



An
Bord
Pleanála

Inspector's Report

ABP-322085-25

Development	Construction of a dwelling, new vehicle entrance and all associated ancillary site works.
Location	Chapel Road, Greystones, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2460526
Applicant	Ann Broderick
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Ann Broderick
Observer(s)	Roisin O'Boyle B. Kenny & A. Hartnett Gavin & Lesley-Anne Grimes Elizabeth Gaines Bernard Kelly
Date of Site Inspection	27 th May 2025
Inspector	Matthew O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is 0.088ha and irregularly shaped and located in the townland of Kindlestown Lower in the northwestern extent of Greystones, Co. Wicklow. The site is situated on the eastern side of Chapel Road (L-1027) and is in an unkempt and overgrown condition. The roadside (eastern) boundary comprises vegetation and hedging; the rear (western) boundary is formed by a number of mature trees and adjoins a plot of undeveloped land which is part of the neighbouring property to the north, Chrystanthenum Cottage; the side (southern) boundary is formed by trees and mixed hedging and is flanked by Chapel View, a mature housing estate. The character of the surrounding locality is primarily residential, and this section of Chapel Road has changed in recent years with the development of the Seagreen Gate housing development to the west of the site on the opposite side of the public road.
- 1.2. There are no Protected Structures or National Monuments within or immediately adjoining the appeal site however, the Blacklion Architectural Conservation Area (ACA) is approximately 55 metres to the northeast. The site is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The subject development comprises:
- construction of a detached three-storey dwelling;
 - new vehicle entrance; and,
 - all associated ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 The Planning Authority recommended refusal for the proposed development for the following reason:

1. Having regard to

(a) The scale, height and design of the proposed dwelling, which is considered to be overbearing and unbalanced, having regard to the existing pattern of development and established character of the area and its setback from the road;

(b) The building line being forward of the dwelling to the south east, particularly having regard to the height of the proposed dwelling;

It is considered the proposed development would be contrary to Objectives CPO 6.3, CPO 6.4, CPO 6.5, CPO 6.16, CPO 6.21 and CPO 6.22 and the development standards of the Wicklow County Development Plan 2022-2028, as well as the zoning objective of the application site, 'RE', which is 'To protect, provide for 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'. To allow this development would injure the visual amenities and established character of the area, and would therefore be contrary to the proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Report(s)

3.2.2. First Planning Report

- The first Planner's Report, dated 17th October 2024, had regard to the submitted documentation, locational context of the site, planning history, policy framework of relevant development plans and inter departmental/referral reports.
- The Planning Authority deemed the principle of the development as acceptable with respect to the site zoning and assessed the proposal against the design standards and requirements for infill dwellings. Concerns were raised with regard to the design and potential amenity impacts on surrounding properties.
- With respect to access and boundary treatments, the Planning Authority considered that the proposed timber fence is not appropriate for a roadside boundary and that revised drawings are required to demonstrate sightlines along with the provision of a footpath and alterations to the carriageway.
- In terms of services, the Planning Authority indicated that further details on surface water drainage are required along with consideration of an ESB pole.
- No concerns raised in respect on AA or EIA.

Further Information was sought in relation to 5 no. items which are summarised as follows:

1. Applicant invited to revise height and design of the proposed dwelling; provide contextual elevations and any boundary treatments, demonstrate that the dwelling will not result in the overlooking; provide a revised site plan showing site levels of adjacent sites and finished floor levels of surrounding dwellings; revised proposals showing a boundary wall in place of timber fence; and, demonstrate that the proposal will not prevent adjoining land from being developed.
2. Provision of a revised drawing detailing the property boundary set back behind the sightlines.
3. The proposed footpath along the public road shall be 2 metres wide and the public road carriageway should be 5.5m wide. The footpath is to be provided by the applicant.
4. Drainage is required along carriageway and kerbed edge of footpath and is to be connected to the existing storm water drainage system on Chapel Road.
5. Address ESB pole which will be required to be removed in order to provide new footpath.

3.2.3. Second Planning Report

- The second Planner's Report, dated 13th December 2024, provides an analysis of the applicant's response to the Request for Further Information.
- The Planning Authority noted the design of the dwelling was unchanged but that the height was reduced. It was considered by the Planning Authority the area has a valuable character worthy of preservation and that the proposed design/scale of the dwelling does not complement the area.
- The Planning Authority did not consider that the contextual elevations accurately show the building line in comparison to the dwellings at Chapel View.
- The Planning Authority was not satisfied that the revisions and levels have demonstrated that the proposal would not result in overlooking of a neighbouring dwelling.
- The updated sightline drawing along with the proposed footpath and alterations to the road were deemed to be acceptable. In terms of the surface water drainage, the response was deemed as acceptable, subject to conditions. The ESB pole is to be

removed with underground ducting incorporated which was considered to be acceptable.

