



An
Bord
Pleanála

Inspector's Report ABP-317803-23

Development

Retention of the existing dwelling and landscaping, and permission for partial demolition of the existing conservatory and construction of single storey extensions all associated site development works, drainage and landscaping, a new wastewater treatment system and provision of surface water soakaway

Location

Site at Aurora, Enniskerry, Bray, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2360066

Applicant(s)

Brian and Laura Powell

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Brian and Laura Powell

Observer(s)

None

Date of Site Inspection

18th December 2023

Inspector

Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site includes adjacent lands which provide an overall site area of 0.23 ha.
- 1.2. The site is located in Glencree, to the south of the 'Glencree Centre for Peace and Reconciliation'. The site is located on lands which are proximate to the junction R115 and the L1011-57, however the existing single storey dwelling on site (52 sq. m. in area, as stated), is positioned below the L1011-57. Access to the site is via a single lane local road. This local road provides access to the existing dwelling on site and seven other dwellings located in the immediate proximity of the site.
- 1.3. The surrounding area is of high scenic value with numerous protected views given the elevated nature of the site and surrounding landscape.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of the existing dwelling and landscaping on site.
- 2.2. Permission for the partial demolition of the existing structure on site with a floor area of c. 26 sqm.). The construction of two new single storey extensions, with a total area of c. 73 sqm, along with internal and elevational changes.
- 2.3. A new wastewater treatment system is proposed with the provision of surface water soakaway.
- 2.4. The dwelling house would be accessed via the existing local roadway, with the existing off-street parking retained.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on 19th July 2023 for 4 reasons as follows:

"1. Having regard to:

(a) The location of the site in a highly scenic and high quality rural area designated as an Area of Outstanding Natural Beauty in the Wicklow County Development plan 2022-2028,

(b) The location of the proposed development on an elevated site, at a visually remote and isolated location within the viewline of Prospects 1, 2 and 17 as listed in the Wicklow County Development Plan 2022-2028,

It is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, and prospects of special amenity value which it is necessary to preserve because the development would impact negatively on the Prospects 1, 2 and 17. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to:

- the retaining structures on site and associated works adjoining the rear roadside bank,*
- insufficient structural and surface water assessment,*

The Planning Authority considers that the proposed development and associated works could have a negative impact on the structural integrity of the rear roadside bank and on the public road above i.e. L 1011-57, would give rise to inadequate surface water drainage and would therefore impact on traffic safety and would be contrary to proper planning and sustainable development.

3. Having regard to the inadequacy of the laneway serving the site in terms of gradient served by a substandard junction, and the number of existing dwellings served by this road network, it is considered that the existing road network is only suitable to cater for traffic movements generated by existing permanent native residents who are local to this particular area and who are served by the existing laneway, and therefore to allow this development would endanger public safety by reason of a traffic hazard.

4. The development for retention and extension would not represent a necessary dwelling in this Landscape Area of Outstanding Natural Beauty, contrary to the settlement strategy for the Rural Area as set out in Chapter 4 of the County

Development Plan 2022-2028. This strategy seeks to control development to ensure the protection of the environmental and ecological quality of the rural area and ensuring that the scenic value, heritage value, and/or environmental/ ecological / conservation quality of the area is protected. The Council's settlement strategy is to require housing to locate on designated housing land within the boundaries of settlements, and to restrict rural housing to those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3. It is considered that the applicants have not submitted sufficient evidence to show that they come within the scope of the housing need criteria as set out under Objective CPO 6.41 of the County Development Plan 2022 - 2028. To allow this development would set a precedent for additional housing in the absence of compliance with the rural settlement strategy, and lead to the proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas and seriously detracts from views of special amenity value”.

