



An
Coimisiún
Pleanála

Inspector's Addendum Report

ABP-318362A-23

Development	Permission for (a) the removal of container and demolition of existing outbuildings; b) access lane and gate to Kilbride Cottage; c) construction of 2no. 2 bed duplex apartments, at first and second floor balconies; d) vehicular access from Kilbride Lane with bike and bin storage at ground floor; e) boundary treatments and all associated siteworks within a three storey building
Location	Kilbride Cottage, Killarney Road, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23648
Applicant(s)	Niamh & Robert Maloney
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Niamh & Robert Maloney
Observer(s)	Aoife McCabe
Date of Site Inspection	25 th January 2024
Inspector	Andrew Hersey

1.0 Introduction

- 1.1 This addendum report should be read in conjunction with the original Inspector's report on this appeal case dated 19th February 2024, which recommended that planning permission be refused for the proposed development.

2.0 Commission's Correspondance

- 2.1 The Commission issued a statutory notice on 12th November 2024 under Section 132 of the Planning and Development Act, 2000 (as amended) to the applicant which stated:

Having regard to the definition of 'apartments' and 'duplexes' as provided for in Appendix A of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (DoHLGH 2004), it appears that the 2 no. residential units as proposed do not meet the said definitions and, in that regard, may constitute houses, but which do not meet the minimum private open space standards for houses as required under SPPR 2 of the above-mentioned guidelines. Furthermore, it may be considered that the ground floor layout and use at this location does not provide for an appropriate interface with the urban realm and may create pedestrian and vehicular traffic conflicts. In that regard, the Board considers that the proposed development may be contrary to the proper planning and sustainable development of the area, and warrant a refusal of permission in this instance.

The Board noted the applicant's comments in the grounds of appeal that should the Board consider the proposed development inappropriate, that the applicant stated it would be happy to revert to the development as previously proposed under planning register ref.22/1351. Should the applicant wish the Board to consider an amended proposal, as indicated in the grounds of appeal, this would require amended plans, particulars and public notification.

- 2.2 Submissions/observations in relation to this matter were requested on/before 2nd December 2024.

- 2.3 In addition to the above the Commission issued a Section 137 notice to the parties of the appeal which stated;

Having regard to the definition of 'apartments' and 'duplexes' as provided for in Appendix A of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (DoHLGH 2004), it appears that the 2 no. residential units as proposed do not meet the said definitions and, in that regard, may constitute houses, but which do not meet the minimum private open space standards for houses as required under SPPR 2 of the above-mentioned guidelines. Furthermore, it may be considered that the ground floor layout and use at this location does not provide for an appropriate interface with the urban realm and may create pedestrian and vehicular traffic conflicts. In that regard, the Board considers that the proposed development may be contrary to the proper planning and sustainable development of the area, and warrant a refusal of permission in this instance.

- 2.4 Submissions/observations in relation to this matter were requested on/before 2nd December 2024.

3.0 Responses to the Commission's Correspondance

3.1 First Party Response

- 3.1.1 A response was received by MPBA Architects, 5 Stable Lane, Bray Co. Wicklow. on the 29th November 2024 obo the applicants Niamh & Robert Moloney. The response can be summarised as follows:

- That they have stated that they have reviewed the definitions for 'apartments' and 'duplexes', as provided for in Appendix A of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (SRDCS) as follows;

Apartment: A self-contained residential unit that forms part of a multi-unit building with horizontal divisions(s) between it and at least one other unit that is an apartment or other non-residential use. Access to individual apartments is generally via

grouped access or communal areas. However, ground floor units may have direct 'own door access from public or semi-public areas.

Duplex: A building divided into two residential units. The units or apartments may be stacked one on top of the other on separate floors. Access to duplex units is generally direct 'own door' access from public or semi-public areas. However, access to an upper floor duplex unit may be via grouped access or communal areas.

