



An  
Bord  
Pleanála

## Inspector's Report ABP-316994-23

### Development

Change of use of a house to 5 no. Apartments. The development comprises the demolition of 2 no. sheds, rear two storey element and front conservatory/porch, the construction of a three storey extension with balconies to rear/west elevation, removal of part of the existing roof and the provision of a section of the proposed third floor level in its place with balconies, renovation of existing property and ancillary site works.

### Location

'Montebello', Strand Road, Bray, Co. Wicklow.

### Planning Authority

Wicklow County Council.

### Planning Authority Reg. Ref.

22/543.

### Applicant

Rachel Carthy.

### Type of Application

Permission.

**Planning Authority Decision**

Refusal of Permission.

**Type of Appeal**

First Party v Refusal of Permission

**Appellant**

Rachel Carthy.

**Observer(s)**

None.

**Date of Site Inspection**

15<sup>th</sup> November 2023

**Inspector**

Enda Duignan

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is 'Montebello', Strand Road, Bray, Co. Wicklow. The site located along Bray's seafront, midway between the junctions of Strand Road with Victoria Avenue and Sidmonton Avenue. The site comprises a semi-detached, Victorian era building with a double storey, pitched roof form. The building was unoccupied at the time of my inspection but has historically been in residential use. The site has a rectangular shape with car parking provided with the building's front setback. The dwelling has a double storey projection to the rear and a single storey outbuilding is located within the dwelling's rear private amenity space. A shed structure is also located within the rear amenity space which has an abuttal with the western (rear) boundary. The appeal site has a stated area of c. 0.092ha.
- 1.2.** In terms of the site surrounds, the adjoining semi-detached property to the south-east is of a similar era but has been converted to apartments which appear to be associated with the more recently constructed 5 no. storey apartment building (Strand View) further to the south. Designated car parking is provided within the front setback of this converted building. I note that there is a communal amenity area associated with this development which is also located to the south-east of the site. To the north-west of the site is a 3 no. storey semi-detached property which is in residential use. This building has a glazed conservatory to the rear and is served by a rear amenity space in the form of a landscaped garden. The site also shares its western (rear) boundary with the train line.

## **2.0 Proposed Development**

- 2.1.** The proposed development seeks planning consent for the partial demolition of the existing dwelling and associated structures (2 no. sheds, rear two storey element and front conservatory/porch) and the change of use and conversion of the existing dwelling to provide a total of 5 no. apartments across 3 no. levels of accommodation. The development will include 2 no. two bedroom apartments at ground floor level, 2 no. two bedroom apartments at first floor level and 1 no. three bedroom apartment at second floor level.

- 2.2.** The development will be served by a centralised entrance with a connecting hall, leading to a lift and stairwell located within the extended area to the rear of the building. The apartments within the development are generously sized, with floor areas ranging from between 96sq.m. to 136sq.m. for the 2 no. bedroom apartments and 197sq.m. for the 3 no. bedroom apartment. Each apartment is served by private amenity space in form of ground floor patios or upper floor level balconies.
- 2.3.** The proposal seeks consent to relocate and widen the existing vehicular entrance and provide a total of 6 no. car parking spaces within the building's front setback. Hard and soft landscaping is also proposed within this portion of the site, along with a disabled access ramp and visitor cycle parking.
- 2.4.** The development is to be served by a communal amenity space to the rear (west) of the building and to the north of the proposed extension in the form of a landscaped garden. A single storey bicycle = and refuse store is located within the communal amenity area and there is landscaped pedestrian route provide along the north-western site boundary which provides access to this portion of the site.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1.** Wicklow County Council refused planning permission for the proposed development for the following 2 no. reasons:
1. The proposed development would result in an incongruous structure in terms of design which would be out of character with the streetscape and would intrude on views of the protected structures in the vicinity of the site. The proposed roof projecting structure would seriously injure the amenities of the area, would adversely affect the architectural character of the seafront area, and would contravene the objectives set out in the Bray Municipal District Local Area Plan which seeks to avoid negative impacts on the amenity and character of the area, its natural and built heritage, the protected views and prospects and the protected structure in the seafront. The proposed development would therefore be contrary to proper planning and sustainable development.

2. The proposed development would seriously (a) injure the amenities and (b) depreciate the value of properties in the vicinity because insufficient evidence is provided to show that there will be no significant impact on the sunlight and daylight of the living space of the neighbouring properties to the north.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

3.2.1.1. The Wicklow County Council Planning Reports form the basis of the decision. The First Report provides a description of the site and the subject proposal, it sets out the planning history of the site and surrounds and provides an overview of the policy at local level that is relevant to the development proposal. The report also summaries the observations on file.

3.2.1.2. Within their assessment of the application, the Planning Authority indicate that the principle of development was acceptable at this location and the scheme was generally consistent with the zoning objective of the site. However, concerns were raised with respect to the design of the development and its impact on the architectural character of the site and surrounding area. The Planning Authority has highlighted concerns regarding the impact of the development on the residential amenity of the neighbouring property to the north-west. Further information was requested with respect to the following matters:

1. Concerns that the proposed projecting roof feature/modern roof extension is not in keeping with the existing structures and would negatively impact on the existing attractive Victorian character of the area. The Applicant was therefore requested to submit a detailed design report to show how the proposal would not impinge on the character and built heritage of the area and a modification to the design to overcome the concerns raised may be required.
2. Concerns raised regarding overshadowing impact. The Applicant was requested to submit a report to support the proposed development and show an analysis in accordance with the BRE guidelines on "Site Layout Planning for Daylight and Sunlight" and British Standard BS 8206, clarifying that the proposed development would not be detrimental to the daylight of the

surrounding properties.

3. Concerns that the proposal would have an overbearing impact on the residential amenities of neighbouring dwellings. It was considered that the proposal would create a tunnel like form on the neighbouring property to the south given it is already adjoined by a large building. The Applicant was requested to respond to this issue.
4. The Applicant was requested to submit a report to show that the proposal will not create any new overlooking opportunities and negatively impact the private open space of the neighbouring dwellings.
5. Revised storage space for apartment 2 (2 bed/ 4 persons) in order to comply with the Design Standards for New Apartments (DSFNA 2018)
6. Revised proposals which provide for the retention of the original granite piers which should be restored as part of the proposed entrance works.
7. The Applicant was also requested to revise the car parking arrangement in order to comply with the standards of the County Development Plan.
8. The submission of additional details with respect to surface water drainage.