- The Case Officer recommended a refusal of permission based on the design, siting, layout of the dwelling in the context of the surrounding area. However, the Senior Engineer recommended that Clarification of Further Information be sought on 2 no. items summarised as follows:
 1. Clarify the degree of overlooking that would occur from the 2nd floor roof windows. Alternatively, the applicant may wish to re-design the upper floor/roof windows.
 2. Submit a detailed Design Statement to support the proposed design, with particular regard to the Planning Authority's concerns. Alternatively, the applicant may wish to submit a more balanced design that is more in keeping with the established pattern of development in the area.

3.2.4. Third Planning Report

- The third Planner's Report, dated 13th February 2025, provides an analysis of the applicant's Clarification of Further Information and forms the basis for the refusal of permission.
- In respect of C.F.I Item No. 1, the Planning Authority note that applicant amended the openings at third floor/attic level only and that there are 5 no. openings to the first floor level. There is a separation of just 5 metres from Bedroom 4 and the rear boundary and regard is had to the planning history on the neighbouring site. The Planning Authority also noted that the proposal has potential to overlook the private amenity area of No. 1 Chapel View. It was further noted that screening is indicated to southern/eastern boundaries but no details have been provided. The Planning Authority did not consider the item to be addressed.
- In relation to C.F.I Item No. 2, the Planning Authority noted the audit of house types on Chapel Road and indicated its concern regarding the impact of the proposal on the visual amenities and character of the area. The revisions to the proposed dwelling were noted but it was deemed the scale and height of the dwelling had not changed.

- The Planning Authority concluded that the applicant has not sufficiently responded to the clarification of further information items and recommend that permission be refused.
- The Senior Engineer concurred that the refusal was warranted on the basis of the design and siting but considered the amended design addressed the concerns of overlooking noting the setting of the site in an urban area. The decision to refuse was therefore amended.

3.2.5. Other Technical Reports

- MD Engineer: Further information was requested in relation to sightlines; provision of pedestrian footpath; surface water drainage and the need to relocate an ESB pole. An updated report received on foot of the Request for Further Information had 'no objection' subject to condition(s).

3.3. **Prescribed Bodies**

- Uisce Éireann – No response received.

3.4. **Third Party Observations**

3.4.1. There were 13 no. individuals who submitted third party observations throughout the various application stages. The main issues raised are broadly summarised as follows:

Design & Layout

- Three-storey dwelling is out of keeping with the surrounding homes. Inappropriate design and layout.
- Height is excessive and at odds with surrounding development.
- Three-storey height would set a precedent for similar development.
- Permission was refused for three-storey houses in the Seagreen development.
- Development does not respect established building lines.
- Planning drawings are incorrect.
- Concerns over application on adjoining lands were not addressed by applicant.

Residential Amenity

- The dwelling will overlook, overbear and overshadow neighbouring properties and impact on adjacent houses.

Services/Infrastructure

- The site has never been serviced with water or electricity.
- Drainage/surface water issues in the locality will be exacerbated.
- Previous applications in area refused/withdrawn due to drainage issues.
- Gradient of foul sewer pipes may cause raw sewage leakage.
- Water infrastructure is on 3rd party lands.
- Applicant provided a Ground Investigation Report from 2019 regarding a separate development.

Flood Risk

- Area is at risk of flooding and surrounding lands are waterlogged.
- Development would not adequately deal with attenuation, collection and disposal of surface water required to eliminate the flooding risk.

Traffic and Road Safety

- Lack of information as to how pedestrians will access the public footpath.
- How will height restriction on hedgerow be enforced.
- Site is on a dangerous bend and sightlines are uncertain.

Biodiversity and Boundary Treatments

- Lack of detail submitted regarding boundary treatments.
- Unclear how scheme will replicate/replace what wildlife/trees are lost.
- The development relies on screening of existing trees which could be removed in the future.
- No reports have been submitted in relation to protected species such as bats.

Impact on Architectural Conservation Area

- Historical setting of Chapel Road
- The design/height of development will detract from Blacklion ACA

Other Items

- The validity and erection of the site notice is queried.
- Planning reference number is not on the erected site notice
- The development will sterilise lands and devalue property.

- The development does not cater for development potential of neighbouring land.
- Applicant has no connection to the local area.
- A previous permission on the site for a one-storey house was allowed to lapse.
- There is no mention of archaeological finds adjacent to the subject site.

4.0 Planning History

4.1. The following planning history is associated with the site:

906439 Permission GRANTED for a house. Applicant: May McKimm.

Neighbouring Site to the north-east

2360200 Application for the demolition of the existing cottage on the site (92sqm) and for the construction of 4 no. 5 Bed Detached 2 storey dwellings; for all boundary walls and fences, proposed vehicular and pedestrian entrances to the development off Chapel Road and associated footpaths, hard and soft landscaping and all site services above and below ground including connections to existing services. Status: DEEMED WITHDRAWN. Applicant: Roisin O'Boyle.