3.2. Planning Authority Reports

- 3.2.1. Planning Report dated 11th July 2023 have been provided.
- 3.2.2. The original planning report noted the justification for the structure on site but noted that the structure does not have permission. The construction of a cottage as applied for under PRR97/6500 was not permitted, following the fire damage the structure was refurbished and extended c. 1997, in the absence of planning. The dwelling was assessed having regard to the current rural settlement strategy, and it was considered that the development does not accord with the strategy and to grant permission would set a precedent leading to future pressure for housing in the rural area. It was considered that the structure for retention and the extension have/will have a significant impact on the landscape and on protected prospects. To add traffic movement in the absence of a genuine need to live in the area would set an undesirable precedent and the improvements to date are considered insufficient to allow for increased traffic given the steepness of the driveway and the inadequacy of the junction with the public road. Full technical assessments are required in relation to surface water. The report concluded that, in light of the assessment, permission was not recommended.

3.2.3. Other Technical Reports

Municipal District Engineer: Report received recommending refusal.

Environmental Health Officer: Report received recommending approval of Waste Water Treatment System subject to compliance with SH21.

3.3. Prescribed Bodies

3.3.1. The Planning Authority indicated that the following prescribed bodies were consulted.

- An Taisce: No report received by the local authority.
- Fáilte Ireland: No report received by the local authority.

3.4. Third Party Observations

3.4.1. Three third party submission were received; all were in support of the application and noted the following:

- Supportive of Application for redevelopment of this cottage, consider should be welcomed given the insufficiency of housing supply across the country.
- Renovation and moderate extension would have a positive impact on the existing property.
- Improve rural landscape as the design incorporates the removal of the existing conservatory and erection of a structure which is designed to be more rural in nature.
- Positive landscaping utilising native species.

4.0 Planning History

Ref: 22/710 - Permission refused by the Wicklow County Council on 21st August 2022 for the (a) construction of storey and half side and single storey extensions to the existing dwelling along with internal alterations and elevational changes, increasing the dwelling from a two bedroom to three bedroom house. (b) all

associated site development works, drainage and landscaping to accommodate the extensions, (c) proposed waste water treatment system that meets current EPA standards and the provision of surface water soakway to meet BRE Digest 365 standards for the dwelling.

The reasons for refusal included the following:

- 1 . Consolidation of Unauthorised development.
2. Form a discordant and obtrusive feature in the landscape.
3. Site size below that required under WCC policy for Wastewater treatment and disposal for single houses & inadequate evidence that site suitable for effluent disposal.
4. Endanger public safety as failed to demonstrate a safe entrance in terms of sightlines and gradient can be provided.

Ref: PRR 97/6500 Permission refused by Wicklow County Council on 26th August 1997 for the demolition of Derelict cottage and construction of a 2 bedroomed cottage and biocycle.

The reasons for refusal included the following:

1. The development constitutes sporadic development in a landscape area of special control and the proliferation of non-essential housing in areas seriously areas detract from the landscape of value special of amenity value.
2. (a) No evidence is available that the site is suitable for septic tank effluent percolation and if found to be unsuitable then this development would be prejudicial to public health. b) The site is too small to accommodate an on site effluent disposal and water supply system.
3. The proposed development would be located in a landscape area of special control and the proposed development would thus be contrary to the provisions of the County Development Plan.
4. The proposed development would endanger public safety by reason of serious traffic hazard because of the limited sightlines available at the junction of the access lane with the public road and because adequate sightlines cannot be provided.

5. The proposed development would seriously interfere with views/prospects of special amenity value and would seriously interfere with and obstruct a County Development Plan listed view of amenity value and special interest.

Adjoining Planning History:

06/6174: Permission granted by Wicklow County Council on 28th February 2007 for development consisting of a two-storey house with garage, waste treatment plant and ancillary works at Aurora, Glencree, Co. Wicklow.

05/3737: Permission granted by the Wicklow County Council on 2nd February 2006 for development consisting of a single storey cottage style house and mechanical aeration effluent treatment system and polishing unit at Aurora, Glencree, Enniskerry, Co Wicklow.