- That the proposed development comes under the definition of an apartment as it is a multi-unit building with a horizontal division with another non-residential use in this case being car parking, bin storage and a communal lobby. The first party states that the word duplex was used within the description of the development to describe that the apartments each had two levels.
- That revised proposals are now submitted which show for a proposal for houses (as opposed to apartments) and that open space requirements are as per SPPR2 of the SRDCS.
- That the now proposed houses meet the minimum thresholds as set out in the guidelines 'Sustainable Urban Housing: Design Standards for New Apartments (2020) for a 2 bed unit. In this respect Unit 1 has a floorspace of 90.5sq.m. and Unit 2 has a floorspace of 88.3sq.m. The minimum standard as set out in the guidelines is 73sq.m. for a two bed unit.
- That the site can be defined as an 'accessible' site as defined in Table 3.8 of the SRDCS as the site is proximate to the Bus Connects Route Corridor Route E1 and Local Bus Route L12 the former of which provides 24 hour bus service to Bray and Dublin City Centre.
- That in accordance with SPPR3 of the SRDCS parking standards can be substantially reduced.
- That Section 2.1.7 of the Wicklow County Development Plan 2022-2028 (WCDP) is cited which states: *'particular regard being taken of the potential to reduce private car use in locations where public transport and parking enforcement are available. At such locations, the car parking standards set out in Table 2.3 to follow shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified'*

- That Table 2.3 of the WCDP states that a maximum of 1.2 bays per unit is required to serve the car parking requirement of the proposed development and that on this basis the applicants do not intend to propose parking on site.
- That the guidelines 'Sustainable Urban Housing: Design Standards for New Apartments (2020) states that *'the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances'*

3.1.2 Revised drawings have been submitted for two, two storey semi-detached houses on site with no parking provided and with the provision of enclosed front and individual rear gardens.

3.2 Local Authority Response

3.2.1 No response was received by Wicklow County Council with respect to the Section 137 Notice (other parties)

3.3 Further Commission Correspondence

3.3.1 A further notice was issued by the Commission to the first party for a public notice of the appeal under Section 142(4) of the Planning & Development Act as amended. The Commission requested both a notice on the site and a newspaper notice.

3.3.2 A newspaper notice was advertised in the Wicklow People on 12th February 2025 and a site notice was erected on site on the same day. The notices invited submissions/observations within 4 weeks of the date of the notice

3.3.3 A further notice was issued to Wicklow County Council (the other party) under Section 131 of the Planning and Development Act (as amended) inviting them to make submissions or observations in relation to the submission received by MPBA Architects on the 29th November 2024.

3.3.4 Submissions/observations in relation to this matter were requested on/before 17th February 2025.

3.4 Submissions/Observations Received

3.4.1 A submission was received from Cllr. Joe Behan on 10th March 2025 who raises the following issues;

- Concerns that the height, scale and proximity of the proposed development to neighbouring properties will impact upon the residential amenities of those residents.
- That the proposal would constitute a serious traffic hazard to pedestrians, motorists and residents alike

3.4.2 A submission was received by Aoife McCabe and Family, Sliabh Gile, Kilbride Grove, Bray, Co. Wicklow (A98 Y2F7), on 10th March 2025. The submission raises the following issues:

- That they reside immediately to the north of the proposed development site.
- That no contiguous elevation has been submitted illustrating the relationship between the proposed development and adjoining properties.
- That the stated floor areas of the proposed dwellings are inaccurate and that the proposal fails to comply with the minimum dwelling size requirements set out in the relevant planning guidelines.
- That the proposed dwellings fail to provide the minimum private open space required under SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines and the Wicklow County Development Plan 2022–2028.
- That the proposed rear gardens are substandard in size and that the layout, which requires access through bedrooms to reach the rear gardens, is poor design and functionally inappropriate.
- That the proposed bin and bicycle storage arrangements are unsatisfactory and are likely to result in refuse bins being stored to the front of the development.
- That no daylight and sunlight assessment has been submitted.
- That no road safety assessment or technical report has been submitted to justify the omission of on-site parking.
- That no agreement has been reached regarding the proposed boundary treatments adjoining the objectors' property.

