



An
Coimisiún
Pleanála

Commission Order
ACP-323725-25

Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 25/60109

Appeal by Enda and Aine Dowling against the decision made on the 29th day of August, 2025 by Wicklow County Council to grant subject to conditions a permission to Werner Schmidt in accordance with plans and particulars lodged with the said Council.

Proposed Development: (A) Sub-division of the and the construction of a new detached single store split level four-bedroom dwelling along with all associated site development and landscaping works. (B) Provision of connection into existing foul drain for the new house. (C) Provision for surface water attenuate storage manholes with discharge via soakaways for new house. (D) Provision for two new vehicular entrances for proposed and existing dwellings with entrance piers and gates, all at Rockfalls House, Kindlestown Upper, Delgany, County Wicklow.

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 policies and objectives of the Wicklow County Development Plan 2022 - 2028, the established nature, scale and design of the proposed development, the separation distances between the proposed development and existing neighbouring dwellings, and to the orientation of the development on the site relative to existing neighbouring dwellings, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the residential amenities of the area by way of overlooking, overshadowing or overbearance, would not adversely impact on the visual amenities of the receiving environment and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would be consistent with national, regional and local planning policies and objectives supporting compact urban growth, densification and intensification of use of existing built-up serviced, zoned lands. The proposed development would, therefore, be in accordance with the proper planning and sustainable 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 received by the planning authority on the 11th day of August, 2025. 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 first occupation of any residential unit shall be by individual purchasers and shall not be by a corporate entity.

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 in the common good.

3. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the 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: In the interest of public health.

5. Access arrangements, including the gradient of the access driveway, shall be to the written agreement of the planning authority.

Reason: In the interest of traffic safety.

6. The landscaping scheme shown, as submitted to the planning authority on the 11th day of August, 2025, shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) The applicant shall implement tree protection measures to ensure all trees identified for retention are protected during construction.
- (b) The existing stone wall along the western boundary is to be retained.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

7. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

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

8. 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.



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



Dated this 15th day of Jan. 2026.