



An
Coimisiún
Pleanála

Inspector's Report

ABP- 322959-25

Development	Construction of dormer dwelling, alterations to access roadway and associated site works.
Location	Adjoining No. 15, Arbutus Grove, Bray, A98YR80
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560293
Applicant(s)	Conor Meaney and Katie Lambert
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs Refusal
Appellant(s)	Conor Meaney and Katie Lambert
Observer(s)	None
Date of Site Inspection	29 th September 2025
Inspector	David Freeland

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1.0 Site Location and Description

The application site is located in a long-established residential estate, c. 800m to the Fran O'Toole Bridge to the north end of Bray Main St. The area is loosely bounded by (and accessed off) the Dublin Road (R761) to the east and the Upper Dargle Road to the south and south-west with the M11 further to the west.

The estate predominantly consists of two-storey semi-detached and terraced housing with other uses intermittent throughout including St. Peter's Primary School and a large public open space (c. 1.1ha), both approximately 100m to the east of the subject site. The estate is serviced by Dublin Bus with a bus stop c110m to the east of the subject on Raverty Villas.

The subject site which comprises a two-storey semi-detached dwelling, is accessed off the south side of Hawthorn Road and forms part of two pairs of semi-detached dwellings (no.'s 13-16 Arbutus Grove) which are arranged around a small rectangular public open space (c.418sq.m). There is a corresponding open space to the north side of Hawthorn Road, also on Arbutus Grove. The subject and adjoining dwelling, (no. 13 & 15) are served by a 3m wide access with dropped kerb onto Hawthorn Road to the east side of the open space. A matching access is provided to the west side of the open space serving no. 14 & 16 Arbutus Grove. Based on the site visit, it would appear that the subject site, the adjoining property, no. 13 and no. 16 have entrances sufficient for vehicular access while no. 14 would appear to have pedestrian only access.

The open space is entirely grass with no additional planting/landscaping or street furniture. The open space is noted for views of the Little Sugar Loaf and Bray Head (albeit partially obscured by trees and vegetation within the subject site and no. 16 Arbutus Grove) having regard to the elevated location above the Upper Dargle Road to the south.

The subject site comprises a two-storey semi-detached dwelling with an existing single storey extension to rear, two-shed structures to immediate rear/side of the dwelling which adjoin the boundary with no. 11 Hawthorn Road and a greenhouse within the side garden. A large proportion of the private open space for the dwelling is located to the side and extends forwards of the front building line of the dwelling. This area of the side garden adjoins the public open space on Arbutus Grove and a

corresponding garden space serving no. 16 Arbutus Grove. The north boundary with the open space has mature hedging inset.

The site adjoins an embankment to the south boundary which extends to the Upper Dargle Road. To the immediate south of the subject site and set within the embankment is a dwelling, Marian Villa.

2.0 Proposed Development

The proposed development subject to this appeal comprises a detached dormer dwelling with a new vehicular entrance and with connection to all services and associated site works. The development also includes alterations to the existing access roadway from Hawthorn Road and the adjoining green space which adjoins the subject site, no. 15 Arbutus Grove. This will provide access to the proposed dwelling and for on-street car parking to serve the existing dwellings.

3.0 Planning Authority Decision

3.1. Decision

Refuse Retention Permission and Permission for the following three reasons:

1. It is considered that the proposal for an infill house including the works for a new access road and four new parking spaces on Arbutus Grove public amenity open space would result in a development that would detract from the layout, character and function of the existing Arbutus Grove open space, would result in haphazard development and would, therefore seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to Objective CPO6.25 of the County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report is summarised as follows:

Zoning

- Under site's zoning RE-Existing Residential, the proposed infill dwelling is acceptable in principle.

Access and Impact on Arbutus Grove Open Space

- The creation of the wider access route, new on-street car parking would detract from what is currently a pleasant setting for a pocket park/green area enclosed by two sets of semi-detached structures.
- The development is considered to contravene Policy Objective CPO 6.21 and CPO 6.25 as the proposed development would lead to the loss of amenity space and detract from the layout, character and function of the open space and should be rejected.
- It is noted that the MD engineer had previously recommended refusal for the proposal prior to the current proposed changes as the design raised concerns relating to the substandard nature of the concrete way, the obstruction caused to other dwellings and the inadequacies of the site layout and lack of space to accommodate parking and turning movements. The Planner's Report notes that the MD Engineer was unable to respond to the referral request.

Residential Amenity

- The Planner's Report indicates that the proposed development will not result in overshadowing. The report highlighted potential for overlooking of no. 9 Arbutus Grove, although noted that the overlooking impact was to the rear garden of no. 9 and would not be of a level of additional overlooking beyond existing to merit a refusal.
- The Report noted that the dwelling will be served by 120sq.m of private open space although unclear if includes driveway/turning circle and that the existing sheds to rear of main dwelling will be removed to ensure open space is retained.