- That the proposal fails to protect and improve the residential amenities of adjoining properties and is therefore contrary to the objectives of the RE (Existing Residential) zoning.
- That the revised proposal is, in all material respects, the same as the proposal previously refused under Planning Register Reference 22/1351.
- That the earlier proposal under Planning Register Reference 22/1351 similarly omitted on-site parking and was refused, inter alia, due to concerns regarding on-street parking and traffic safety at the adjoining junction. It is submitted that the current proposal has not adequately addressed these concerns.
- That the proposal fails to comply with the separation distance requirements contained in SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines.
- That the proposed first-floor rear-facing living room windows would result in overlooking of the objectors' rear garden and private amenity space.
- That the proposed development would result in overshadowing of the objectors' private amenity space. In this regard, reference is made to Board Case Ref. ABP-304936.
- That the proposal represents an overdevelopment of the site and is contrary to CPO 6.22 of the Wicklow County Development Plan 2022–2028.
- That the proposed building, by reason of its height, scale and proximity to adjoining properties, would have an overbearing impact on neighbouring residential properties.
- That the overall scale and design of the proposal would be out of character with the surrounding area and would constitute a visually incongruous form of development.
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3.4.3 Local Authority Response

3.4.3.1 No response was received by Wicklow County Council with respect to the Section 131 Notice

4.0 EIA Screening

- 4.1 See completed Form 1 & 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.

5.0 Assessment

5.1 Introduction

- 5.1.1 I have examined the details submitted by both the first parties and third party responses on file and all of the other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 5.1.2 I am satisfied the substantive issues arising from this case relate to the following matters-
- Principle of Development/Density Considerations
 - Classification of Units
 - Compliance with minimum standards
 - Public Realm & Parking
 - Visual Impact
 - Residential Amenities

5.2 Principle of Development

- 5.2.1 The proposed development, as amended by the first party, comprises a pair of two-storey semi-detached dwellings. The site is located on lands zoned *RE – Existing Residential* in the Bray Municipal Local Area Plan 2018–2024, the objective of which is *"to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located."* I am satisfied that the proposal constitutes infill residential development within the existing built-up area of Bray.

- 5.2.3 National planning policy, including the National Planning Framework, promotes the consolidation of existing settlements through compact growth and seeks that approximately 40% of all new housing nationally is delivered within the existing built-up footprint of cities, towns and villages. The efficient reuse of serviced urban land for residential purposes is therefore supported in principle, subject to the development achieving an appropriate standard of design and residential amenity.
- 5.2.4 The appeal site is located within an established residential area, close to existing services, community facilities and public transport. The redevelopment of this vacant/underutilised site for residential purposes is therefore consistent, in principle, with both national policy objectives promoting compact growth and the zoning objective for the site.
- 5.2.5 The appeal site has a stated area of approximately 0.038 hectares, resulting in a residential density of approximately 52.6 dwellings per hectare.
- 5.2.6 Having regard to the urban context of the site, the established pattern of surrounding development and, in particular, the adjoining higher-density residential development at Richmond Way to the north-east, I do not consider the proposed density to be excessive or out of keeping with the prevailing character of the locality.
- 5.2.7 Accordingly, I am satisfied that the provision of two dwellings on this site is acceptable in principle and would not, of itself, constitute overdevelopment of the site. The acceptability of the proposal therefore turns on the detailed design of the development and its compliance with relevant standards relating to residential amenity, traffic and transportation, and visual impact, all of which are considered separately below.

5.3 Classification of Units

- 5.3.1 The Board's Section 132 notice raised concerns regarding the classification of the proposed residential units, having regard to the definitions of "apartments" and "duplexes" contained in Appendix A of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities*. In response, the first party submits that the original proposal was correctly described as comprising duplex apartments, as the residential units were located above a ground floor level accommodating non-residential uses, including parking, bicycle storage and

communal circulation space. Alternatively, revised plans have now been submitted which reconfigure the development as two, two-storey semi-detached dwellings with individual front and rear gardens.

5.3.2 Having examined the revised drawings, I am satisfied that the amended proposal no longer comprises duplex apartments but is more appropriately regarded as two, two-storey dwellinghouses with individual own-door access and private amenity space. Consequently, I consider that the proposal should be assessed having regard to the standards applicable to houses, rather than apartment-specific standards contained in the *Sustainable Urban Housing: Design Standards for New Apartments*.

