposed Development:** The development will consist of: (1) new two bedroom, part two-storey, part single storey, 121 square metres dwelling to the side of the existing dwelling, (2) new vehicular entrance onto Kilarney Road and associated car parking to serve the existing dwelling, (3) connection to all public services, and (4) all necessary ancillary works to facilitate the development at 'Two Ways', Kilarney Road, Delgany, County Wicklow, as amended by the further public notices received by the planning authority on the 16<sup>th</sup> day of January 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:

- (a) the provisions of the Wicklow County Development Plan 2022-2028,
- (b) the nature, scale, character, and location of the proposed infill residential development,
- (c) the pattern of development in the surrounding area,
- (d) the measures to ensure pedestrian and traffic safety,
- (e) the appropriate tree management provisions,
- (f) the separation distances from neighbouring dwellings, and
- (g) the guidance set out in the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024, the Design Manual for Urban Roads and Streets, and other Section 28 Guidelines,

it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would, therefore, be in accordance with the proper planning and 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 submitted on the 8<sup>th</sup> day of January 2025, 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 southernmost boundary wall shall not exceed a height of 1.8 metres on its south-facing side and 2.635 metres on its north-facing side. The northernmost boundary wall shall not exceed a height of 1.8 metres on its south-facing side.

**Reason:** To safeguard the residential amenities of adjoining properties.



3. Details of the materials, colours and textures of all the external finishes to the proposed development, including boundary walls, 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.

4. 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.

5. Prior to commencement of works, the development 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 all intended construction practice for the proposed development, including a traffic management plan, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and amenity.

6. Site development and building works shall be carried out between the hours of 0700 to 1900 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.

7. Prior to the commencement of the development, the developer shall submit to, and agree in writing with the planning authority details of the works to be carried out on, or excavation immediately adjacent to, the public road to facilitate the new vehicular entrance and service connections.

**Reason:** In the interests of traffic safety and residential amenity.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

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

9. Drainage arrangement, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

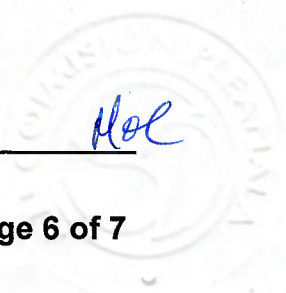
**Reason:** In the interest of public health and surface water management.

10. All existing mature trees on site, and trees on adjoining sites which may be impacted by the proposed development, shall be retained and preserved against damage during construction work. The protective measures outlined in the covering letter submitted on the 8<sup>th</sup> day of January 2025, shall be implemented in full.

**Reason:** To prevent damage to trees on the site and on neighbouring sites during construction work.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

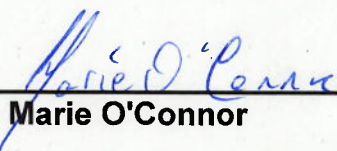
**Reason:** To ensure the satisfactory completion and maintenance of the development.





12. 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.

  
Marie O'Connor

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



Dated this 07 day of July 2025.