5.0 Policy Context

5.1. Wicklow County Development Plan 2022 – 2022

5.1.1. The following are of relevance:

Chapter 3 – Core Strategy.

Chapter 4 – Settlement Strategy.

Chapter 6 – Housing.

- CPO 6.41 “Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3”.
- Table 6.3 Rural Housing Policy.
- CPO 6.43 “The conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets the following criteria:
 - the original walls must be substantially intact – rebuilding of structures of a ruinous nature will not be considered.
 - buildings must be of local, visual, architectural or historical interest.

- buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained; (a structural survey by a qualified engineer will be required with any planning application); and
- works must be executed in a sensitive manner and retain architecturally important features wherever possible and make use of traditional and complementary materials, techniques and specifications”.
- CPO 6.44 “To require that rural housing is well-designed, simple, unobtrusive, responds to the site’s characteristics and is informed by the principles set out in the Wicklow Single Rural House Design Guide. All new rural dwelling houses should demonstrate good integration within the wider landscape”.

Chapter 12 - Sustainable Modes of Transport.

Chapter 13 - Water Services.

Chapter 17 – Natural Heritage & Biodiversity.

- Section 17.3 Landscape - 1(d) - The North Eastern Valley/Glencree *“This area is situated along the northern extremities of the County and is based around the drainage pattern of the Glencree and Dargle Rivers and the surrounding road network. This area is very scenic, with attractive views and number of tourist attractions such as Powerscourt House and Demesne, Charleville Demesne and Glencree Drive. This landscape provides for extensive forested areas made up of both coniferous and deciduous woodlands”.*
- Schedule 17.12 Prospects of Special Amenity Value or Special Interest:
 1. L1011, L1015 & L5014, Glencree - Prospect of mountain area around Glencree Drive, Prince William Seat, Glencree River and Sugarloaf Mountain.
 2. L1013 Glencree Drive South - Prospect of Tonduff mountain and Glencree river valley. View to east of Sugarloaf mountain.
- 17. R115 Military Road Glencree to Laragh - Prospect of both sides of mountainous terrain.
- The Bray Municipal District Local Area Plan 2018 – 2024, including the settlement of Enniskerry.

- Appendix 1 – Development and Design Standards.
- Appendix 2 – Single Rural Design Guide and Rural Design Guide Landscape – North Eastern Valley-Glencree Area of Outstanding Natural Beauty.

5.2. Natural Heritage Designations

- 5.2.1. The subject site is not located within a designated European Site. The closest such sites are the Wicklow Mountains SAC (Site Code 002122) and Wicklow Mountains SPA (Site Code 004040), which are approx. 20m uphill of the site.

5.3. EIA Screening

- 5.3.1. I refer the Board to the completed Form 1 and Form 2 in Appendix 1. 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 received; the grounds of appeal are summarised below:
- The landscape and visual impact will not be unreasonable.
 - A structure has existed on the site since the mid-1800s.
 - The dwellings forms part of the existing landscape context as do a number of other dwellings and agricultural buildings along the shared laneway.
 - A Landscape Visual Impact Assessment has been prepared and assesses the visual and landscape impact of the proposed alterations on the landscape context.

- The proposal includes mitigation measures such as the proposed landscaping of the development by native trees, which is considered a positive outcome for the site.
- The existing conservatory will be removed which will also be an improvement to the visual setting of the existing dwelling.
- Retaining structures, structural impact and surface water assessment will have no negative impact.
 - The appellant has engaged 'Roger Cagney' Chartered Engineers to undertake a robust analysis and assessment of the site conditions. The report submitted with the appeal concludes that the gabion structures improve the stability of the embankment and clarify that the most recent works do not include cutting works, rather confirms that any impact to the embankment is historical and not as a result of these most recent works.
- The proposal does not result in an unsafe outcome or traffic hazard.
 - The development will utilise the existing roads and access as it has done safely for more than 20 years and as such the proposal will not increase the intensity of traffic on the local road.
 - The reason for refusal suggests that the road network is unsafe, but the Council are willing to endanger public safety by allowing existing permanent native residents who are local to the area use the road network in spite of public safety concerns.
 - The Council have permitted access along the laneway and have required by condition upgrade works to the laneway.
 - There have been no known public safety issues arising from the use of the laneway and its access in the past.
- Rural Housing Need.
 - The previous refusal did not reference Objective CPO 6.41 of lack of compliance therewith.
 - The most recent refusal considers the proposal to represent a new house and therefore has assessed it in this regard.

