



An
Bord
Pleanála

Inspector's Report

ABP-320805-24

Development	Retention – Change of use from domestic to short term letting of a dwelling and associated works.
Location	3 Riverwalk, Bachelors Walk, Wicklow Town, Co. Wicklow.
Planning Authority Planning	Wicklow County Council
Authority Ref.	24287
Applicant(s)	Greencross Investments Ltd.
Type of Application	Retention
PA Decision	Refusal
Type of Appeal	First Party
Appellant	Greencross Investments Ltd.
Observer(s)	None
Date of Site Inspection	5 January 2025
Inspector	Vanessa Langheld

1.0 Site Location and Description

The appeal site is a terraced dwelling located along a one sided residential lane just off Bachelors Walk in the centre of Wicklow Town. The premises is the last house on this small backland lane, which accommodates a terrace of three two-storey plus dormer houses. The houses have a render finish. The appeal house is adjoined by a bin storage area and a somewhat run down open space area with a hard surface and a high boundary wall. On the day of the site visit, there was a car parked in front of one of the houses although there is no dedicated off-street parking provision.

The three houses are located on a former backland site. The frontal building is a former hostel, now used for temporary accommodation.

2.0 Proposed Development

The application is for retention of the unauthorised use of the end of terrace dwelling from a private permanent dwelling to a short term rental unit.

3.0 Planning Authority Decision and Reports

3.1 Decision

Wicklow County Council refused this retention application for the following reason:

'1. Having regard to:

The location of the existing dwelling within a rent pressure zone.

The lack of justification provided for the proposed development.

Objective CPO 6.33 which seeks to ensure that any proposals do not undermine the provision of housing and there is sufficient supply of rental

properties available for longer term rental in the area and to ensure that proposals do not put increased pressure on the housing market; and

The need for rental properties in Wicklow Town and the surrounding area.

It is considered that the proposed development by itself and by the precedent, for which a grant of permission would set, would be contrary to the provisions of the Wicklow County Development Plan 2022-2028. It would result in the loss of a long terms residential property within the county and within a rent pressure zone, it would be in conflict with national policy, and it would be contrary to the proper planning and sustainable development of the area.'

3.2 Planning Authority Report

The lack of tourism accommodation in the area is noted. However, the Planning Authority has not accepted that the Applicant has justified the need for the change of use and neither has the Applicant demonstrated that there are sufficient existing rental properties in the vicinity. The Planning Authority has also considered the cumulative impact of the change of this property to a short term rental property.

3.3 Other Technical Reports

There are no third party objections to this application from any other Internal Department.

3.4 Objections to Wicklow County Council regarding the proposed development

There were no objections to the development.

4.0 Policy and Context

4.1 Planning History

There was a previous application for the retention of the building as constructed at No. 3 Riverwalk. (A Condition attached to the original permission had required that the building be constructed at ground and first floor level only and not with a dormer level as permitted on the adjoining two dwellings. The third house was however subsequently constructed with a dormer level to match the first two houses. The retention application was granted permission by WCC (Reg. Ref. 23/387) with no Conditions attaching that are of relevance to the current appeal.

4.2 Development Plan

The application site is located within Wicklow Town. It is zoned RE (Existing Residential) in the Wicklow-Rathnew Development Plan, 2013-2019. Although this Plan has expired, the updated plan only went on public display in November 2024, and it will not be adopted until 2025.

The stated objective of this zoning as set out in the 2013-2019 Plan is to *'protect and preserve residential amenity uses and provide for infill residential development.'* Furthermore, the site is located within the Wicklow – Rathnew (Bachelors Walk) Architectural Conservation Area (ACA).

The Wicklow County Development Plan 2022-2028 is the relevant plan for the area in terms of its policy content. Chapter 6 relates to housing and Chapter 11 to Tourism and Recreation and are considered relevant to this application / appeal.

Policy CPO 6.33 is of relevance as it relates specifically to the provision of short term letting. It states as follows:

'To protect the existing housing stock to meet housing demand and require that any proposal for short term letting provide a detailed justification for the proposed use and demonstrate to the satisfaction of the Planning Authority that any proposals don't

undermine the provision of housing and that there is a sufficient supply of rental properties available for longer term rental in the area. The cumulative impact of applications will also be considered in the assessment of any application. Proposals that would increase pressures of the housing market including the rental market will not be considered favourably.'

Chapter 11 relates to tourism and recreation, and states as follows of relevance to the subject application / appeal:

'11.1.2 Regional Spatial & Economic Strategy (RSES)

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The RSES notes that there is potential to develop Wicklow-Rathnew as a recreation and tourism hub due to its attractive coastal location and its proximity to key destinations such as the Wicklow Mountains, Glendalough and Brittas Bay and the key attractions within the town including the Wicklow Gaol, the Murrough, coastal walks, beaches, architectural heritage, sports facilities and as a terminus of the planned Greystones – Wicklow Coastal Route.