3.2.1.3. As part of the Applicant's response, the proposed development was modified and reduced in scale. The Applicants further information submission indicated that the rear extension was reduced in height, extent and width. The perimeter was lowered by 945mm and the centre of the extension by 1945mm (with the exception of the lift core which had been reduced by 1155mm). It was noted that the footprint and length of the extension had also been reduced by c. 2500mm. It was the Applicant's contention that these revisions helped to reduce bulk, visual impact and "tunnel effect" to adjoining apartments. As part of the response, the Applicant also submitted an updated shadow analysis, a Sunlight, Daylight and Shadow Assessment and photomontages of the proposed development. Notwithstanding the revisions to the design of the scheme, the Planning Authority had continued concerns regarding the visual impact of the development on the built heritage of the streetscape and its potential impact on the residential amenity of properties within the site's vicinity. The application was therefore refused for 2 no. reasons.

### 3.2.2. Other Technical Reports

Bray Municipal District Engineer: Report received recommending additional information with respect to the following matters:

- It was considered that the surface water drainage information supplied was not adequate to carry out a full assessment and the Applicant was therefore requested to submit:
  - o Trial hole results and soil permeability data;
  - o Nature based SUDS proposals that demonstrate surface water runoff conveyed via the soft landscaping rather than direct connection to underground storage;
  - o The level and location of the public surface water sewer to demonstrate that a connection is possible;
- Revisions to the car parking layout.

Housing: Report received stating no objection subject to compliance with conditions.

### 3.2.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to compliance with conditions.

### 3.2.4. Third Party Observations

A total of three (3) no. observations were received from Third Parties. The issues raised within the observations can be summarised as follows:

- It was stated that it would be improper, careless, and contrary to the Local Area Plan to allow a prominent Victorian heritage property to be dramatically altered in this way and it is not appropriate to attach a modern additional storey to a Victorian roofline.
- It is contended that the works to the front façade of the building will result in an incongruous and visually discordant elevation. The development is therefore considered to negatively impinge on the amenity and character of the area.
- An observer notes that the scheme is an insensitive and far too excessive commercial development that fails to have due regard to the protection of the residential amenities of adjoining houses.

- Concerns the proposal will result in overlooking of neighbouring amenity spaces from proposed windows on the northern elevation of the development.
- Concerns regarding the overall height of the development and its impact in terms of overshadowing on neighbouring properties.
- Concerns regarding the impact of the development in terms of daylight to the rear rooms of the neighbouring property to the north-west. It is stated that the rear rooms currently receive good levels of sunlight penetration which will be diminished by the proposed development. This will have a significant adverse impact on the residential amenity of the adjoining residents.
- Concerns raised with respect to the visual impact of the proposed development when viewed from the amenity areas of adjoining properties.
- The development as proposed will devalue neighbouring properties given the scale of the development and its proximity to shared boundaries.

## **4.0 Relevant Planning History**

### **4.1. Appeal Site**

None.

### **4.2. Site Surrounds**

#### ***South (Ulysses, Montebello Terrace and 58-59 Strand Road)***

- 4.2.1. There is an extensive planning history pertaining to the lands to the south of the appeal site. Planning permission previously granted under Ref. 16/1402 (ABP Ref. PL.27.249185) for a change of use of Ulysses Bed and Breakfast to a single 4 bed dwelling, including the demolition of the existing extensions, sheds to the rear and porch to the front, addition of 2 no. windows to the rear and the construction of a part 4/part 5 storey block with 43 no. apartments and all associated site works. In the intervening period, there has been a number of amendment permissions and under Ref. 20/1208, permission was granted by the Planning Authority for the provision of 4 no. apartments within the former Bed and Breakfast (Ulysses) in lieu of the previously permitted single residence.



## 5.0 Policy and Context

### 5.1. Wicklow County Development Plan, 2022-2028 (CDP)

- 5.1.1. Under the current CDP, Bray is identified as a Level 1 settlement (Metropolitan Area/Key Town) and is defined as a 'Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.'
- 5.1.2. The plan states that 'For larger towns in Levels 1-5, where more significant growth is targeted that is unlikely to be possible to accommodate wholly within the existing built up envelope, a minimum of 30% of the targeted housing growth shall be directed into the built up area of the settlement. In cognisance that the potential of town centre regeneration / infill / brownfield sites is difficult to predict, there shall be no quantitative restriction inferred from this Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites.
- 5.1.3. The policy notes that town centre regeneration / infill / brownfield developments normally located within the existing built-up part of the settlement, generally on lands zoned 'town centre', 'village centre', 'primary area', 'existing residential' and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development.
- 5.1.4. Relevant policy objectives of the current CDP include:
- **CPO 4.2:** Town centre regeneration / infill / brownfield developments normally located within the existing built up part of the settlement, generally on lands zoned 'town centre', 'village centre', 'primary area', 'existing residential' and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development.
  - **CPO 4.3:** Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and

securing higher densities for new development.

5.1.5. Section 6.3.5 (Densities) of the Plan notes that higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. In the case of Large Towns (Bray), the following density standards apply:

- Public Transport Corridors: Minimum density of 50 units per hectare within 500m walking distance of bus stop or 1km of light rail stop or rail station.
- Outer Suburban / Greenfield Sites: Minimum density of 35 - 50 dwellings per hectare.
- Development at net densities less than 30 dwellings per hectare should generally be discouraged particularly on sites in excess of 0.5 hectares.