- The house in question is existing and has been for over 20 years. The current owners reside in the house and as such it cannot be considered a new house given its physical status on the lands.
- The application seeks to improve the current situation and provide a sensitive design that will not impact on the surrounding context.
- The landowners are committed to residing in the existing dwelling and have established ties with their neighbours, who have submitted positive letters of support for the development.

6.2. Planning Authority Response

None received.

6.3. Observations

None received.

6.4. Further Responses

None received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal, I consider the main issues which arise in relation to this appeal are as follows:

- I. Compliance with County Development Plan Policy
- II. Impact on Area of Outstanding Natural Beauty
- III. Access, Parking and Structures to boundary
- IV. Water and Wastewater
- V. Appropriate Assessment, and
- VI. Other Matters.

7.2. Compliance with County Development Plan Policy

- 7.2.1. Reason for Refusal No. 4 included that the development for retention and extension would be contrary to the settlement strategy for the Rural Area as set out in the Wicklow County Development Plan, 2022 - 2028. It was considered that the applicant has not submitted sufficient evidence to show that they come within the scope of the housing criteria as set out under Objective CPO 6.41 of the Plan, and that the structure on site must be assessed having regard to the current rural settlement strategy.
- 7.2.2. Following site inspection, I note that there is an existing single storey dwelling on site, which is subject to retention and extension as part of the current appeal. Also noting the planning history on site, and the information submitted with the planning application and the details submitted as part of the appeal. it is evident that a dwelling has historically been in place in some form since c. 1800. I also note that the dwelling is currently inhabited by the appellant, who purchased the site in c. 2022.
- 7.2.3. I refer to the planning history, in particular the planner's assessment of the permission refused under Ref: 22/710 (same applicant), where the assessment was based the 2016 - 2022 Development Plan albeit similar policies to the current Development Plan, including 'Appendix 1 Development Design Standards', extensions to existing rural houses. There was no assessment or requirement under 'rural housing policy'. This assessment noted *"On review of this file it is noted that the current cottage on site was constructed in the absence of planning permission. Therefore, the current proposal i.e., to extend this structure would consolidate that unauthorised development, and would be unacceptable. In addition the existing treatment system on site is also unauthorised"*. Permission was refused for this reason, including others.
- 7.2.4. In light of the foregoing, I consider that the requirement for the appellant to comply with the criteria as set out under Policy Objective CPO 6.41, and the associated Table 6.3 Rural Housing Policy to be unreasonable, considering the historic presence of a dwelling on this site, and as such I consider that the proposal is not for a 'new dwelling' as defined in the aforementioned policy objectives. The proposal does not introduce a new structure on site, where one has clearly existed. In this regard, I consider that Policy Objective 6.43 can apply to the proposal in that based on the planning history of the site, I note that the dwelling was constructed out of a

derelict cottage, reference to the derelict cottage was included in the development description under planning reference PRR 97/6500, as referenced in Section 4.1 above, and works as proposed in the instant appeal seek to retain and extend the dwelling to form a single residential dwelling on site. Accordingly, I consider that the principle of the proposed development is acceptable under this policy objective, subject to a full assessment as follows.

- 7.2.1. In terms of the allegations of unauthorised works included within the planners' report, I note that planning enforcement is the role of the respective Planning Authority, and An Bord Pleanála has no role in this matter. Whether enforcement proceedings are brought with respect to other works on site is a matter for the Planning Authority to consider and does not come within the scope of this appeal. The appeal submission has responded to the commentary of the Planning Authority, and it is contended that dwelling is immune from prosecution. I again note that An Bord Pleanála has no role in this specific matter and this assessment focuses solely on the works, which form the basis of this planning application.