20/932 Permission REFUSED for the demolition of the existing cottage on the site (92sqm) and for the construction of 8 no. dwellings including 1 no. 3 Bed Detached Bungalow, 4 no. 5 Bed Terraced 3 storey dwellings, 2 no. 5 Bed Semi-Detached 3 storey dwellings and 1 no. 5 Bed Detached 3 storey dwelling; for all boundary walls and fences, proposed vehicular and pedestrian entrances to the development off Chapel Road and associated footpaths, hard and soft landscaping and all site services above and below ground including connections to existing services. Applicants: Roisin O'Boyle & Sydney Glass.

19/551 Permission REFUSED for the demolition of the existing cottage on site (92 sqm) and for the construction of 9 no dwellings including 1 no 3 bed detached two storey dwelling, 4 no 5 bed semi-detached 3 storey dwellings and 4 no 5 bed detached 3 storey dwellings for all boundary walls and fences, proposed vehicular and pedestrian entrances to the development off Chapel Road and associated footpaths, hard and soft landscaping and

all site services above and below ground including connection to existing services. Applicants: Sydney Glass & Roisin O'Boyle.

95/2526 Application for dwelling with alterations to existing entrance. Status: DEEMED WITHDRAWN. Applicant: Mary Gunning.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Wicklow County Development Plan 2022-2028 is the relevant Development Plan for the appeal site.

5.1.2. Chapter 4 relates to 'Settlement Strategy'. Greystones - Delgany is designated a Level 3 Self-Sustaining Growth Town within the metropolitan area. The following objectives are considered relevant:

CPO 4.2 To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

CPO 4.3 Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

CPO 4.6 To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.

5.1.3. Chapter 6 relates to 'Housing' with Section 6.4 setting out a number of general housing objectives. The following housing objectives are considered to be relevant:

CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

- CPO 6.4 All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).*
- CPO 6.5 To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:*
- Strengthening the character and urban fabric of the area;*
 - Reinforcing local identity and sense of place;*
 - Optimise the opportunities afforded by the historical and natural assets of a site / area;*
 - Providing a coherent, legible and permeable urban structure;*
 - Promoting an efficient use of land;*
 - Improving and enhancing the public realm;*
 - Conserving and respecting local heritage;*
 - Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;*
 - Promoting accessibility for all; and,*
 - Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.*
- CPO 6.14 To densify existing built-up areas subject to the adequate protection of existing residential amenities.*
- CPO 6.16 To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well-designed high quality outcomes and public safety is not compromised and the environment is suitably protected.*
- CPO 6.21 In areas zoned 'Existing Residential' house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing*

residential amenity will normally be permitted (other than on lands permitted or designated as open space, see CPO 6.25 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

CPO 6.22 *In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously unserved, low density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.*

5.1.4. Chapter 8 relates to 'Built Heritage' and the following objectives are deemed relevant in relation to Architectural Heritage and Architectural Conservation Areas:

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

CPO 8.21 *Within Architectural Conservation Areas, all those buildings, spaces, archaeological sites, trees, street furniture, views and other aspects of the environment which form an essential part of their character, as set out in their character appraisals, shall be considered for protection. The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable.*

5.1.5. Chapter 13 relates to 'Water Services' and contains objectives with respect to water supply, waste water and storm/surface water infrastructure.

5.1.7. Volume 3 of the Development Plan contains Appendix 1: 'Development and Design Standards' which is considered to be relevant to the subject development in terms of Section 3.1.6 relating to Infill/backlands development in existing housing areas.

5.2. Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019

5.2.1. It shall be noted that the Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019 has expired and the Draft Greystones / Delgany & Kilcoole Local Planning Framework (LPF) 2025 is being prepared under proposed Variation No. 4 to the Wicklow County Development Plan 2022 – 2028. For context, I note that the appeal site was zoned 'RE- Existing Residential' with an objective *'to protect, provide for 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'*. Residential development such as houses was a use generally appropriate for residential zoned lands-in the expired Greystones – Delgany Local Area Plan, 2013 – 2019.

5.3. National Guidance

5.3.1. The following national planning guidance is relevant:

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*

5.4. Natural Heritage Designations

5.4.1. The appeal site is not located on or within any designated Natura 2000 sites, with the nearest designated sites set out as follows:

- Bray Head SAC (Site Code: 000714) approx. 1.34km to the northeast;
- Glen of the Downs SAC (Site Code: 000719) approx. 2.19km to the southwest;
- The Murrough SPA (Site Code: 004186) approx. 2.61km to the southeast;
- The Murrough Wetlands SAC (Site Code: 002249) approx. 4.51km to the southeast;
- Carriggower Bog SAC (Site Code: 000716) approx. 6.67km to the southwest;
- Ballyman Glen SAC (Site Code: 000713) approx. 7.1km to the northwest;
- Knocksink Wood SAC (Site Code: 000725) approx. 7.75km to the northwest;
- Wicklow Mountains SPA (Site Code: 004040) approx. 8.06km to the west; and,
- Wicklow Mountains SAC (Site Code: 002122) approx. 8.35km to the west.