5.1.6. Section 8.3 (Architectural Heritage) of the Plan acknowledges that Wicklow has a wealth of architectural heritage. The policy notes that architectural heritage makes a huge contribution to the distinctiveness of the towns and villages, examples being the characteristic Victorian seafront and terraces of Bray etc. Section 8.3.2 (Vernacular Heritage & Other Structures) also notes that throughout the countryside and within the towns and villages of Wicklow is an extensive stock of historic buildings and structures dating mainly from the 18th, 19th and early 20th century. While not all are included on the RPS, they are nonetheless of merit, making a positive contribution to the character of the landscape and to the distinctive character of a particular area. Damage to the vernacular building stock occurs through the loss of whole structures but can also be as a result of the gradual erosion of architectural details such as the replacement of roof coverings and windows with modern materials, removal of external render, inappropriate repointing and the addition of unsuitable extensions. It is the policy of the Council to safeguard vernacular heritage, and encourages the rehabilitation and appropriate reuse of the vernacular building stock in recognition of the vital role it plays in the sustainable development of the County.

5.1.7. Architectural Heritage Objectives of the Plan include:

- **CPO 8.10** To protect, conserve and manage the built heritage of Wicklow and to encourage sensitive and sustainable development to ensure its preservation

for future generations.

- **CPO 8.11** To support the work of the National Inventory of Architectural Heritage (NIAH) in collecting data relating to the architectural heritage, including the historic gardens and designed landscapes of the County, and in the making of this information widely accessible to the public and property owners.
- **CPO 8.12** To have regard to 'Architectural Heritage Protection: Guidelines for Planning Authorities' (Department of Arts, Heritage and the Gaeltacht, 2011) in the assessment of proposals affecting architectural heritage.

5.1.8. Other Structures & Vernacular Architecture Objectives include:

- **CPO 8.18** To seek (through the development management process) the retention, conservation, appropriate repair and reuse of vernacular buildings and features such as traditional dwellings and outbuildings, historic shopfronts, thatched roofs and historic features such as stonewalls and milestones. The demolition of vernacular buildings will be discouraged.
- **CPO 8.19** Development proposals affecting vernacular buildings and structures will be required to submit a detailed, true measured survey, photographic records and written analysis as part of the planning application process.
- **CPO 8.20** Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS), the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County's architectural heritage.

5.1.9. Chapter 11 of the current CDP relates to 'Tourism & Recreation' and policies of note include:

- **CPO 11.1** To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.
- **CPO 11.2** To ensure that all tourism and recreation developments are designed to the highest quality and standards.
- **CPO 11.3** To generally require tourism and recreation related developments to locate within existing towns and villages, except where the nature of the activity

proposed renders this unfeasible or undesirable. Within existing towns and villages, the Planning Authority will promote and facilitate the development of tourist related uses at appropriate sites. In all cases, the applicant must submit a robust assessment setting out the sustainability of any proposal with respect to economic, environmental and social sustainability, as defined herein.

5.1.10. As per Section 19.3 (Coastal Cells) of the Plan, the appeal site is located within the Cell 1 (Bray Town). The Plan acknowledges that Bray Seafront is a locally distinctive and significant area in the town. It is rich in architectural and natural heritage, comprising the beach, the Esplanade and many fine architectural structures dating to Victorian times, many of which are listed in the Record of Protected Structures. The area has huge symbolic, cultural, social and economic importance and as such, its character must be preserved to ensure that its amenity and economic value is safeguarded for existing and future generations.

5.1.11. Relevant Appendices

- Appendix 1: Development and Design Standards.

**5.2. Bray Municipal District Local Area Plan 2018 – 2024 (LAP)**

5.2.1. The site is zoned SF – Bray Seafront under the current LAP. The objective of which is to ‘To provide for the development and improvement of appropriate seafront uses’. The description of this zoning is ‘To protect and enhance the character of the seafront area and to provide for mixed-use development including appropriate tourism, retail, leisure, civic and residential uses. The LAP notes that the ‘Seafront area shall be promoted as the primary tourist, recreational and leisure centre of Bray’.

5.2.2. There are a number of existing Protected Structures further to the north of the appeal site along strand road. There are also Protected Views along the Bray seafront comprising the view of Bray Head and the Little Sugar Loaf from the town and the view from the south harbour along the Promenade and Strand Road.

5.2.3. As per Section 7.1 (Bray Seafront & Esplanade) of the LAP, the ‘Seafront Area’ is

defined as the area included in the 'SF' and 'OS1' zones, which run parallel to Bray Beach. Bray Seafront is a locally distinctive and significant area in the town. It is rich in architectural and natural heritage, comprising the beach, the Esplanade and many fine architectural structures dating to Victorian times, many of which are listed in the Record of Protected Structures. The policy states that the area has huge symbolic, cultural, social and economic importance and as such, its character must be preserved to ensure that its amenity and economic value is safeguarded for existing and future generations. The vision for this area is for it to remain an inviting, animated and attractive seafront area, with a vibrant commercial leisure sector supervised by permanent residences, that functions as the primary tourist, recreational and leisure centre of the town.

5.2.4. In the SF zoned 'Seafront' area, a proposed development will only be permitted where it does not negatively impinge on:

1. The amenity and character of the area;
2. Its natural and built heritage;
3. Protected views and prospects; and
4. Protected structures.

5.2.5. While having regard to the above, the Council will consider permitting developments comprising modern, innovative designs, where the character and setting of historically important buildings is not compromised.

5.2.6. In the SF zone, the following objectives shall apply:

- The design of new buildings shall draw reference from and complement the historic Victorian style of the seafront; all applications shall be accompanied by a 'design statement' setting out how consideration of the historic character and style influenced the design of the development and how it complements and enhances the area;
- Generally new buildings shall not exceed the 4 storeys height; where a new structure is proposed to exceed the height of immediately adjacent structures by more than 1 storey, detailed justification and assessment of impact (visual,

overlooking, over shadowing etc) shall be required;

- New buildings will be expected to follow the established building line; where a set back from the road is prevalent, such spaces shall generally be laid out as amenity spaces / gardens rather than car parking, and all efforts shall be made to locate car parking underground or to the rear of new developments; where car parking to the front cannot be avoided, the quantum of spaces shall be minimised, the appearance of hard surfacing shall be ameliorated by use of innovative materials and significant landscaping shall be required;
- It is the overriding objective of the Council to promote the seafront area as the primary tourist, leisure and recreational centre of the town and the quality of residential amenity must be viewed in light of this objective and the long standing use of this area for leisure activities.