7.3. Impact on Area of Outstanding Natural Beauty

- 7.3.1. Reason for refusal No. 1 considered that the proposed development would form a discordant and obtrusive feature on the landscape and would seriously injure the visual amenities of the area. I note that the site is in area designated as an Area of Outstanding Natural Beauty in the Wicklow County Development Plan 2023 – 2028, and the existing site is within the view line of Prospects 1, 2, and 17 as listed in the Plan.
- 7.3.2. The application included a Landscape Visual Impact Assessment which assesses the visual and landscape impact of the proposed development on the existing landscape, and the appellant has referred to this in their appeal statement. The planners' assessment considered that that the Landscape Visual Impact Assessment does not take into account that the existing structure is not permitted, and that the structure for retention and the extensions have/will have a significant impact on the landscape. As noted in the appeal, the existing dwelling, which has been in place for a significant number of years, currently forms part of the landscape at this location and, therefore, is visible from the L1011-57 road above.

Following site inspection, I note that the site is predominantly visible from the rear i.e., the adjoining local road (L1011-57). The adjoining local road is at a higher site level with the subject site sited below the road. Part of the side elevation of the existing dwelling and the roof is visible from the adjoining road, however, given that a dwelling has been on this site historically with the existing dwelling in existence for a significant period, and as such does not have a significant negative impact on the landscape content at this location.

Desing and Form

- 7.3.3. The proposed extensions are single storey in nature and are positioned to the south, to replace the conservatory to be demolished, and to the north of the existing dwelling. The proposed extension to the south maintains the ridge height of the existing dwelling and the proposed extension north of the dwelling will be attached via a new flat roof glazed link entrance, with the extension to the north also maintaining the ridge height of the existing dwelling. The proposed extension to the north is also of similar form to that of the main dwelling and matches the roadside and rear building line of the existing dwelling.
- 7.3.4. The proposed extension is of simple design, with a render finish, however, the proposed flat roof link allows the extension to read of its time and as a new addition to the existing. The existing entrance door will be relocated to the southeast, laneway elevation with new steps leading to the front door.
- 7.3.5. Appendix 2 'Single Rural Houses, Design Guidelines for new homes in rural Wicklow' of the Development Plan is of relevance specifically 'Extensions to existing rural houses', which provides guidance for this type of development. Nothing the requirements of these guidelines and having regard to the existing dwelling on site, and to the height and form of the proposed extension, which are sensitively designed and are subordinate to the main dwelling, via a link and therefore read as a new addition. I consider that the proposed alterations and extension will improve the visual appearance of the existing dwelling which is presently on site. While the proposed extension will be visible, in particular as viewed from the adjoining local road to the rear (L1011-57), having regard to the design and form of the proposal, and site level differences, I do not considered that the proposal would form discordant or visually obtrusive feature on the existing landscape nor would the

proposal impact negatively on the view line of Prospects 1, 2 and 17 as listed in the Development Plan.