5.4.2. The Bray Head pNHA (Site Code: 000714); Glen Of The Downs pNHA (Site Code: 000719); and Great Sugar Loaf pNHA (Site Code: 001769) are located approximately

1.33km to northeast; 2.3km to the southwest; and 3.1km to the west respectively of the appeal site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The First Party appeal has been prepared and submitted on behalf of the applicant against the Planning Authority's decision to refuse permission. As part of the appeal, the applicant has submitted revised drawings of the proposed development for consideration by the Board (described further in section 8.2 below). The grounds of appeal are summarised as follows:

Response to Refusal Reason No. 1

- With regard to the refusal based on height, the dwelling was reduced from the original height of 10.350 metres to 9.470 metres (a reduction of 0.88 metres) which aligns with surrounding buildings, namely the newly constructed Seagreen Gate.
- With regard to the refusal based on scale, the garage is omitted and utility room reduced. The massing on front elevation has been broken down and there is a further setback at first floor level with the omission of Bedroom 2 which results in a 61.4 sqm reduction in overall floor area. The changes also result in a reduced ridge height at southern boundary down to 8.79 metres (1.56 metres).
- With regard to the refusal based on design, changes such as garage omission and recessing the southern half of the front elevation and reduced ridge height results in a 50% reduction in the façade which reduces the visual impact of the house on the road and eliminates the overbearing appearance. The revised dwelling when

compared to original planning submission represents a more sympathetic balance against the existing housing stock of the surrounding area. A study of housing along Chapel Road shows a variety of designs, finishes and types with single-storey (31%), two-storey (30%), dormer houses (26%) and two-storey with attic level (13%). The proposed design reflects the diversity of existing structures.

- With regard to the refusal based on character, it is contended the proposal is not out of keeping with the character of the area given the diversity of design, form, height, scale and materials of dwellings in the area.
- With regard to the refusal based on building line and proximity of the dwelling to Chapel Road and the existing dwelling to the southeast, the house has been relocated northward increasing the separation from the boundary from 1.86 metres to 4 metres.
- The removal of the bedroom windows at first floor level on the western façade removes the potential for actual overlooking of the property with the opaque bathroom window 10 metres from the corner of the neighbouring property.
- The direct line of sight from the rear of the proposed dwelling is eastwards and towards the undeveloped lands to the northeast with separation of 55 metres from Applewood Heights which is screened by mature trees outside of the application site. The separation between the proposed dwelling and No. 24 Seagreen is 22 metres horizontally to the side elevation over the public road and a drop of 1.875 metres below the floor level which results in no impact.
- The relocation of the proposed dwelling has increased separation between the edge of road and the southern boundary from 4.2 metres to 5.2 metres and at the northern edge from 6.9 metres to 7.4 metres.
- A number of houses in the area do not maintain an established building line and given the site context, the subject development would not be comparable to housing estates. Therefore, to follow the building line would make the site undevelopable.
- The appeal argues that the revised design addresses the planning authority's concerns and aligns with the objectives of the Wicklow County Development Plan.

- It is requested that An Bord Pleanála grant permission having regard the revised design and considering the shortage of housing in the region.

7.2. Planning Authority Response

- None.

7.3. Observations

- A total of 5 no. observations have been received in respect of the subject development. The concerns outlined in the observations are reflected in the grounds of appeal and in summary, I note that the issues raised include the following:

Design & Layout

- The revised design is noted but the proposal is fundamentally presenting the same quality standards issues which were refused by the Planning Authority.
- Despite requests for reconsideration, the height is deemed excessive for the area and reference to the Seagreen development containing three-storey houses is incorrect.
- The proposed dwelling is not in keeping with the small hamlet of one-storey cottages/bungalows along Chapel Road and the nearby Architectural Conservation Area.
- Altering the design and layout would provide for a more suitable house that complies with good development standards that would benefit the applicant and neighbouring properties.
- A proper landscaping proposal should be imposed that does not rely on existing mature trees which will be removed as part of the application and future development on adjacent site.

Residential Amenity Concerns

- The alterations to the dwelling have made no meaningful difference to the permanent impacts on the dormer bungalow of No. 1 Chapel View.
- There are concerns the proposed dwelling will overshadow neighbouring property.

- Changes in the height would be in more keeping with the design objectives of the Development Plan and be less overbearing on its nearest neighbour.
- Small alterations to the design would have reduced the negative impacts and not undermined the established amenity of neighbours. Additional revisions such as moving and rotating the dwelling would have also improved the setting of the proposal.
- There is concern that the development will sterilise corner of neighbouring property and devalue it due to residential amenity impacts.
- There will be overlooking from the windows on the rear (east) elevation at first floor and second floor level which will directly overlook neighbouring property.

Drainage/Services

- The appeal site was part of a larger site where 2 no. previous applications have been refused in respect of services. This matter has not been addressed in this application.
- The Planning Authority's decision fails to address surface and foul water issues raised in the submissions and should form a refusal item.

Traffic Safety

- Access to and from the site has not been considered and there are difficulties with views on both sides of Chapel Road.