5.3.3 In this regard, I note that the revised proposal has been specifically prepared to address the concerns raised by the Commission in its Section 132 notice. The removal of the ground floor parking level and the provision of individual front and rear gardens fundamentally alters the character and layout of the development from that originally proposed. While I acknowledge the first party's submissions regarding the interpretation of the definitions contained within the Guidelines, I do not consider it necessary to determine whether the original proposal fell within the definition of an apartment or duplex. The proposal now before the Commission is materially different in this respect and should be assessed on its own merits.

5.3.4 Accordingly, in assessing the revised proposal I have had regard to the relevant provisions of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities*, the *Quality Housing for Sustainable Communities – Guidelines for Planning Authorities*, together with the relevant provisions of the Wicklow County Development Plan 2022–2028 insofar as they relate to dwelling size, private open space, residential amenity and design quality

5.4 Compliance with Minimum Standards

5.4.1 Submissions on file refer to a number of guidance documents and policy provisions relating to minimum residential standards, including:

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (DoHLGH, 2024);

- *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities* (2022);
- *Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities* (2007); and
- Wicklow County Development Plan 2022–2028.

5.4.2 Having regard to the amended proposal, which now comprises two semi-detached two-storey dwellinghouses with individual front and rear gardens, I consider that the principal guidance documents applicable to the assessment of minimum standards are the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* together with the *Quality Housing for Sustainable Communities* Guidelines and the relevant provisions of the Wicklow County Development Plan 2022–2028.

5.4.3 The revised proposal provides two two-bedroom semi-detached dwellings with stated gross floor areas of approximately 90.5 sq.m and 88.3 sq.m respectively. I am satisfied that the proposed dwellings provide satisfactory internal accommodation and comfortably exceed the minimum floor area standards generally applicable to two-bedroom dwellings.

5.4.4 The Board's Section 132 notice identified concerns regarding the classification of the residential units and the adequacy of the proposed private open space. In response, the first party has amended the proposal by removing the ground floor parking level and providing individual front and rear gardens to serve each dwelling.

5.4.5 I have assessed the revised proposal having regard to Table 5.1 of *Quality Housing for Sustainable Communities – Guidelines for Planning Authorities* (DoEHLG, 2007), which sets out target gross floor areas together with minimum room sizes and storage provision for typical dwellings. The proposed dwellings have gross internal floor areas of approximately 90.5 sq.m (Unit 1) and 88.3 sq.m (Unit 2), thereby exceeding the recommended target floor area of 80 sq.m for a two-bedroom/four-person two-storey house. The proposed bedroom sizes and widths also meet or exceed the recommended minimum standards, while the principal living accommodation substantially exceeds the recommended aggregate living area. Overall, I am satisfied that the proposed dwellings provide a satisfactory standard of

internal residential accommodation and generally comply with the quantitative standards set out in Table 5.1 of the Guidelines.

- 5.4.6 I note that the proposal provides a reduced level of dedicated household storage compared to the guidance contained in Quality Housing for Sustainable Communities. Notwithstanding this, the development incorporates secure external bicycle storage together with dedicated bin storage within the site. Whilst these facilities cannot be regarded as a direct replacement for internal storage, they provide useful ancillary storage associated with the day-to-day occupation of the dwellings. Having regard to the overall standard of accommodation, the provision of private gardens and the constrained nature of this brownfield infill site, I am satisfied that the reduced storage provision does not, in itself, justify the refusal of planning permission.
- 5.4.7 The *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* recognise that well-designed private open space is an important component of residential amenity. While quantitative standards remain an important consideration, the Guidelines also emphasise that the quality, functionality, accessibility, orientation and usability of private open space should be considered, particularly in the context of compact urban infill development where innovative design solutions may be appropriate.
- 5.4.8 SPPR 2 of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* requires that new two-bedroom houses generally provide a minimum of 30 sq.m of private open space. However, the Guidelines recognise that greater flexibility is appropriate in the case of building refurbishment schemes and urban infill schemes on smaller sites (e.g. up to 0.25 ha), where the private open space standard may be relaxed, in part or whole, subject to the overall design quality and proximity to public open space.
- 5.4.9 The appeal site comprises approximately 0.038 ha and therefore falls within the category of small urban infill sites envisaged by SPPR 2. The revised proposal provides enclosed front gardens of approximately 19.5 sq.m to each dwelling, together with private rear gardens of approximately 21.8 sq.m and 22.3 sq.m respectively and first-floor balconies of 10.3 sq.m and 10.5 sq.m. The Guidelines expressly recognise that private open space may comprise traditional gardens,