7.4. Access, Parking and Structures to boundary

- 7.4.1. A new entrance is proposed to the southeast elevation, with a new stone retaining wall to part of this site boundary. Off street parking is proposed to the north of the site. The application includes details of the proposed entrance and sightlines of 50 metres in both directions from the proposed entrance.
- 7.4.2. As part of the appeal, a case has been made in respect to the existing dwelling on site, which is noted. The appellant also refers to permissions granted (i.e., Reg. Ref. 06/6174, 05/3737 and 13/8427, noted in Section 4 above), which it is stated by the appellant “*have already assessed the adequacy of the laneway and safety*”. While these are noted each application is assessed on its own merits.
- 7.4.3. Following site inspection, I note that the gradient and road surface where the access road meets the L1011-57 is steep and is angled. Visibility is also limited from the access road onto the L1011-57, given the gradient and limited sightlines in particular when considering views to the right.
- 7.4.4. Again, I note the presence of the existing dwelling on site, and the historical and present use of the existing local access road by this site, however, I do not consider that the applicant has demonstrated that a safe entrance in terms of sightlines and gradient can be provided from the proposed entrance, to serve the development, in particular at the junction of the local access road with the L1011-57, and as such would result in a traffic hazard at this location. I recommend that permission be refused for this reason.
- 7.4.5. Reason for refusal No. 2 related to “*the retaining structures on site and associated works adjoining the rear roadside bank*” and raised concerns that the proposed development and associated works could “*have a negative impact on the structural integrity of the rear roadside bank and on the public road above i.e., L 1011-57...and would therefore impact on traffic safety*”. The appeal includes a report from ‘Roger Cagney Chartered Engineers’, which includes an analysis and assessment for consideration by the Board.

7.4.6. The appeal report considered that a degree of misunderstanding development regarding the planners' assessment of both the construction and purpose of the gabion basket retaining structures. Accordingly, the report concluded that *“the gabion basket retaining structures will enhance the structural integrity of the roadside embankment will prevent future land slip and future potential to under undermine the high-level roadway”*.

7.4.7. The difference in site levels between ground level at the site and the adjoining roadway is noted and I consider that the gabion retaining structures to the site boundary, provide a reinforcement to this embankment and protect both the site and the higher-level structure from any potential landslip at this elevated location. However, during my inspection of the site, the visual presence of the gabion retaining structures on the site, in particular to the south of the existing dwelling directly adjoining the conservatory was evident. I consider that the scale and height of the gabion basket retaining structures, in particular at this location, form an obtrusive feature which significantly detracts from the visual amenity of the area, in particular as viewed from the adjoining access road to the southeast. Noting the location of the subject site in an Area of Outstanding Natural Beauty in the Wicklow County Development Plan 2023 – 2028, I consider that the retention of these structures would negatively impact on the visual amenity of this scenic area. I recommend that permission be refused for this reason.

7.5. Water and Wastewater

7.5.1. Reason for refusal No. 2 also related to “insufficient structural and surface water assessment” and raised concerns that the proposed development and associated works would “give rise to inadequate surface water drainage”. The Planning Authority Area Engineer considered that full technical assessment was required in this regard. The appeal includes a report from ‘Roger Cagney Chartered Engineers’, which includes an analysis and assessment for consideration by the Board.

While the use of gabion retaining structures may be considered acceptable form a surface water drainage perspective, given the elevated nature of the site, I have serious reservations in respect to the visual appearance of the structures to be retained as discussed in the foregoing.

7.5.2. In terms of the disposal and treatment of wastewater, the applicant is proposing a new wastewater treatment system. Site tests and assessments have been submitted as part of the planning application. The Environmental Health Officer also has no objection to the proposed wastewater treatment system. In this regard, I consider the proposal to be acceptable.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the distance to the nearest 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.

7.6.2. **Other Matters**

7.6.3. Precedent

The appellant states that there can be no undesirable precedent attributed to this development.

The local authority reason for refusal no. 4, stated that *“to allow this development would set a precedence for additional housing in the absence of compliance with rural settlement strategy, and would lead to a proliferation of non-essential housing in the rural area”*.

Notwithstanding, I note that all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.

7.6.4. Landscaping

The planning application includes a Landscape and Visual Impact Assessment and includes a proposed landscaping plan for the site.

The existing site character is constituted by a garden which is positioned at a higher level to that of the existing local road, with a hedgerow and boundary wall to the rear site boundary with the L1011-57. It is proposed to plant along the northern boundary a mix of ‘whitethorn’, ‘blackthorn’, ‘mountain ash’ and ‘scots pine’. The site boundary to the southeast, which adjoins the local road, will also be planted in the same

species but not to the same extent. Planting is also proposed to the southwest of the site.