### **5.3. Section 28 Ministerial Guidelines.**

5.3.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020, updated in 2023) (the 'Apartment Guidelines').
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (May 2021).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

#### **5.4. Climate Action Plan (CAP) 2024**

#### **5.5. Project Ireland 2040 National Planning Framework (NPF)**

- 5.5.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).
- 5.5.2. National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

#### **5.6. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).**

- 5.6.1. A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact growth in our urban areas. Urban regeneration and infill sites can contribute to sustainable compact growth and revitalisation of existing settlements of all scales. This will help to address National Policy Objective 3a, 3b and 3c of the NPF which targets the delivery of new homes within the footprint of existing settlements.

#### **5.7. Natural Heritage Designations**

- 5.7.1. The nearest designated site is the Bray Head SAC (Site Code: 000714), located c. 750m to the south of the appeal site.

## **5.8. EIA Screening**

- 5.8.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A First Party appeal has been prepared and submitted on behalf of the Applicant. In terms of Refusal Reason 1, the appeal submission notes that it has been informed by an assessment of the details originally submitted with the application and also in response to a request for further information as the nature of the roof extension was an issue of concern by the Planning Authority. The Applicant was invited to modify the design. However, the modern nature of the front roof extension was retained with justification provided. The submission requests the Board to note the extent of assessment undertaken by the Planning Authority. It is stated that it was simply considered that the roof design was not in keeping with the Victorian Style of the existing dwelling and that the concerns about impact or streetscape had not been overcome. However, no elaboration or analysis of the further information response submission seems to have been undertaken by the Planning Authority. It is the intention of the appeal submission to now provide such analysis and elaboration for the benefit of the Board.
- 6.1.2. The submission notes that consideration of the character and the amenity of an area can be subjective. It is considered that the character of the Seafront is dominated by its Victorian architectural character. However, it is noted that there are several areas/ sections of the seafront where this character is absent or compromised and there are vacant/brownfield sites, modern buildings, interventions and incongruous buildings which are out of character. The submission notes that there are several sections of the front which do not contain protected structures and the existing separation



distances from Protected Structures are noted. The submission also refers to unsightly structures accommodating outdoor seating areas, beer gardens etc. located beyond the building line of properties and notes that the character of these structures is seriously undermined and the impact on the character of this section of the Seafront is considered to be very negative. I note that photographs of various parts of the seafront have been enclosed with the appeal.

- 6.1.3. The appeal submission highlights that the seafront/esplanade is not located within an Architectural Conservation Area (ACA) and reference is made to the relevant policies at national and local level which they contend provide a sound basis for modern design solutions. Developments should be in scale and harmony with adjoining buildings and not impact on the area as a whole and as the subject site is not in an ACA, it is argued that there is a great deal of latitude for the proposed roof design to be considered acceptable. The submission contends that the Planning Authority's decision to refuse permission is not justified and a greater and more detailed assessment in this appeal strongly indicates that it can be removed.
- 6.1.4. The appeal submission notes that Refusal Reason No. 2 relates to the sunlight/daylight analysis submitted in response to further information request, where it was the Planning Authority's opinion that insufficient evidence was provided regarding impact on properties to the north of Montebello and the development would be injurious to the amenities and depreciate the value of same. The appellant notes that a thorough and comprehensive assessment of sunlight/daylight impacts was submitted in response to Item 2. In terms of the Planning Authority's concerns regarding testing of the rear window states, it is stated within the appeal submission that without an internal inspection/survey of the neighbouring property, it is reasonable to assume that (based on external examination) the living rooms of the house are to the front, facing the sea. However, the submission indicated that the rear windows were in fact tested in any case. The submission goes on to note that the gable windows, to the adjoining property, are not to habitable rooms and are of frosted glass or covered in. The current context, between the existing gable wall and that of an extension (whether existing or proposed), will not change.

6.1.5. The submission refers to commentary provided by the author of the sunlight/daylight analysis which is detailed as follows:

- In response to Item 2 of the RFI, three areas were considered: the conservatory, the rear of the house and the gable. All relevant windows were numbered and tested. The windows to the gable were not. It was reasonably considered that these were not to habitable rooms. The windows in the rear elevation were numbered and measured for VSC (Vertical Sky Component). For all of the windows the average change ratio was 0.89 (11% reduction). All of the rear windows were tested for sunlight impact. All of the conservatory windows were tested for sunlight impact in accordance with BRE Guidelines- "Site layout Planning for Daylight and Sunlight: A Guide to Good Practice (3rd edition 2002)."

The submission goes on to note that the amenity space to the rear of the adjoining property was also tested, as per the BRE Guidelines. It is stated that the change to the area of amenity that receives 2 hours of sunlight on the 21<sup>st</sup> of March was nominal with a change ratio of 0.98 (a 2% reduction) and was in full compliance with the Guidelines. The submission goes on to note that passing the BRE requirements does not imply that shadows will not be cast over an amenity space.

6.1.6. In conclusion, it is considered that the Planning Authority's refusal of permission is not justified. It is contended that the proposed roof profile to the attic conversion will not detract from the character of the Seafront, nor will it impact on Protected Structures or protected views. Relative to the scale of buildings beside the subject site, it is the appellant's view that proposed development will not have a material impact on the character of the Seafront.

## **6.2. Planning Authority Response**

None.

## **6.3. Observations**

None.

#### **6.4. Further Responses**

None.

#### **7.0 Assessment**

Having examined the application details and all other documentation on file, including the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Built Heritage, Visual Impact & Design
- Residential Amenity
- Other Matters
- Appropriate Assessment

#### **7.1. Principle of Development**

- 7.1.1. The proposal seeks planning consent for the partial demolition of the existing single residence, its extension and conversion to provide a total of 5 no. apartments. The site is zoned SF (Seafront) under the Bray LAP which has an overarching objective 'To provide for the development and improvement of appropriate seafront uses'. The vision for SF zoned lands is to protect and enhance the character of the seafront area and to provide for mixed-use development including appropriate tourism, retail, leisure, civic and residential uses. Policy Objective R4 of the Bray LAP is relevant to the consideration of the case at hand, whereby it is policy of the Plan 'To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.' There is also policy support for development of this nature under Objective CPO 4.3 of the current CDP, whereby it is policy of the Plan to 'Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.'

