



An
Coimisiún
Pleanála

Inspector's Report

ABP-322441-25

Development

Adjustment of previously permitted planning application Reg. Ref. 22/462 to include (1) Work shed to be rebuilt and incorporated in to new build, (2) Reconfigure portion of flat roof to pitched roof with rooflight, and (3) Reposition proposed building to align with building line, along with other minor adjustments to windows, finishes and heights.

Location

Newlands, Kinlen Road, Greystones, Co. Wicklow A63YR79

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2560107

Applicant

Declan Shaw

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal	Third Party
Appellants	Donall Gannon and Gweneth Gannon
Observer	None
Date of Ste Inspection	27 th June 2025
Inspector	John Duffy

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.063 hectares and it is located within the Burnaby residential area on the southern side of Kinlen Road. The site accommodates an attractive single storey house on a large site with generous front and rear mature gardens. The front garden is sylvan in nature with the front boundary comprising a tall hedgerow and there are also mature trees to the front of the house. There is an existing workshop building to the west of the site. The surrounding area is characterised by substantial houses on large plots. Adjoining the site to the west is an existing domestic garage structure and a large bungalow known as 'Glenholme.' The appeal site lies outside 'The Burnaby' Architectural Conservation Area (ACA) the boundary of which lies c 100 m west of the junction of Mill Road with the R774 Regional Road.

2.0 Proposed Development

- 2.1. The proposed development comprises amendments to a single storey house permitted under ABP-314094-22 (Planning Authority Reg. Ref. 22/462 refers). The proposed amendments comprise the following:
- The removal of the workshop structure which was previously to be incorporated into the permitted house. It is proposed that this structure would be rebuilt to modern standards and incorporated into the proposed house. Its ridge height is stated as 4.257 m.
 - The permitted flat roof elements which had a maximum height of 4.56 m are to be replaced by a pitched tiled roof to accommodate a water tank and attic storage. A number of rooflights are proposed in the pitched roof. The maximum height of the pitched roofs is given as 5 m.
 - It is proposed that the house would be relocated c 2 m further north to align with the building line of 'Glenholme' to the north. Area of house remains at c 100 sqm.
 - External wall finishes comprise painted render. Minor changes are proposed to some window sizes / types.
 - No change is proposed to the size of the permitted unit (c 100 sqm).

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission on the 8th of April 2025 subject to nine conditions which are generally standard in nature.

3.2. Planning Authority Report

3.2.1. Planning Report

The report of the area planner notes the policy context and the third party submission made in respect of the planning application. The principle of the proposed development is considered acceptable given the planning history of the site. The report considers the proposed single storey house would have no impacts on the residential amenity of the adjoining property to the west. No changes are proposed to the permitted entrance and it is noted that the proposed unit will be served by a large rear garden. A grant of permission is recommended.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

No reports received.

3.4. Third Party Observation

A third-party submission was received by the planning authority in respect of the proposed development from the residents of the neighbouring property to the west, 'Glenholme.' The submission as summarised in the planner's report as follows:

- The application increases the scale, height and density on this small site and is in excess of what is allowed under the current zoning.
- No other 1 bedroom homes exist on Kinlen nor any of the nearby roads.
- The use of aluminium is not in keeping with the character of the area.

- Proposed development will impact access to natural light.
- Traffic hazard from new entrance.
- Impact on trees.

4.0 Planning History

Appeal Site

An Bord Pleanála Reference ABP-314094-22 / Planning Authority Ref. 22/462 refers to a November 2023 decision to grant permission, subject to 9 standard planning conditions, for demolition of a portion of existing dwelling to facilitate the subdivision of existing dwelling and site into two separate detached dwelling units, new separate access with new gates to new unit along with all associated site works.

In the vicinity

To the south-east

Planning Authority Reg .Ref. No. 1829 refers to an April 2018 permission for the subdivision of existing house into two detached dwellings, with new open passageway between houses, demolition of roofs, chimneys and associated walls, conversion of attic to the eastern house along with new balcony, extensions to both houses along with elevational changes, new rooflights, separate access to include sliding gates along with all associated site works. Location: All at Kircullen, Kinlen Road, Greystones, Co. Wicklow.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Wicklow County Development Plan 2022-2028.