Boundary Treatment and Wildlife

- Wildlife and existing trees have not been considered in the application and there has been no care taken to replicate/replace the loss of same on the site.
- It is not clear what the proposed boundary treatments are between the site and neighbouring property or how changes in land levels are to be dealt with.

Other Matters

- The Planning Notice was not displayed properly at the time leading to a short time for submissions.

- Proposed development does not respect the development potential of neighbouring property nor does it constitute cohesive or integrated development of the overall land.

8.0 **Assessment**

Having examined the application details, the appeal and all other documentation on file including all of the submissions received in relation to the appeal, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the First Party and Observers. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Principle of Development
- Design and Layout
- Impact on Residential Amenity
- Other Matters
- Appropriate Assessment (Screening)

8.1. **Principle of Development**

8.1.1. I consider that the proposed development is located in a residential area and essentially represents an infill site. It is my opinion that a proposal for a residential development on this site would comply with the overarching objectives of the Development Plan in terms of compact growth within existing settlements (CPO 4.2); increased densities (CPO 4.3); and Infill Development (CPO 6.16). In addition, the appeal site is located within the built-up area of the settlement of Greystones which was zoned 'RE- Existing Residential' under the expired Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019. I therefore consider the principle for residential development to be acceptable and would be consistent with the prevailing character of this urban location. That said, while the principle of development is supported on the subject site, in my view, it is imperative that such a proposal is in keeping with the pattern of development in the vicinity and would not be detrimental to the amenities of adjoining properties or the character of the area.

8.2. Design and Layout

8.2.1. The Planning Authority's refusal reason was based on the consideration that the scale, height and design of the dwelling is overbearing and unbalanced having regard to the existing pattern of development and established character of the area in addition to the setback of the dwelling from Chapel Road and its siting forward of the building line from the neighbouring dwelling to the southeast (No. 1 Chapel View). The Planning Authority considered that the proposed development would be contrary to a number of housing objectives in the Wicklow County Development Plan 2022-2028, as well as the Existing Residential - 'RE' zoning objective of the area. The observers have raised a number of concerns in relation to the layout and design of the proposal and impacts associated with the setting of the dwelling.

8.2.2. The applicant has submitted a revised house design for consideration by the Board as part of this appeal. The altered design follows on from previous modifications submitted by the applicant in response to a Request for Further Information and a Clarification of Further Information request. The revised Site Layout Plan before the Board indicates a separation distance of 4 metres from the southern boundary (side) with the existing house at No. 1 Chapel View which is an increase from the 2.644 metres boundary separation refused by the Planning Authority. The 5.040 metres separation distance from the eastern (rear) boundary is unchanged and there is a marginal increase in the road set back on account of the house moving northward on the site. The amended house design is presented as a two-storey dwelling with attic level accommodation and has 4 no. bedrooms. The height of the dwelling has been reduced to 9.470 metres from 9.9 metres as submitted at Clarification of Further Information stage. Other changes include the reduction in the single storey garage/utility on the northeastern (side) elevation to provide for a single utility room. The front elevation has been reduced with the introduction of a setback at first floor level and the lowering of the ridge height to break down the overall massing. The internal space at first floor level has been altered with 3 no. reconfigured bedrooms instead of the previously indicated 4 no. bedrooms. The first floor windows on the side (south-facing) elevation have been removed and a window on the rear (east-facing) elevation has been removed with 2 no. windows serving an en-suite and laundry room indicated as having opaque glazing. At second floor/attic level, the design has been

slightly revised with the omission of a dormer window on the front roofslope to serve a reduced attic storage room.

- 8.2.3. In considering the design of the proposed dwelling, I note the concerns of the Planning Authority with respect to the scale, height and design of the proposed dwelling and the opportunities provided to the applicant throughout the application process to address same. From my inspection of the subject site, I acknowledge that the design of the proposed dwelling does not match existing dwellings in the immediate vicinity and I accept that there is a dynamic range of house types along this section of Chapel Road which range from single storey vernacular cottages in the nearby Blacklion ACA; contemporary two-storey with attic level terraced and semi-detached houses in the Seagreen Gate estate; and, established detached dormer-style dwellings in Chapel View. In my view, there is no prevailing house type or design in this area. Notwithstanding, I consider it prudent that the subject development must be consistent with basic design and siting principles as set out in the Development Plan so that it has a high quality design and layout which accords with development standards and contributes to a coherent urban form which is sensitive to its context and enhances the urban fabric of the area (CPO 6.3, CPO 6.4, CPO 6.5 and CPO 6.16).
- 8.2.4. Having regard to the revised proposal submitted with this appeal, I acknowledge that changes have been introduced to attempt to address the concerns of the Planning Authority. However, it is my view that the dwelling is not materially different to the proposal which has been refused with respect to the setting of the development. I have formed this consideration on the basis that the siting and layout of the proposed dwelling is fundamentally unchanged in terms of its positioning on the appeal site and the marginal reduction in height having regard to land levels. Moreover, I am of the view that the considerable design changes to the dwelling relate to the northern (side) extent and the front elevation of the proposed house do not address the main concerns raised by the Planning Authority with respect to the siting/setback of the dwelling with regard to the established setting of neighbouring properties, particularly No. 1 Chapel View to the southeast.
- 8.2.5. I note the contentions raised by the applicant that there is no defined building line along Chapel Road given the varying types of houses in the area and I acknowledge that it is not possible for development on the subject site to adhere fully with the building line of No. 1 Chapel View to the immediate southeast. That said, I consider

