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**Planning and Development Act 2000, as amended**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 24/60673**

**Appeal** by Tina Roche of Willow Cottage, Cloon, Enniskerry, County Wicklow against the decision made on the 12<sup>th</sup> day of March, 2025 by Wicklow County Council to grant subject to conditions a permission to Enniskerry Partnership care of Donal Groarke of The Gallery, 20A Mount Pleasant Avenue Lower, Ranelagh, Dublin in accordance with plans and particulars lodged with said Council.

**Proposed Development:** Demolition of the existing single storey commercial building and associated ancillary/forecourt structures. Construction of a residential development comprising 10 number townhouses (five number house type A - two-storey, two-bedroom terraced work/live dwellings with terrace, roof terrace; one number house type B - two-storey, two bedroom end-of-terrace dwelling with garden, roof terrace and two number rooflights; and four number house type C - two-storey, two-bedroom terraced dwellings with rear garden, roof terrace and two number rooflights). Each townhouse and work/live unit will have access to one number parking bay (comprising a total of 10 number vehicular parking spaces), access to two number secure bicycle parking spaces (comprising a total of 20 number secure bicycle parking spaces) and the addition of 10 number visitor bicycle parking spaces. Provision of an area of communal/public open space 352 square metres to the west of the site which comprises a planted seating space and is contained by

the existing boundary wall fronting R117 and all ancillary works, inclusive of footpaths, landscaping, boundary treatments and SuDS drainage (Sustainable Drainage Systems), necessary to facilitate the development, all at Crimmins Garage, Bray Road, Enniskerry, County Wicklow.

## **Decision**

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the location of the site in close proximity to Enniskerry Village centre, the planning policies, objectives and development standards of the Wicklow County Development Plan 2022-2028, the nature, scale and design of the proposed development, and the existing pattern of development in the wider area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this constrained site, would not seriously injure the amenities of adjoining properties, or the environmental amenities of the Glencullen River, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission had regard to the appropriate and innovative layout of the proposed development on a constrained linear site in such close proximity of the village of Enniskerry. The proposed development provides an appropriate urban edge to the village centre while maintaining the Silvan verdant character of the site and its surroundings. With regard to the Inspector's recommended reasons for refusal, the Commission was satisfied, on the basis of the further information sought from the applicant and received on the 3<sup>rd</sup> day of September, 2025, that with the omission of a section of the

railings along the front boundary of the site, together with the Road Safety Audit submitted, the proposed development would not endanger public safety by reason of a traffic hazard, and the sweep path analysis adequately demonstrated that the emergency vehicles, including refuse trucks, could manoeuvre in and out of the site in a safe manner. The Commission also requested a more up-to-date bat survey which allayed any concerns that the proposed development would have an adverse impact on bats in the vicinity of the site.

## Conditions

1. The proposed 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 the planning authority on the 18<sup>th</sup> day of February, 2025, together with the further plans and particulars received by An Coimisiún Pleanála on the 3<sup>rd</sup> day of September, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. This permission authorises 10 number dwelling units.

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

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

4. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, no room in the proposed houses shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.  
**Reason:** In order to prevent overdevelopment of the site in the interest of residential amenity.
5. (a) The dimensions and location of the rock armour shall be carried out in accordance with the requirements of Inland Fisheries Ireland. Confirmation that the works have been agreed with Inland Fisheries Ireland shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of such installation.
- (b) All foundation works, soil nailing and rock armour works shall be overseen by a suitably qualified Chartered Engineer, or other similarly qualified person, in accordance with the details set out in the Geotechnical Report received by the planning authority on the 18th day of February, 2025, and the requirements agreed under part (a) of this condition. On completion of these works, a technical report shall be submitted to the planning authority confirming compliance with this condition.  
**Reason:** To protect the river and in the interest of proper planning and sustainable development.
6. Details of the front boundary treatment, including the removal of any sections of railing along the front boundary in order to provide requisite sightlines along the R117, shall be agreed in writing with the planning authority prior to commencement of development.  
**Reason:** In the interest of traffic safety.

7. Full pavement design and makeup details to public roads and footpaths, which shall be in accordance with the requirements of the road authority, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development.

8. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann 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 and wastewater facilities.

9. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 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:** In order to safeguard the residential amenities of property in the vicinity.

11. All service cables associated with the proposed development (such as electrical, public lighting, 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 interest of visual and residential amenity.

12. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes and shall take account of proposed trees and hedges as per the Site Layout Plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

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

13. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the Recommendations for Site Development Works for Housing Areas issued by the Department of the Environment and Local Government in November 1998 shall apply. Following completion, the proposed development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the proposed development is carried out and completed to an acceptable standard of construction.

14. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

17. (a) Prior to commencement of the development, as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

18. 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 and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance 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 until taken in charge.

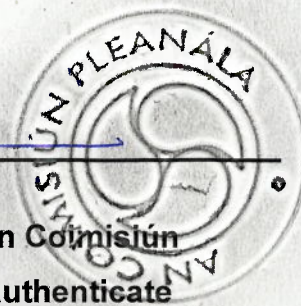
19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



Paul Caprani

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



Dated this 21<sup>st</sup> day of October 2025.