5.1.2 The following Development Plan objectives are relevant:

Chapter 2 Overall Strategy

SCO1: Sustainable Settlement Patterns & Compact Growth: - The delivery of compact growth in all towns and villages by capitalising on the potential for infill and brownfield development, moving away from a reliance on greenfield development and creating places that encourage active lifestyles is essential for the successful delivery of the development plan strategy.

Chapter 4 Settlement Strategy

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.

Chapter 6 Housing

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 6.14: 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.

5.1.3 Appendix 1 includes requirements for Infill / Backland Development in Existing Housing Areas, as follows:

"Many older housing areas were built at densities and in such formats that resulted in particularly large plot sizes. Where opportunities arise for infill or backland type development, the following standards shall apply:

- The site / plot must be capable of being developed in accordance with the density limit set for that area in the local area or town plan, or in any case in keeping with the prevailing density of the immediate area. Where no density limit is set (for example, in areas zoned 'existing residential'), the quantum of development that will be permissible will flow as a result of adherence to best development standards;
- The design of a new house should complement the area. Where an area has an established unique or valuable character worthy of preservation, particular care should be taken to match the style and materials of the area; however,

where an area is a 'mixed-bag' of styles and periods, more flexibility can be applied;

- Particular attention will be required to be paid to the design and location of new windows, in order to ensure that the privacy of either the existing house on the plot or adjacent houses is not diminished; • Gable walls abutting public areas (e.g. footpaths, car parking areas and open spaces) will not be permitted and a minimum separation of 0.9m will be required between the house gable and the side wall of the plot;
- Where the access route to a proposed development site is proposed to run alongside the external walls of the existing dwelling on the development plot or the external walls of a dwelling on an adjoining plot, there must be adequate separation available to facilitate the required driveway (normally 3m) and allow a 0.5m 'buffer' area alongside any existing dwelling. Any deviation from this standard must be evaluated on traffic safety and residential amenity grounds;
- The re-design of access and car parking arrangements for the existing dwelling on the plot must be clearly detailed, and permission included for same where required; developments accessed from a long narrow driveway must provide for the turning of vehicles within the site;
- Cognisance will be required 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;
- New apartment developments dependent on access through existing established areas of predominantly single family homes will not be permitted."

5.2. Draft Local Planning Framework (LPF) and Adopted Local Area Plan (LAP)

5.2.1 The Draft Greystones / Delgany and Kilcoole Local Planning Framework (LPF) 2025 is being prepared under proposed Variation No. 4 of the Wicklow County Development Plan 2022-2028. The Consultation Stage closed on 20th June 2025.

5.2.2 In Map No. 1 of the LPF titled 'Land Use Zoning Objectives' which is in Draft form, the appeal site and adjoining development is zoned RS: Special Residential with the Objective 'To protect, provide and improve residential amenities in a format and a density specified in this LPF.'

5.2.3 In the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 the appeal site is zoned R10: Residential – 10 / ha.

5.3 National Guidance

5.3.1 Revised National Planning Framework (NPF)

The First Revision of the NPF was recently approved by the Houses of the Oireachtas following the decision of Government on 8th April 2025 to approve the Final Revised NPF.

Chapter 2 of the First Revision of the NPF is entitled 'A New Way Forward.' Relevant National Policy Objectives (NPOs) include:

NPO 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

Chapter 4 is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- NPO 12 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- NPO 20 provides that 'In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.'

Chapter 6 'People, Homes and Communities' sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives in Chapter 6 are noted as follows:

- NPO 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.
- NPO 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location
- NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.2.2 Ministerial Guidelines

Having regard to the nature of the proposed development and to the location of the appeal site, the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) are relevant. A main part of its overarching strategy is to target 30% of new housing growth in settlements outside the five cities, within the existing built-up footprint, on infill and brownfield lands.