that the design and layout of the proposed dwelling, as an individual dwelling on an infill site, in addition to its height in the context of the changing land levels, has failed to have any regard to the setting of houses in the surrounding context. The positioning of the house in the southern part of the site only 4 metres from the site boundary and being sited forward of No.1 Chapel View would present as a jarring and unwieldy structure at this section of Chapel Road. As such, I concur with the Planning Authority that the proposed dwelling would be out of character with the pattern of development in this area and I am of the view that the dwelling would result in an overbearing feature in the context of the surrounding built setting which would not represent an acceptable form of infill development.

8.2.6. Further to the above, I note that Section 3.1.6 of the Development Plan states that infill development requires cognisance to be taken of the potential of adjacent rear / side plots to be developed in a similar manner and separation between site boundaries, location of windows etc must not prejudice development options on the adjacent plot. The adjoining lands to the east have been subject to a number of planning applications in recent years for multi-unit residential development (Reg. Refs. 2360200, 20/932 and 19/551). Two of these applications have been refused on the basis of surface water collection/disposal whilst the most recent application was deemed withdrawn. Having regard to the subject proposal and the layout of this dwelling setback 5.04 metre from the boundary with the neighbouring site, I consider that the proposed dwelling would compromise future development potential on these adjoining lands. I have formed this view as windows at first floor level and attic level will be in close proximity to the adjoining plot and would likely hinder development options on the neighbouring land and its ability to comply with quality standards and protection of amenity.

8.2.7. In conclusion, I do not consider that the proposed development, consisting of a detached two-storey with attic level accommodation is appropriate on account of its unsatisfactory positioning on the site and would be incongruous in terms of its design on this infill site which would be out of character with the pattern of development. I also consider that the proposed development would also be contrary to the stated objectives of the Planning Authority, as set out in the Development Plan in relation to housing and the design standards insofar as they relate to infill development. Permission should therefore be refused.

8.3. Impact on Residential Amenity

8.3.1. The observers' have raised concern in relation to the negative impact of the proposed development on the residential amenity. It is submitted that the siting of the dwelling, its design and height along with siting of window opens will cause overlooking, overshadowing and overbearing impacts neighbouring properties which will have a negative impact on their residential amenity.

8.3.2. I note that Section 3.1.6 of Appendix 1 of the Development Plan requires that infill development must adhere to best development standards, the design should complement the area and ensure that the privacy of either the existing house on the plot or adjacent houses is not diminished. In this regard, I shall assess the residential amenity impacts under the following sub-headings as set out below:

Overbearing

8.3.3. The applicant contends that the further revisions to the dwelling, submitted with the appeal for consideration by the Board eliminates the overbearing appearance of the dwelling and represents a more sympathetic balance against the existing housing stock of the surrounding area. The observations received have raised concern in relation to the siting of the proposed dwelling and its associated height from the common boundary with No. 1 Chapel View which would result in an overbearing visual impact on this property and the lands associated with Chrysanthemum Cottage.

8.3.4. I have already set out my concerns in terms of the layout and setting of the proposed dwelling above and I am of the view that the siting of the dwelling in addition to its overall height and separation from the eastern boundary and in particular, the southern boundary would result in impact in terms of overbearing. The siting of the proposed dwelling is set 4 metres from the southern boundary and the rear of the dwelling is 9 metres to the northwest of the neighbouring dwelling at No. 1 Chapel View. The proposed dwelling will be set forward of this neighbouring residence and whilst contained on its own plot and at a lower gradient to the nearest dwelling in Chapel View, the main ridge height of the proposed development is indicated as being approximately 0.93 metres taller than the neighbouring dormer bungalow. On this basis, I consider that the proposed development would have an overbearing impact given its height and siting close proximity to the party boundary with No. 1 Chapel View and therefore, I am not satisfied the proposed dwelling would be acceptable

having regard to the objectives of the Development Plan and the residential standards for infill development.