patios and upper-level terraces or balconies. Taken together, the proposed front and rear gardens and first-floor balconies provide a range of usable private amenity spaces that, in my opinion, are appropriate to the scale of the development and the constraints of this urban infill site.

5.4.10 I acknowledge the concerns raised in the third-party submission regarding the size of the rear gardens and the means of access to them. However, having regard to the flexibility afforded under SPPR 2 for small urban infill sites, together with the overall quantity and distribution of private amenity space provided, I am satisfied that the revised proposal has materially addressed the concerns identified by the Commission in its Section 132 notice in relation to private open space.

5.5 Public Realm & Parking

5.5.1 The Commission's Section 132 notice raised concerns regarding the relationship between the proposed development, the public realm and the provision of car parking. In particular, concerns arose that the original proposal, by providing two duplex apartments with on-site parking accessed directly from Kilbride Lane in close proximity to the signalised junction with the R767, would give rise to potential conflict between pedestrians and vehicles and could adversely affect the safe and efficient operation of the adjoining public road network.

5.5.2 In response, the applicant has fundamentally revised the proposal. The development now comprises two two-storey dwellinghouses and all on-site car parking has been omitted. The area formerly occupied by parking and vehicular manoeuvring has been redesigned to provide private front gardens, pedestrian access to the dwellings, bin and bicycle storage together with associated landscaping. Consequently, the proposal no longer requires vehicular access to the site and removes the potential conflict between vehicles entering or leaving the development and pedestrians using the adjoining footpath.

5.5.3 The revised proposal relies upon a car-free approach. I note that the appeal site is located within an established urban area with good access to public transport and local services. Frequent bus services operate along the nearby Dublin Road (R767), providing regular connections to Bray Town Centre, Dublin City Centre and other

destinations within the Greater Dublin Area. In addition, Bray DART Station is approximately a 12-minute cycle from the appeal site, providing access to the wider metropolitan rail network. Bray Town Centre is also located approximately 6 minutes by bicycle from the site, where a wide range of retail, employment, educational and community facilities are available. Having regard to the accessibility of the site by sustainable modes of transport, including bus, rail and cycling, I consider that the location is capable of accommodating a low-car or car-free form of residential development.

5.5.4 In this regard, SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities provides that, in the case of urban infill schemes on sites of up to 0.25 hectares, car parking provision may be relaxed, in part or in whole, having regard to the overall design quality and the accessibility characteristics of the site. The appeal site extends to approximately 0.038 hectares and therefore falls within the category of urban infill sites envisaged by the Guidelines.

5.5.5 Having regard to the revised design, I am satisfied that the removal of vehicular access materially improves the relationship between the proposed development and the public realm. The omission of parking eliminates the need for vehicles to enter and exit the site immediately adjacent to the signalised junction and narrow footpath, thereby addressing the principal traffic safety concern identified by the Commission in its Section 132 notice. The revised frontage also provides a more pedestrian-orientated streetscape through the introduction of front gardens, landscaping and dedicated pedestrian access.

5.5.6 Whilst the omission of on-site parking may give rise to some additional demand for on-street parking, I am satisfied that this matter does not outweigh the considerable improvement achieved in terms of pedestrian safety, the public realm and the overall design of the development.

5.6 Visual Impact

5.6.1 The original Inspector's Report concluded that the proposed three-storey duplex development would have an unacceptable visual impact on the setting of Kilbride

Cottage, a building of vernacular merit, owing to its height, massing, complex roof profile and overall architectural treatment. The revised proposal now comprises two two-storey dwellinghouses with enclosed front gardens, private rear gardens and no on-site parking. Accordingly, the visual impact of the amended proposal falls to be assessed on its own merits having regard to its revised scale, form and relationship with the surrounding streetscape.