5.3. Natural Heritage Designations

The following European Sites and Natural Heritage Areas are located within 4 km of the proposed development:

- The Murrough Proposed Natural Heritage Area, approximately 2.1 km southeast of the site.
- The Bray Head Proposed Natural Heritage Area, approximately 2.4 km north of the site.
- The Bray Head Special Area of Conservation, approximately 2.4 km north of the site.
- The Glen of the Downs Proposed Natural Heritage Area, approximately 2.5 km west-southwest of the site.
- The Glen of the Downs Special Area of Conservation, approximately 2.5 km west-southwest of the site.
- The Murrough Wetlands Special Area of Conservation, approximately 3 km southeast of the site.

- The Murrough Special Protection Area (Site Code: 004186), approximately 3.9 km southeast of the site.

6.0 EIA Screening

The proposed development comprising amendments and alterations to a permitted infill house is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. See Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

This is a third-party appeal from Donall and Gweneth Gannon of 'Glenholme,' Kinlen Road, Greystones, Co. Wicklow. The appellants reside on the neighbouring site to the west. The grounds of appeal are summarised as follows;

- The proposed development of a house on the subject site constitutes increased and excessive density on a small narrow site which is not in keeping with other residences along Kinlen Road or nearby.
- Overlooking impacts arise from the proposed development.
- The proposed revisions provide a higher roofline, resulting in an increased adverse impact, by obstructing light to the kitchen / dining area used during the day.
- If allowed, there will be 3 driveways all converging within a 3 sqm area. To allow another house to have an access onto the narrow road will add to congestion and the risk of accidents affecting pedestrians, cyclists and other road users as more traffic enters and leaves the proposed house.
- Condition 3(a) requires the existing profile of the grass verge to be maintained. However it is noted that there is no grass verge along this site. Inclusion of this condition would suggest the Council did not inspect the proposed site or consider the impact from the location of this new access point.

The appeal submission includes the following attachments:

- A copy of the appellant's acknowledgement of objection from the planning authority.
- A map indicating the location of entrances (drawn by hand) along the relevant stretch of Kinlen Road.
- A copy of the Notification of Decision to Grant Permission.
- A copy of the appellant's objection submitted to the planning authority.

7.2. Applicant Response

The applicant's response may be summarised as follows:

- Matters raised relating to density, zoning, site size and house type are not relevant to this application. Planning permission was previously granted for the proposed house.
- Proposed revisions will decrease light loss, if any. The house will move 2 m to the north.
- Matters raised relating to transport concerns and the proposed new entrance are not relevant to this planning application. The driveway was granted permission in the previous application.

7.3. Planning Authority Response

None on file.

7.4. Observations

None.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Scope of appeal
- Impact on the visual and residential amenities of the area
- Planning authority conditions
- Water Framework Directive - Screening
- Appropriate Assessment

8.2. **Scope of appeal**

- 8.2.1. The appeal before the Commission is on foot of a planning application made for proposed amendments to the permitted infill house, which already has the benefit of planning permission under An Bord Pleanála Reference ABP-314094-22.
- 8.2.2 I note the majority of the appeal grounds raised by the third party appellants relate to matters concerning, inter alia, the principle of a dwelling on the subject site, the site zoning, density of development, and the proposed entrance to the site.
- 8.2.3 These matters have already been examined in the context of the previous planning appeal in which it was decided that the proposed dwelling and its access was acceptable. I confirm that no changes are proposed to the location of the permitted access to this infill unit. As such, it is not appropriate that the aforementioned matters are considered again in the context of this current appeal, which relates to proposed amendments to the permitted unit, as described in Section 2 of this report. Therefore, I do not propose to examine issues such as those mentioned above in section 8.2.2 which are raised by the appellants.
- 8.2.4 Notwithstanding, matters raised by the third party relating to loss of light and overlooking concerns which are stated in the appeal to arise as a result of the proposed amendments, are examined below.

8.3 **Impact on the visual and residential amenities of the area**

- 8.3.1 The appellants consider that their property would be overlooked and that they would suffer a loss of light to their primary living area as a result of the proposed alterations to the permitted house.
- 8.3.2 I note that no openings / fenestration are proposed along the western side elevation of the single storey unit, with the exception of rooflights. As such I am satisfied that no

overlooking opportunities leading to a loss of privacy would arise in terms of the adjoining site to the west.