7.1.2. In addition to the local level policy support for developments of this nature, I am satisfied that the proposed development would represent a more efficient use of a brownfield site which benefits from good access to public transport and range of amenities and services given its location along Bray Seafront. This is particularly relevant in the context of national policy objectives which seek to ensure that 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a). Section 2.6 (Securing Compact and Sustainable Growth) of the National Planning Framework (NPF) also highlights that the preferred approach to development would be compact development that focuses on reusing previously developed, 'brownfield' land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings. I consider this to be directly applicable to the development proposal given the national policy objectives which now seek to secure compact and sustainable growth. Therefore, having regard to the SF zoning provisions of the site, the nature of the proposed residential development and the policy support at local through to national level for developments of this type, I am satisfied that the principle of development is acceptable at this location. The issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration its design and how this responds to the architectural character of the site and surrounds. Further to this, it is necessary to have regard to the site context and the development's potential impact on the amenity of established residences within the site surrounds.

## **7.2. Built Heritage, Visual Impact & Design**

7.2.1. Whilst it was accepted by the Planning Authority that a development of this scale could typically be accommodated in the area, significant concerns were raised with respect to the projecting storey from the roof level which was not considered to be in keeping with the Victorian style of the existing dwelling. It was the Planning Authority's view that the modern square extension would detract from the attractive Victorian streetscape running from Strand View towards Sidmonton Avenue and beyond. I note that the Planning Authority did not raise concerns with respect to the proposed alterations to the front of the building. These works comprised revisions to the

fenestration and the provision of first floor level balcony projections. I note that these works are similar to what have been constructed on the adjoining property to the south and in the Planning Authority's view, these elements of the scheme were considered to be a positive design feature. I note that observers to the application had also raised significant concerns regarding the design and form of the development and its impact on the architectural character of the site and surrounding area.

7.2.2. As per Section 7.1 (Bray Seafront & Esplanade) of the Bray LAP, a proposed development in the SF zoned 'Seafront' area will only be permitted where it does not negatively impinge on the amenity and character of the area, the area's natural and built heritage, protected views and prospects and also protected structures. I fully acknowledge that the existing building is not a Protected Structure nor is it listed on the NIAH. Further to this, the appeal site is not located within an Architectural Conservation Area. Irrespective of this however, the Victorian era building appears to be in good condition and has significant architectural merit. In my view, the building makes a positive contribution to the relatively intact streetscape character. In this regard, I am conscious of Objective CPO 8.20 of the current Plan which states that 'where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS), the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County's architectural heritage.' In addition, Section 19.3 (Coastal Cells) of the Plan acknowledges that Bray Seafront is a locally distinctive and significant area in the town. The policy recognises that the area has huge symbolic, cultural, social and economic importance and as such, its character must be preserved to ensure that its amenity and economic value is safeguarded for existing and future generations.

7.2.3. From a review of the plans and particulars, the only original building fabric that is proposed to be retained are the external walls of the front portion of the building at ground and first floor level. It would appear from the elevations that it is also proposed to retain a small section of the existing roof. In order to accommodate the second floor level apartment, it is necessary to demolish a significant portion of the existing roof,

including the chimney breast on the roof's northern side. I note that the application is not supported by a detailed set of demolition drawings. However, it would appear that it is necessary to demolish all the internal walls of the building in order to facilitate the conversion and the provision of the proposed extensions. Given the extent of the proposed demolition works, I would have some concerns regarding the feasibility of retaining the extent of the existing roof as identified on the submitted drawings.

7.2.4. The extensions to the front of the building at second floor level comprise an open plan kitchen/living/dining room for the upper floor level apartment. The additions are contemporary in design with a flat roof form and the elevations are proposed to be clad in a zinc material. This finish is utilised on the entirety of the upper floor level façade. Extensive glazing is proposed along the eastern (front), northern and southern (side) façade and a wrap-around glazed balustrade will enclose the apartment's east facing terrace. A brise soleil is also proposed which will partially project above the apartment's terrace. I note that the floor to ceiling heights are generous within this area of the apartment at c. 3.3m, and the overall height of the additions would appear to be project above the top of the chimney which is proposed to be retained (as per southern elevation). As detailed in the application documents and the Applicant's grounds of appeal, it is their view that the modern intervention in the roofscape is fully supported in policy and is of a scale, form and design which will not erode, detract or adversely impact the character of the existing streetscape. The Applicant contends that the seafront displays a mixed character and have referred to the variety of builtform along the esplanade, which includes many examples of modern interventions.

7.2.5. Whilst I accept that the architecture within the streetscape displays diversity, it is the Victorian style of design along the esplanade that contributes to its relatively intact character. I refer again to the policies of both the current Plan and LAP that ultimately seek to ensure that this character is preserved. Although works have been undertaken to the adjoining property to the south, I would agree with the Planning Authority's view that the additions are sympathetic to its architectural character. The existing roof and chimneys have been retained and its overall form remains intact. The revisions to the fenestration and the balcony projections are contemporary additions, are clearly

distinguishable from the original fabric and I am satisfied that an appropriate balance has been struck in that instance.

- 7.2.6. Having inspected the site and surrounding area, I have concerns regarding the impact of the second floor level additions on the architectural integrity of the existing building and on the streetscape within which it sits. In my view, the additions will form a prominent and discordant feature which will ultimately disrupt the rhythm of the existing roofscape and I am not satisfied that it can be supported in light of the policies of the current Plan and LAP which I have discussed. Notwithstanding this, I note that the upper floor level apartment is generously sized at 197sq.m. Having examined the internal layout plans, including the position of the lift and stair core, it is entirely feasible in my view to provide a smaller 2 no. bedroom apartment at this level which then allows for the retention of the existing roof. This would require the omission of the open plan kitchen/living dining room and its terrace. A kitchen/living room for a modified 2 no. bedroom apartment could be provided in lieu of Bedroom No. 3, the wardrobe and the adjoining ensuite. Although the second floor level additions may still be visible from certain vantage points, the additional setbacks coupled with the retention of the dwelling's original roof would in my view ensure that the architectural integrity of the existing building and the streetscape is maintained. It is therefore my recommendation that a suitable condition be included which requires the details of same to be agreed with the Planning Authority prior to the commencement of development. Subject to compliance with this condition, I am satisfied that the development is acceptable having regard to the architectural character of the site and surrounding area.