5.6.2 The appeal site occupies a prominent corner location adjoining Kilbride Cottage and opposite the junction of Kilbride Lane and the R767. The surrounding area is characterised by a varied urban form comprising traditional buildings, modern residential development and commercial uses. In this context, there is no single prevailing architectural style and a contemporary design approach is not, of itself, considered inappropriate.

5.6.3 I note that the revised proposal has reduced the overall scale and visual complexity of the development. The omission of the third storey, the removal of the curved roof profile and the replacement of the duplex format with two dwellinghouses results in a simpler building form that is more reflective of the scale of development in the immediate vicinity. The introduction of enclosed front gardens and soft landscaping also provides a more appropriate interface with the public realm than the previously proposed ground-floor parking arrangement.

5.6.4 Particular regard has been given to the relationship between the proposed development and Kilbride Cottage. While Kilbride Cottage is not a protected structure, it is a building of vernacular merit and its setting should be respected in accordance with Objective CPO 8.10 of the Wicklow County Development Plan. I consider that the reduction in height, simplification of the roof form and more restrained architectural expression materially reduce the visual dominance of the proposal when viewed in conjunction with the adjoining cottage. Although the proposed dwellings remain contemporary in design, I do not consider that this results in an incongruous form of development or one that would detract from the setting of Kilbride Cottage.

5.6.5 I acknowledge the concerns raised in the third-party observations regarding the relationship of the proposed development to the adjoining cottage and the absence of a contiguous street elevation. However, having examined the revised drawings

and the amended design, I am satisfied that the proposal has addressed the principal concerns identified by the Commission in its Section 132 notice in relation to visual impact. The revised development would integrate satisfactorily within the existing streetscape and would not adversely affect the character of the area or the setting of Kilbride Cottage.

5.6.6 Overall, I am satisfied that the revised proposal represents a significant improvement in design quality over the original scheme and would not give rise to an unacceptable visual impact. I therefore consider that the proposed development complies with the objectives of the Wicklow County Development Plan relating to good design, urban infill development and the protection of buildings of vernacular merit.

5.6.7 In reaching this conclusion, I consider it appropriate that the external materials and finishes of the development be carried out in accordance with the submitted plans and particulars. I further consider that details of boundary treatments and landscaping should be agreed with the Planning Authority prior to the commencement of development in order to ensure a high-quality interface with adjoining properties and the public realm, and to protect the visual amenities of the area.

5.7 Residential Amenity

5.7.1 The third parties raise concerns regarding the impact of the revised proposal on the residential amenities of the adjoining residential property to the north, particularly in relation to overlooking, overshadowing and overbearing impact. I have carefully considered these matters having regard to the revised plans and particulars submitted.

5.7.2 The revised proposal comprises two, two-storey semi-detached dwellinghouses, representing a significant reduction in height and overall massing compared to the previously proposed three-storey duplex development. In my opinion, this reduction in scale materially lessens the visual presence of the development and correspondingly reduces its potential to adversely affect the amenities of the adjoining residential property.

5.7.3 With regard to privacy, I note that the principal first-floor living room and kitchen windows to the rear of the proposed dwellings are located approximately 3.55 metres from the common boundary with the adjoining residential property to the north. These windows will afford views over the common boundary towards the adjoining rear garden and, accordingly, a degree of overlooking will arise. However, having regard to the urban context of the site, the reduction in the height and massing of the development and the absence of direct overlooking of opposing habitable room windows, I do not consider that the extent of overlooking would be so significant as to seriously injure the residential amenities of the adjoining property.

5.7.4 I have also considered the potential for overshadowing. Given that the adjoining property lies to the north of the proposed development, some shadowing of portions of the adjoining rear garden may occur, particularly during periods when the sun is to the south. However, having regard to the revised two-storey form of the development and its reduced height and overall scale, I am satisfied that the extent of such overshadowing would not be unacceptable in the context of this established urban area.