8.3.3 The permitted dwelling has a maximum roof height of c 4.6 m. The current proposal seeks to increase the maximum roof height to 5 m and provision of a pitched roof to facilitate storage and services in the attic is proposed. Given the setback and separation distance of c 6.7 m between the infill unit and the appellant's dwelling to the west, I would not have concerns regarding overshadowing impacts on the appellant's property. I am of the opinion that the nature, design and scale of the proposed amendments to the permitted unit are acceptable, and would not seriously injure the residential amenities of the area.

8.3.4 The proposal also involves the relocation of the permitted unit approximately 2 m to the north. I have no objections to this change on the basis that the building line will align with that of the neighbouring dwelling to the west and the house would still be sufficiently set back from the front boundary to ensure no undue visual impact arises. Further, I consider the proposed tiled roof, to replace the previously permitted aluminium roof, would be consistent with the existing finishes of dwellings in the area.

8.3.5 To conclude, in my opinion the proposed development comprising amendments to the permitted unit would not seriously injure the residential or visual amenities of the area.

8.4 Planning authority conditions

8.4.1 The planning authority conditions are generally standard in nature and satisfactory. Should the Commission decide to grant permission I recommend inclusion of a condition which requires the conditions specified in the parent permission (ABP-314094-22) to be complied with.

8.4.2 The appellant, referring to Condition 3(a) of the planning authority's decision to grant permission suggests the Council may not have inspected the site. I would note however that the planner's report includes photographs of the site notice and the subject site, confirming a site inspection was in fact carried out in respect of the proposed development.

8.5 Water Framework Directive – Screening

- 8.5.1 The subject site is located in an established residential area in Greystones, Co. Wicklow. The proposed development comprises, inter alia, amendments to a previously permitted dwelling (ABP-314094-22 / Planning Authority Reg. Ref. 22/462 refers) including removal of workshop structure which is to be incorporated into the new build, reconfiguration of roof, repositioning of proposed unit further north and minor adjustments to finishes and windows.
- 8.5.2 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 and ground water bodies 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 groundwater water bodies either qualitatively or quantitatively. The reason for this is as follows:
- The nature of the works comprising a small scale and nature of development.
 - Location-distance from nearest waterbodies and the lack of direct hydrological connections from the site to any surface and transitional water bodies.
 - Standard pollution controls that would be implemented.
- 8.5.3 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.

9.0 AA Screening

- 9.1.1. I have considered the proposed development as described in Section 2 of this report in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in an established residential area in Greystones.

No nature conservation concerns were raised in the planning appeal.

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 European Site. The reason for this conclusion is as follows:

- Small scale and nature of the development which comprises design amendments to a permitted modest dwelling.
- Location-distance from nearest European Site and lack of connections
- Taking into account the determination by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

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

10.0 Recommendation

- 10.1. I recommend that planning permission be granted for the proposed development subject to the conditions set out below.

11.0 Reasons and Considerations

- 11.1 Having regard to the location of the site on residentially zoned lands, and the design and nature of the proposed amendments to the house permitted under An Bord Pleanála Reference ABP-314094-22 / Planning Authority Reg. Ref. 22/462, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be injurious to the residential and visual amenities in the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall comply with the conditions of An Bord Pleanála reference number ABP-314094-22.</p> <p>Reason: In the interest of clarity.</p>

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.

John Duffy
Planning Inspector

24th July 2025

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ABP-322441-25
Proposed Development Summary	Adjustment of previously permitted planning application Reg. Ref. 22/462 to include (1) Work shed to be rebuilt and incorporated in to new build, (2) Reconfigure portion of flat roof to pitched roof with rooflight, and (3) Reposition proposed building to align with building line, along with other minor adjustments to windows, finishes and heights.
Development Address	Newlands, Kinlen 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 type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" 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 checked="" 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	State the Class and state the relevant threshold
<input type="checkbox"/> 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)	State the Class and state the relevant threshold

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____