### **7.3. Residential Amenity**

- 7.3.1. Although the esplanade displays a varied character in terms of the range and mix of uses that are present, the appeal site has an abuttal with an existing 3 no. storey residence to the north. In addition, the site is bound by apartments within Strand View and the immediately adjoining property to the south. Therefore, any design response should have regard to the sensitivities of the site and would need to ensure that the amenity of the established residences is not unduly compromised or unreasonably impacted. As noted, the development comprises the demolition of the double storey

rear projection and its replacement with a 3 storey contemporary extension which projects by c. 16.8m beyond the original rear building line that is to be retained. The proposed additions are located to the south of the glazed conservatory and landscaped rear garden of the property to the north. As part of the Planning Authority's assessment, concerns were raised with respect to the impact of the proposed development on the property to the north by reason of overshadowing and loss of daylight/sunlight. The Applicant was then afforded an opportunity to respond and in support of the further information response, submitted an amended design and provided a Sunlight, Daylight and Shadow Assessment for the modified development. The revisions to the design of the development comprised a reduction in the height and overall length of the extensions. Notwithstanding the amendments to the scheme's design, concerns with the development remained and the view was formed that insufficient evidence had been provided to demonstrate that there would be no significant impact on the sunlight and daylight of the living space of the neighbouring properties to the north.

- 7.3.2. The proposed additions, as amended by way of further information, provide a varied setback from the northern site boundary of between c. 3.2m and c. 10.8m. The rear building line of the additions have also been staggered which provides articulation and in my view, adds visual interest and reduces the overall bulk and massing of the elevation when viewed from the properties to the north. Unlike the Strand View apartments further to the south, more generous setbacks are provided from the rear (western) boundary which range from between c. 12.9m and c. 16m. The additions have a flat roof form with a maximum height of c. 10m. I note the roof of the stairs and lift extend to c. 10.5m and are set in from the building's northern façade. Unlike the open plan kitchen/living/dining room of upper floor unit, the bedrooms within this apartment have more moderate floor to ceiling heights (i.e. 2.8m). In terms of visual impact, I am satisfied that the development would not unduly compromise the residential amenity of the properties to the north by reason of being visually overbearing. The varying setbacks provided from both the western and northern boundaries, coupled with the well-considered palette of materials and finishes will in my view soften the presentation of building when viewed from the north and is



therefore acceptable.

7.3.3. In terms of overshadowing, it is evident from the updated shadow analysis that there is some additional overshadowing of the rear amenity space and conservatory in the morning and early afternoon period. Beyond 2pm on the 20<sup>th</sup> March, the impacts are negligible owing to the site's orientation and the siting of the proposed additions. The Applicant's Sunlight, Daylight & Shadow Assessment has been carried out in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice - Third Edition (BRE 2022). The Applicant's assessment refers to the tests for the availability of sunlight in amenity areas (3.3.17 of the BRE Guidelines) where it is recommended that for an amenity area to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March. If as a result of new development, an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21<sup>st</sup> March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. The Applicant's analysis demonstrates that the rear amenity space of the neighbouring property passes the BRE 2-hours of sunlight test and the average change ratio for the tested amenity space is 0.98. Therefore, have regard to the scale and form of the proposed development and the results of the Applicant's assessment, I am satisfied that the amenity of adjoining open space area is not unreasonably impacted by the proposed development by reason of overshadowing.

7.3.4. Within their assessment of the Applicant's further information response, it was noted by the Planning Authority that the submitted sunlight, daylight and shadow assessment made assumptions that the living rooms of the property to the north were located to the front of the house. They refer specifically to the Applicant's assessment where it is stated that, as there is no impact on the adjoining property, the rear windows have not been tested. It is then concluded by Planning Authority that given the assumptions made, insufficient information has been submitted to clarify the potential impact. However, having examined the Applicant's assessment, it is evident that they have in fact tested all the windows on the rear elevation of the neighbouring property. They

have also assessed the glazing within the ground floor level conservatory. Tests were carried out to establish the quantity and quality of daylight available to a room's windows by examining the Vertical Sky Component (VSC). Section 2.2.7 of the BRE Guidelines notes that if this VSC is greater than 27%, then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum and the BRE Guidelines notes that if the VSC, with the new development in place, is both less than 27% and less than 0.80 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. For the windows on the rear elevation, the analysis demonstrates that each window complies with the requirements with the average change ratio of 0.89. There are 2 no. sides of the conservatory (c 0.2 (south) and c 0.3 (south-west)) which fall below the recommended standard. However, the overall average of the windows lighting the conservatory comply with the BRE Guidelines, showing a change ratio of 0.91. Given the extent of glazing serving the conservatory, I am satisfied that this is acceptable. I note that there are 2 no. windows located on the southern elevation of the property to the north that have a direct abuttal with the common boundary. An assumption is made by the Applicant that these windows serve non-habitable rooms. Whilst this could not be confirmed, it was evident when inspecting the site that the glazing in the upper level window appeared to be opaque. Irrespective of this, I note that windows are located opposite the existing side wall of the portion of the building that is to be retained. Further to this, it is my recommendation that the open plan kitchen/dining/living room of the upper floor apartment be omitted by way of condition on grounds relating to built heritage. I am therefore satisfied that the proposed development would not unduly impact the amenity of these windows by reason of loss of daylight.