5.7.5 In relation to overbearing impact, I consider that the omission of the third storey and the simplification of the roof form have materially reduced the visual dominance of the proposed development. Having regard to the scale, siting and design of the revised proposal, I am satisfied that it would not give rise to an unacceptable overbearing impact on the adjoining residential property.

5.7.6 Overall, I am satisfied that the revised proposal would not result in an unacceptable loss of residential amenity by reason of overlooking, overshadowing or overbearing impact on adjoining residential properties.

6.0 AA Screening

6.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

6.2 The subject site is located;

- 6.2km to the west of the South Dublin Bay and River Tolka SPA (Site Code 004024)
 - 6.2km to the west of the South Dublin Bay SAC (Site Code 000210)
- 6.3 The proposed development comprises of the construction of 2 houses in an urban area. No nature conservation concerns were raised in the planning appeal.
- 6.4 Having considered the nature, scale and location of the project, and its location in a suburban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site
- 6.5 The reason for this conclusion is as follows:
- The relatively small scale nature of the works proposed
 - The lack thereof of any hydrological connection from the proposed development to the Natura 2000 site.
 - Having regard to the screening report/determination carried out by the Planning Authority
- 6.6 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.
- 6.7 Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required

7.0 Water Framework Directive

- 7.1. The proposed development is located 6.2km to the west of Dublin Bay.
- 7.2 The proposed development consists of 2 new houses
- 7.3 No water deterioration concerns were raised in the planning appeal.
- 7.4 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am

satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

7.5 The reason for this conclusion is as follows:

- The minor scope of the works and nature of the development
- The distance to the nearest water body, Dublin Bay and the lack of hydrological connections to the same.

7.6 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

8.0 Recommendation

8.1 I recommend that permission for the development be granted

9.0 Reasons and Considerations

9.1 Having regard to the nature, scale and design of the proposed development, and subject to compliance with the conditions attached to any grant of permission, I am satisfied that the proposal would integrate satisfactorily with the established pattern and character of development in the area. I am further satisfied that the proposal would not give rise to unacceptable impacts on the residential amenities of adjoining occupiers, would provide an appropriate standard of residential accommodation and would not adversely affect the visual amenities of the area while making a positive contribution to the public realm. Accordingly, I consider that the proposed development would be consistent with the relevant provisions of the Wicklow County Development Plan 2022–2028 and would constitute the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Coimisiun Pleanala on the 29th day of November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	(a) External materials and finishes of the development shall be as specified in the plans and particulars lodged with the application and shall not be altered without the prior written agreement of the Planning Authority. (b) Prior to the commencement of development, details of all boundary treatments, walls, fences, gates, hard and soft landscaping, including planting schedules and implementation proposals, shall be submitted to and agreed in writing with the Planning Authority Reason: In the interests of visual amenity.
3	The developer shall enter into water and wastewater connection agreements with Irish Water. Reason: In the interest of public health
4	Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. Reason: In the interest of public health.
5	Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

	Reason: To safeguard the amenity of property in the vicinity
6	Any damage caused to the public footpath arising from the construction of the development shall be made good to the satisfaction of the Planning Authority, at the developer's expense. Reason: In the interests of pedestrian safety
7	The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense. Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.
8	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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination. Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area
9	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of

	the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Andrew Hersey
Planning Inspector

31st July 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ABP 318362-23
Proposed Development Summary	2 x Infill Houses
Development Address	Kilbride Cottage, Killarney Road, Bray, Co. Wicklow
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10 (b) (i) Part 2 Housing Projects
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b) (i) Part 2 Housing Projects – 500 houses

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP 318362-23
Proposed Development Summary	2 x Infill Houses
Development Address	Kilbride Cottage, Killarney Road, Bray, Co. Wicklow
The Board carried 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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	<i>The proposed development comprises of permission for two infill dwellings and associated site works,</i>
Location of Proposed Development	<i>The development is situated in an suburban area of Bray where services are present. There are no sensitive environmental receptors on site or in the vicinity of the same.</i>
Types and characteristics of potential impacts	<i>Having regard to the modest nature of the proposed development, its location removed from sensitive habitat, the likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i>
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: Andrew Hersey

Date:

DP/ADP: _____

Date:

(only where Schedule 7A information or EIAR required)