Overlooking

8.3.5. The observers consider that the proposed dwelling will overlook neighbouring properties as a result of windows at first floor level and attic level. I have had regard to the revised design lodged in response to Further Information and Clarification of Further Information stage as well as the revisions submitted with the appeal for consideration by the Board. I note additional measures have been submitted by the applicant with the reconfiguration of bedrooms at first floor level; removal of windows on the south-facing (side) elevation; the introduction of opaque glazing to serve the ensuite serving 'Bedroom 2' and the laundry/store at first floor level and the en-suite rooflight at attic level on the east-facing (rear) elevation which mitigate against the perception of overlooking to No. 1 Chapel View to the south. The proposed dwelling has a generous separation from the dwellings in the Seagreen Gate housing estate which is located on the opposing side of Chapel Road and there is also sufficient separation from Chrysanthemum Cottage to the northeast. I do not consider that there are any concerns in terms of overlooking with the dwellings in Applewood Height to the east on account of the separation distance and the existing vegetation on the adjoining undeveloped lands. On balance, I am satisfied that overlooking of existing neighbouring properties would not occur. That said, I am also of the view that the requirement for mitigation measures such as multiple obscured windows further highlights the constrained configuration/layout of the proposal on this site. Moreover, I have previously outlined my concerns that the development may hinder development opportunity on the neighbouring lands to the east due to potential amenity conflicts from the siting of the proposed dwelling.

Overshadowing

8.3.6. The observers have raised concern with respect to overshadowing from the proposed dwelling on account of its proximity and height to neighbouring property but have not expanded further on the precise extent of such shadowing effects. Having regard to the north-east to southwest alignment of the proposed dwelling on the site in relation to the surrounding neighbouring residences, in addition to the change in land levels, I am of the consideration that the potential for overshadowing would be limited as the

extent of shadowing would not be cast across the amenity spaces of any adjoining houses. To this end, I would be of the view that any such overshadowing arising from the proposal would be localised in the context of a built-up residential area and so would not warrant a refusal on this basis alone.

8.4. Other Matters

Traffic

8.4.1. Concern has been raised in observations received that the proposed development will cause a traffic hazard as a result of the proposed new vehicular access onto Chapel Road. During my site inspection, I observed Chapel Road to be of limited width and contains a series of bends (including an elongated bend along the subject site) in addition to an uphill gradient to the southwest of the site. I noted considerable numbers of vehicles were using this local road however traffic speeds were relatively slow on account of the alignment and carriageway width. I am of the view that visibility at the subject site is currently poor and restricted on account of the road layout and current vegetation along the roadside boundary. The Municipal District Engineer raised a number of concerns with respect to sightlines and the provision of a public footpath along the extent of the application site.

8.4.2. I note that the new entrance has a width of 3 metres set back 2.4 metres from the road edge and has demonstrated sightlines of 23 metres in both directions. The proposal will also provide 2 no. designated on-curtilage parking spaces to serve the dwelling which aligns with the standards of the Development Plan. I am satisfied that any matters in terms of access and sightlines were addressed in the response to the further information request and deemed acceptable to the Planning Authority. On balance, it is my opinion that the subject development would not result in significant additional traffic which may exacerbate the existing situation on this road and the provision of a footpath on the southern side of Chapel Road will improve pedestrian safety. Therefore, I am satisfied that the development will not give rise to road safety concerns by way of creation of a traffic hazard.

Drainage

8.4.3. The proposed development is to connect to existing foul sewer and surface water drainage. I also note that the applicant proposes the installation of a soakaway on the site to manage surface water drainage from the dwelling. A number of the observers

raised concerns in relation to site drainage and potential for surface water to discharge to properties in the vicinity along with impacts on the foul sewer network due to its condition and the gradient of lands.

8.4.4. Having regard to the information on file, I consider the development could connect to the foul sewer Chapel Road without constraining the existing network. Moreover, I am satisfied that the ground infiltration by way of soakaway on the site would be acceptable to manage surface water from the dwelling and would control drainage within the confines of the appeal site. I am of the view the proposed storm water drainage will prevent surface water runoff from the road entering the appeal site and other properties whilst also reducing the extent of water outflowing from the site. I consider that the proposed drainage would reduce risks of surface water flooding on the appeal site and neighbouring properties, particularly further to the east in Applewood Heights where concern has been raised by observers. Furthermore, I also acknowledge the comments of the Municipal District Engineer with respect to the invert levels of the gulley connections to the existing storm sewer and that there may be a requirement for a separate storm sewer on the southern side of Chapel Road (along the subject site) to allow for suitable connections at appropriate levels. I am satisfied that a suitably worded condition could be attached requiring this provision if the Board are minded granting permission for the subject development.

Boundary Treatment and Wildlife

8.4.5. The Observers have indicated that there is uncertainty in relation to the boundary treatments to serve the proposed development and that existing trees have not been considered in the application, nor has there been any care taken to replicate/replace the loss of same on the site. Concerns are also raised in relation to impacts on local wildlife and habitat.