- 7.3.5. In terms of sunlight, the Applicant's analysis of the annual and winter probable sunlight hours (APSH and WPSH) for the ground floor level conservatory demonstrates that they comply with the relevant BRE Guidelines. I note that the Applicant has not provided an analysis of the windows on the rear elevation in terms of APSH and NPSH as the assumption was made that the living rooms are to the front overlooking the esplanade and sea. Whilst I accept that the provision of this information would have been helpful, when considering the results of the ground floor level conservatory and

the placement and position of the windows on the rear elevation, particularly at first and second floor level, one could reasonably conclude that the results would not be dissimilar. Overall, I am satisfied that the design response has had regard to the sensitivities of the site, through the provision of a varied setback from the northern site boundary and amendments to the scheme's design at further information stage which comprised a reduction in the overall height and length of the additions. In my view, the modifications to the development's design shall ensure that the amenity of established residences is not unduly compromised.

7.3.6. As noted, the Strand View apartment development is located to the south of the appeal site. There are 4 no. apartments provided within the adjoining semi-detached building which are also associated with that development. On its southern side, the proposed extensions will have a total length of c. 16.8m and a minimum setback of c. 1m is provided from the southern site boundary. The southern elevation of the proposed additions has a maximum height of c. 10.5m above ground level and the extensions are located to the north of a communal open space area serving the Strand View development. I note that the southern elevation is broken up and articulated by the fenestration and the varied palette of materials and finishes which comprise render, zinc and vertical timber brise soleil for the southern face of the balconies and on the corridors of the apartments on the southern side of the building. Having regard to the overall scale, form and height of the additions, the setback provided from the southern site boundary, the articulated elevation and the orientation of the site, whereby the additions are located to the north of the communal open space area, I am satisfied that the development will not unduly impact the residential amenity of the properties within the vicinity by reason of overshadowing, loss of daylight/sunlight or by being visually overbearing. The development is therefore considered to be acceptable in this regard.

7.3.7. I note that issues concerning overlooking had been raised during the application stage. On the northern elevation, there are 2 no. second floor level windows serving the bedrooms within Apartment No. 4. The bedrooms are also served by additional windows on their east (light court) and west elevations respectively. These are

identified as high level windows. However, it is not possible to determine the height of the windows from the section diagrams. In order to preclude overlooking of the neighbouring private amenity space, a condition should therefore be included which requires the sill height to be a minimum of c. 1.8m above finished floor level. In response to the Planning Authority concerns at further information stage, the Applicant provided a vertical timber brise soleil on the northern and southern elevations at first and second floor level to mitigate the potential for direct overlooking. However, I note that there is a discrepancy on the submitted elevations as a solid wall is shown on the second floor level elevation (i.e. adjacent the storage and shower room) of Apartment No. 5. A condition should therefore be included which requires the submission of an updated elevation which reflects this arrangement. In addition, the brise soleil should be extended across the full length of the north facing, first floor level window of Apartment No. 4 (Entrance Hall). Subject to compliance with these conditions, I am satisfied that the proposed development would not result in undue overlooking of properties within the site's vicinity. The proposed development is therefore considered to be acceptable having regard to the residential amenity of the site and surrounding area.

#### **7.4. Other Matters**

- 7.4.1. In terms of the amenity of the proposed apartments, I note that all apartments are at a minimum dual aspect and the internal floor areas range from between 96sq.m. to 136sq.m. for the 2 no. bedroom apartments and 197sq.m. for the 3 no. bedroom apartment. Having examined the plans and particulars, it is evident that the apartments within the proposed development are in compliance with the relevant Specific Planning Policy Requirements (SPPRs) of the Apartment Guidelines in terms of housing mix (SPPR 1 & 2), minimum floor areas (SPPR 3), dual aspect (SPPR 4), floor to ceiling heights (SPPR 5) and lift and stair shafts (SPPR 6). In addition, the proposal meets the minimum recommended standards with respect to internal storage and private amenity space. Overall, I am satisfied the apartments within the proposed development and their respective patios/terraces will afford an excellent standard of amenity to its future occupants and are therefore acceptable.

- 7.4.2. I note that issues concerning car parking and drainage had initially been raised by the Planning Authority during the application which I have outlined in Section 3 of this report. However, these matters were addressed by the Applicant at further information stage, and I am therefore satisfied that the development is acceptable subject to compliance with appropriate conditions.

## **7.5. Appropriate Assessment**

- 7.5.1. The nearest designated site is the Bray Head SAC (Site Code: 000714), located c. 750m to the south of the appeal site. Having regard to the nature and scale of the proposed development, i.e. the partial demolition of an existing building and the conversion and extension to provide 5 no. apartments, and to the nature of the receiving environment, removed from and with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. The requirement to proceed to Stage 2 of the Appropriate Assessment process and the requirement to prepare a Natura Impact Statement (NIS) is not required.

## **8.0 Recommendation**

- 8.1. Grant of permission is recommended.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to:
- i. The policies and objectives of the Wicklow County Development Plan, 2022-2028 and the Bray Municipal District Local Area Plan, 2018–2024, including the ‘SF’ (Bray Seafront) zoning objective for the lands;
  - ii. The nature, scale and design of the proposed development.
  - iii. The location and specific characteristics of the site and the pattern of development in the surrounding area,
  - iv. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
  - v. The Sustainable Urban Housing: Design Standards for New Apartments

Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,

- vi. Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,
- vii. To the Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and
- viii. The nature, scale and design of the proposed development and the pattern of existing and permitted development in the area,

it is considered that, subject to compliance with the various conditions set out below, which includes a requirement to omit the kitchen/living/dining room and terrace of Apartment No. 5 and to retain the existing roof and chimneys of the existing property, the proposed development would not adversely impact or erode the architectural character of the site and surrounding area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would comprise an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The proposed development shall comply with the plans and particulars lodged with the application submitted and as amended by Further Information received on 10/03/2023, 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The proposed development shall be amended as follows:
  - a. In order to provide for the retention of the front portion of the roof (and

chimneys) of the existing dwelling, the kitchen/living/dining room and terrace of Apartment No. 5 shall be omitted. The Applicant shall provide a reconfigured apartment (1/ 2 no. bedroom) at second floor level within the extension.