Relevant Regional Policy Objectives

RPO 4.57

Support the development of Wicklow-Rathnew as a tourism hub having regard to its accessibility to key tourist destinations in the Region.'

4.3 Natural Heritage Designations

None noted in the vicinity.

4.4 EIA Screening

None required.

5.0 The First Party Appeal

5.1 The Appeal

Alphaplan Design submitted the Appeal on behalf of the Applicant. The grounds of appeal are as follows:

- The property is located centrally in Wicklow Town where there is extremely limited guest accommodation.
- Tourist accommodation is vital for the town.
- A hostel two doors away from the appeal house is now used for asylum seekers resulting in a need for additional tourist beds.
- Wicklow town is the County town and urgently needs tourism beds.
- There is adequate long term letting in the County.
- A diverse offering in the County is needed, providing for both short and long term accommodation.
- The appeal contains a copy of the application letter. This outlines the significant need for guest accommodation in Wicklow town which is currently not being met. Overall, there is a significant shortfall in tourism beds due to the use of the hotel and hostel for other uses. (The former hostel on Bachelors Walk is now being used for temporary accommodation as is the former Grand Hotel in the centre of the town.)

5.2. Planning Authority Response

No further comment on file from the Planning Authority.

5.3 Third Party Observations

There were no third party observations on the appeal.

6.0 Assessment

I have read the documentation attached to this file including the Appeal and the report of the Planning Authority. In addition, I have visited the site.

It is considered that the key issues arising in this appeal are as follows:

1. The principle of the development.
2. Impact on residential amenity.

6.1 Principle of the Development

The site is zoned RE (Existing Residential) – *‘To protect and preserve Residential Amenity uses and provide for infill residential development’* in both the 2013-2019 Wicklow-Rathnew Development Plan and the Draft Plan, 2025-2030. Within this use class zone short term accommodation is not included in the uses generally appropriate for that zone.

It is a core principle of the Wicklow County Development Plan, 2024-2029 to protect the existing housing stock to meet housing demand. Further, the Plan seeks to ensure that there is a sufficient supply of rental properties available for longer term rental in the area.

Proposals for short term letting should not increase pressures on the housing market including the rental market. The Council refers to this in the refusal for the retention of this development. The Council’s refusal reason also refers to the fact that the site is in a Rent Pressure Zone, and cites the lack of justification for the proposal.

Although, I accept that there is a significant demand for short term accommodation particularly in the context of the loss of the hotel and hostel in the town (to temporary accommodation) this does not provided adequate

justification for the loss of a long term rental unit to the short term rental (principally tourism) market.

The appeal site is located in an area designated as a Rent Pressure Zone under Section 38 of the Residential Tenancies (Amendment) Act, 2019. This legislation seeks to address accommodation shortages and the issue of potentially significant numbers of properties being withdrawn from the long term rental market for short term letting. A proposal such as this would result in the loss of a residential unit for long term rental purposes and would set a precedent, which could in turn result in increased housing shortages.

The applicant states that the tourist demand in the area cannot be met and that as the County Town there is pressing need to ensure that there is adequate short term accommodation. In my opinion, an undersupply of tourism accommodation is secondary to the primary issue which is undersupply of long term rental accommodation. The Daft Website, referenced in early January 2025 had a total of six properties for rent in Wicklow Town: one studio and five two beds. The studio is available on a weekly basis therefore implying use for short term rental. The loss of the appeal unit (a four bed house) would set a precedent for other long term rental units to change to short term lettings and accordingly would compound the long term rental shortage in the town contrary to both the town and County Plans.

6.2 Impact on Residential Amenity

The application site is the last of three terraced dwellings located along a private residential lane just off Bachelor's Walk in the centre of Wicklow Town. The other two houses would appear to be either owner occupied or long term rental. It is a desirable location centrally within Wicklow Town and where there is a limited number of houses close to the main street, its shops, services and transport links. It is therefore a desirable location for long term urban living.

The development for which retention is now sought has seen the introduction of transient and one-off occupation to this end of terrace house on this small

laneway. This type of development does little to contribute to the establishment of neighbourhood structures and relationships. Furthermore, there is potential for increased noise and disturbance along the relatively quiet laneway as short term residents enter and leave the property. Overall, I believe this has a negative impact on residential amenity and therefore is contrary to the zoning objective.

7.0 Recommendation

I recommend that planning permission for retention should be refused for the reasons and considerations set out below:

8.0 Reasons and Considerations

The development for which retention permission is sought, by itself and by the precedent for which a grant of permission would set, is contrary to the provisions of the Wicklow County Development Plan, 2024-2029. The Development Plan recognises residential units as a scarce resource that needs to be managed in a sustainable manner so that the housing needs of the County are met. Furthermore, the introduction of short term letting along this terrace has a negative impact on the establishment of neighbourhood structures and is therefore contrary to the residential zoning of the site. The development for which retention permission is now sought, is therefore, contrary to the proper planning and sustainable development of the area.

Vanessa Langheld
Planning Inspector

15 January 2025