8.4.6. From my site observations, I note there are a number of trees along the eastern site boundary with various hedging and other vegetation along the southern boundary with No. 1 Chapel View. I note that no dedicated landscaping or boundary treatment plan has been submitted with the appeal file. However, from review of submitted particulars, the boundary treatment along Chapel Road was amended on foot of the Request for Further Information provides for a low-level wall matching that for the Seagreen Gate development on the opposite side of Chapel Road. I consider this road frontage

boundary to be acceptable. An annotation on the Site Layout Plan also indicates the provision of a 2 metre high block wall with capping along the rear (east) boundary. It is unclear as to whether this wall is to run along the southern boundary of the appeal site. As such, I concur with the Observers that there is uncertainty with the boundary treatments, in particular the integrity of the boundary trees on account of the potential impacts from the construction/excavation works of the dwelling and the proposed wall which would impact on the root protection zone of the trees. However, should the Board be minded to grant permission for the subject development, a suitably worded condition could be attached requiring the provision of a detailed landscape and boundary treatment plan in addition to any associated protective measures that would protect trees from adverse impacts arising from the building of the proposed walls and dwelling.

8.4.7. In terms of negative impacts on wildlife, I note that the appeal site consists of undeveloped lands which are currently overgrown and given its size and location in a built-up urban area would support limited foraging for mammals. The established trees and vegetation may support limited nesting and roosting for birds and I acknowledge that it is also possible for bats to potential commute and forage in the wider area. The applicant has not proposed to remove any existing trees on the eastern or southern boundary and the clearance would be confined to the roadside boundary, which is required for the vehicular access and provision of pedestrian footpath, and associated scrub and vegetation which has colonised the site. Overall, I do not consider that the proposed development would result in adverse impacts/loss to wildlife.

Impact on Architectural Conservation Area

8.4.8. Additionally, I note the subject site is located in proximity to Blacklion Architectural Conservation Area. This ACA is described as a cluster of single storey cottages and the church of St. Killian, located on a bend of the Chapel Lane Road and represents an older agrarian hamlet or clachan. In considering the proposal, I note the appeal site is not within the ACA and is approximately 55 metres to the southwest. In my view, the buildings in this conservation area are read in their own grouped context and I consider that the proposed development would not directly impact on this ACA by either its southern or northern approaches on Chapel Road. I also consider that the recently developed Seagreen Gate housing estate dominates the backdrop in this area and in my opinion, has irrevocably changed the setting of this area.

9.0 Appropriate Assessment (Screening)

- 9.1. Having regard to the nature and scale of the subject development for which permission is sought for 1 no. dwelling, the location of the site within an urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

10.0 Water Framework Directive

- 10.1. I have considered the subject development and I am of the view that the proposal 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 jeopardize any water body in reaching its WFD objectives and consequently can be excluded from further assessment. I refer the Board to Appendix 3 for my screening assessment.

11.0 Recommendation

- 11.1. I recommend that permission be REFUSED for the following reason and consideration as set out below.

12.0 Reasons and Considerations

Having regard to the housing objectives and key principles of good design in relation to infill development as set out in the Wicklow County Development Plan 2022-2028, it is considered that the proposed development, by reason of its scale, height and siting proximate to the site boundaries would be incongruous in terms of its design on this infill site, would be out of character with the existing residential properties in the vicinity and would set a precedent for further inappropriate infill development in the vicinity of the site. The proposed 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.

Matthew O Connor
Planning Inspector

19th June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322085-25
Proposed Development Summary	Construction of a dwelling, new vehicle entrance and all associated ancillary site works.
Development Address	Chapel Road, Greystones, 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? (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Class 10(b)(i)(iv) - Infrastructure Projects
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, 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?	
<input type="checkbox"/> 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of 1 no. dwelling.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322085-25
Proposed Development Summary	Construction of a dwelling, new vehicle entrance and all associated ancillary site works.
Development Address	Chapel Road, Greystones, Co. Wicklow
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 (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal seeks permission for the construction of 1 no. house in an urban settlement.</p> <p>The size of the development would not be described as exceptional in the context of the existing environment.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The proposed development is situated within the settlement boundary of a town.</p> <p>There are no significant environmental sensitivities in the vicinity – potential impacts on Natura 2000 sites is addressed under Appropriate Assessment (Screening).</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>Having regard to the limited nature and scale of the proposed development (i.e. 1 no. infill dwelling on residential zoned lands), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Screening the need for Water Framework Directive Assessment Determination

The subject site is located on a site at Chapel Road in the settlement of Greystones, Co. Wicklow. The proposed development comprises the construction of detached dwelling on an infill site which is to connect to the existing foul and surface water network.

The subject site is located approximately 0.44km to the south (as the crow flies) of a water course, indicated as the "Kilruddery-Deerpark_10" on respective data, which flows eastwards and enters the Irish Sea roughly 0.97km away. There is no apparent hydrological connection to this watercourse from the subject site. According to available Water Framework Directive information, the watercourse is stated as being under 'Review'. The coastal waterbody, indicated as the Southwestern Irish Sea - Killiney Bay (HA10) has a projection of being 'Not at Risk'. In addition, the Groundwater Body is indicated as the Wicklow groundwater body which is stated as being 'At Risk' in relation to not meeting their Water Framework Directive objectives.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed 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.

The reason for this conclusion is as follows:

- Nature of works e.g. scale and nature of the development being a single detached dwelling; and,
- Location and distance from the nearest water bodies and/or lack of hydrological connections.

Conclusion

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.