Notwithstanding the design and single storey nature of the proposed works, I consider that the proposed landscaping and planting will screen the proposal as viewed from higher site levels, in particular to the rear, from the L1011-57 and beyond, down the valley.

While some planting is proposed to the southeast elevation, I do not consider that the proposed planting will adequately screen the existing gabion retaining structures, in particular those positioned to the south of the existing dwelling, so as to ensure they do not detract from the visual amenity of the area.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. It is considered that the development would endanger public safety by reason of traffic hazard because of additional traffic movements on the local road in the absence of demonstrating that a safe entrance in terms of sightline distances and gradient can be provided to serve the development at the junction of the local access road with the L1011-57. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.2. Having regard to the location of the site in a highly scenic rural areas, designed as an Area of Outstanding Natural Beauty in the Wicklow County Development Plan, 2022 – 2028, it is considered that the retention of the existing gabion retaining structures on site, in particular to the south of the existing dwelling, due to their scale and height would form an obtrusive feature at this location and would seriously injure the visual amenities of the area. The development would therefore be contrary to the proper planning and sustainable development of the area.

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.



Emma Nevin
Planning Inspector

22nd February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|---|--|--|---|
| An Bord Pleanála Case Reference | 317803-23 | | |
| Proposed Development Summary | Retention of the existing dwelling and landscaping, and permission for partial demolition of the existing conservatory on site and construction of single storey extensions to the existing dwelling along with internal and elevational changes, all associated site development works, drainage and landscaping, a new wastewater treatment system and provision of surface water soakaway | | |
| Development Address | Site at Aurora, Enniskerry, Bray, Co. Wicklow | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | X |
| | | No | |
| 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? | | | |
| Yes | | | |
| No | X | | Proceed to Q.3 |
| 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 relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | | Threshold | Comment (if relevant) |
| | | | Conclusion |
| No | | N/A | |
| Yes | X | Class 10 Infrastructure Projects (b) (i) | Proposal is significantly below threshold |
| | | | Proceed to Q.4 |

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

Appendix 1 - Form 2

EIA Preliminary Examination

| | | |
|--|--|----------------------|
| An Bord Pleanála Case Reference | 317803-23 | |
| Proposed Development Summary | Retention of the existing dwelling and landscaping, and permission for partial demolition of the existing conservatory on site and construction of single storey extensions to the existing dwelling along with internal and elevational changes, all associated site development works, drainage and landscaping, a new wastewater treatment system and provision of surface water soakaway | |
| Development Address | Site at Aurora, Enniskerry, Bray, Co. Wicklow | |
| 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. | | |
| | Examination | Yes/No/ Uncertain |
| <p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p> | <p>Proposal for permission for retention of existing dwelling on site and extensions and alterations to the dwelling and associated site works on land located in a rural area. However, the proposal is not considered exceptional in the context of the existing environment.</p> <p>The proposal will be connected to new proposed wastewater treatment system on site.</p> | No |
| <p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant</p> | <p>Site measuring 0.23 ha. (overall) The proposed floor area is stated at 73 sq. m. including the retention of the existing dwelling totalling 52 sq. m. The proposal is not considered exceptional in the context of the existing urban environment.</p> | No |

| | | |
|---|--|----|
| cumulative considerations having regard to other existing and/or permitted projects? | There are no other developments under construction in the proximity of the site. | |
| <p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p> | <p>The appeal site is located c. 20m downhill from the Wicklow Mountains SAC (Site Code 002122) and Wicklow Mountains SPA (Site Code 004040), however, it is not considered that the development would have a significant impact on the ecological site.</p> <p>The other nearest European site is located above 1km from the site and therefore can be excluded in terms of the potential for effects on other European sites during construction and operational phases of the proposed development.</p> | No |
| Conclusion | | |
| <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> | | |

Inspector:



Date: 22/02/2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)