- b. The north facing first floor level windows of Apartment No. 4 shall have a minimum sill height of 1.8m above finished floor level.
- c. The brise soleil shall extend across the full length of the north facing, first floor level window of Apartment No. 4 (Entrance Hall). The northern elevation shall also be updated to show a solid external wall adjacent to the storage and shower room of Apartment No. 5.

Revised floor plans, elevations and sections incorporating the revisions shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

**Reason:** In the interest of built heritage and the residential amenity of the surrounding area.

- 3. Prior to the commencement of development, the Applicant shall submit a full set of demolition drawings. A structural report prepared by a suitably qualified engineer shall also be submitted which demonstrates that the front portion of existing dwelling (external walls, roof & chimney) can be retained.

**Reason:** In the interest of built heritage.

- 4. Prior to commencement of development, the Applicant shall enter into water and waste water connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices

**Reason:** In the interest of public health.

- 5. Drainage arrangements, including the 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.

6. 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 interest of proper planning and sustainable development of the area.

7. Details of the materials, colours and textures of all external finishes to the residential units shall be in accordance with the drawings and specifications hereby approved.

**Reason:** in the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.

8. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of the proper planning and sustainable development of the area.

9. Prior to commencement of development. the developer shall submit a Project Construction and Demolition Waste Management Plan to be agreed in writing with the Planning Authority.

**Reason:** In the interest of proper planning and sustainable development of the area.

10. Site development and building works shall be carried out only between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm 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 amenities of property in the vicinity.



11. Prior to the commencement of development, the Applicant shall prepare and submit a Construction Management Plan to the Planning Authority for their written agreement. The Construction Management Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, site hoarding and security, details of construction lighting and waste minimisation. **Reason:** In the interest of clarity and to safeguard the amenities of property in the vicinity.

12. 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 in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord 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 of the area.

13. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Enda Duignan  
Planning Inspector

24/06/2024

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

|  |   |            |                                |
|--|---|------------|--------------------------------|
| <b>An Bord Pleanála</b><br><b>Case Reference</b>   | ABP-316994-23   |            |                                |
| <b>Proposed Development</b><br><b>Summary</b>  | Change of use of house to 5 apartments, demolition of 2 sheds, rear two storey element and front conservatory/porch; relocation and widening of vehicular entrance. Three storey extension with balconies to rear/west elevation, removal of part of the existing roof and provision of a section of the proposed third floor level in its place with balconies, renovation of existing property and ancillary site works). |            |                                |
| <b>Development Address</b>   | 'Montebello', Strand Road , Bray, Co. Wicklow.  |            |                                |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(that is involving construction works, demolition, or interventions in the natural surroundings)                                 |   | <b>Yes</b> | Yes                            |
|  |   | <b>No</b>  | No further action required     |
| <b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b> |   |            |                                |
| <b>Yes</b>   |   |            | EIA Mandatory<br>EIAR required |
| <b>No</b>  | X   |            | Proceed to Q.3                 |
| <b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a</b>  |   |            |                                |

| relevant quantity, area or other limit specified [sub-threshold development]? |   |                       |                          |   |
|---|---|-----------------------|--------------------------|---|
|   |   | Threshold             | Comment<br>(if relevant) | Conclusion                                  |
| No  |   |                       |                          | No EIAR or Preliminary Examination required |
| Yes   | X | 500 residential units | Class 10(b)(i)           | Proceed to Q.4                              |

| 4. Has Schedule 7A information been submitted? |   |                                  |
|--|---|----------------------------------|
| No   | X | Preliminary Examination required |
| Yes  |   | Screening Determination required |

Inspector: \_\_\_\_\_

Date: 24<sup>th</sup> June 2024

## Form 2

### EIA Preliminary Examination

|   |  |                              |
|---|--|------------------------------|
| <b>An Bord Pleanála Case Reference</b>  | ABP-316994-23  |                              |
| <b>Proposed Development Summary</b>   | Change of use of house to 5 apartments, demolition of 2 sheds, rear two storey element and front conservatory/porch; relocation and widening of vehicular entrance. Three storey extension with balconies to rear/west elevation, removal of part of the existing roof and provision of a section of the proposed third floor level in its place with balconies, renovation of existing property and ancillary site works. |                              |
| <b>Development Address</b>  | 'Montebello', Strand Road , Bray, Co. Wicklow  |                              |
| <b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>                           |  |                              |
| •   | <b>Examination</b>   | <b>Yes/No/<br/>Uncertain</b> |
| <ul style="list-style-type: none"> <li>• <b>Nature of the Development</b></li> <li>• Is the nature of the proposed development exceptional in the context of the existing environment?</li> <li>• Will the development result in the production of any significant waste, emissions or pollutants?</li> </ul> | The proposed development is for a residential development within the settlement boundary of Bray which is an urbanised area that is connected to public services.  | <p>No</p> <p>No</p>          |
| <ul style="list-style-type: none"> <li>• <b>Size of the Development</b></li> <li>• Is the size of the proposed development exceptional in the context of the</li> </ul>   |  | No                           |

|   |  |                     |
|---|--|---------------------|
| <p>existing environment?</p> <ul style="list-style-type: none"> <li>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</li> </ul>   |  | No                  |
| <ul style="list-style-type: none"> <li><b>Location of the Development</b></li> <li>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</li> <li>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</li> </ul> | <p>No designations apply to the subject site.</p> <p>The development would be connected to the public wastewater services.</p> | <p>No</p> <p>No</p> |
| <p>• <b>Conclusion</b></p>  |  |                     |
| <ul style="list-style-type: none"> <li><b>There is no real likelihood of significant effects on the environment.</b></li> <li>EIA not required.</li> </ul>  |  |                     |

Inspector: \_\_\_\_\_

Date: 24<sup>th</sup> June 2024

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2

### Screening the need for Appropriate Assessment

#### Screening Determination

I have considered the [title of project] in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located along Bray Seafront in an urbanised area. The nearest designated site is the Bray Head SAC (Site Code: 000714), located c. 750m to the south of the appeal site.

The proposed development comprises the partial demolition of an existing building and the conversion and extension of the building to provide a total of 5 no. apartments.

Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, removed from and with no direct hydrological or ecological pathway to any European site, I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.