Services

- The Planning Report notes that there is an abandoned watermain traversing the site which does not require a wayleave. However, the report notes

presence of a foul sewer traversing the site. The report notes that the dwelling will be constructed with a cantilever to avoid loading onto the sewer. The report indicates that final details would need to be agreed with Uisce Eireann.

- Final surface water measures may be agreed by way of condition although concerns are indicated relating to increased impermeable surfaces and creation of a dedicated soakaway close to the slope with Marian Villa may lead to stability issues.

Geotechnical

- The Planner's Report notes that the contents of the submitted Geotechnical Report (which was submitted with previous applications)
- The planner's report state that new information has come to light regarding the slippage of the slope to the north of Marina Villa and in this regard, an updated geotechnical report would be required to address the concerns of the 3rd party submission.

AA/EIA

- No requirement arises for appropriate assessment or environmental impact assessment.

3.2.2. Other Technical Reports

- Transportation, & Infrastructure Delivery: No objection subject to agreement of details.

3.3. Prescribed Bodies

Uisce Eireann: no report received.

3.4. Third Party Observations

1no. observation was submitted to Wicklow County Council from the occupants of Marian Villa, Upper Dargle Road, Bray which is summarised as follows:

- Objection to the development on the grounds of safety. The observer noted that they do not object to the construction of a house, rather the potential safety issues for their own property.

- The observer indicates that the steep slope to rear of the site has already begun to erode naturally and breach the existing retaining wall resulting in the collapse of a shed.
- Concerns are expressed that the construction of the house could significantly increase the risk of further erosion or even an entire slope failure.

4.0 Planning History

Ref. 24/121: Permission Refused for a detached dormer dwelling with new vehicular entrance and with connection to all services and associated site works. This development was proposed with vehicular access onto the existing access from Hawthorn Road. No amendments were proposed to the public open space.

The reasons for refusal were as follows:

1. *The proposed infill house is reliant on access via a 3m concrete way which is not of adequate standard to accommodate the additional traffic movements associated with the dwelling. The proposed development would result in haphazard development and would endanger public safety by reason of traffic hazard.*
2. *Having regard to: (a) the proposed design and layout, (b) proposed first floor side elevation windows which would result in overlooking of the adjoining property, it is considered that the proposed development would seriously injure the amenities of the property in the surrounding area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

Ref. 23/719: Permission Refused for a detached dormer dwelling with new vehicular entrance and with connection to all services and associated site works and with alterations to existing access roadway from Hawthorn Road on adjoining green space to the site adjoining no. 15 Arbutus Grove. The redline boundary included the public open space and access from Hawthorn Road. A letter of consent from WCC was included as part of the application.

The reasons for refusal were as follows:

- 1. It is considered that the proposal for an infill house including the works for a new access road on Arbutus Grove public amenity open space would result in a development that would detract from the layout, character and function of the existing Arbutus Grove open space, would result in haphazard development and would, therefore seriously injure the amenities of property in the vicinity. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to:(a) the proposed design and layout, proposed first floor side elevation windows which would result in overlooking of the adjoining property, it is considered that the proposed development would seriously injure the amenities of the property in the surrounding area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

Ref. 22/1283: Permission Refused for a detached dormer dwelling with new vehicular entrance and with connection to all services and associated site works. The development included for a one-way system around the open space.

The reasons for refusal were as follows:

- 1. It is considered that the proposal for an infill house including the access proposals which are reliant on works outside of the site boundary for new parking and roadway across the public amenity open space would result in a development that would detract from the layout, character and function of the existing Arbutus Grove open space, would result in haphazard development and would , therefore seriously injure the amenities of property in the vicinity. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed first floor side elevation windows would result in overlooking of the adjoining property and would injure the amenities of the property. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

Ref. 21/1214: Application Withdrawn (23/09/2022) for a detached dormer dwelling with new vehicular entrance and with connection to all services and associated site

works. The proposed development intended to avail of the existing access road from Hawthorn Road.

While withdrawn, the reports on file relating to the above development are relevant. The Planner's Report after submission of Further Information dated 21/09/2022 (prior to withdrawal) recommended that the development be refused permission for the following reason:

The Planner's Report made a recommendation to Refuse Permission as follows:

- 1. It is considered that the proposal for an infill house including the access proposal which are reliant on works outside of the site boundary for new parking areas and roadway across the public amenity open space would result in a development that would detract from the layout, character and function of the existing Arbutus Grove open space, would result in haphazard development and would, therefore seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Pre-planning:

Ref. PP20/80: Summary of comments provided:

- Infill supported in principle subject to other considerations being satisfied.
- Current access to site (originally a footpath). Access is not up to standard and would need to be upgraded to proper road standards.
- There is a need to protect existing sewer on site.
- Recommendation to consult with MD Engineer.

5.0 Policy Context

5.1. National and Regional Policy

National Planning Framework First Revision 2025

The following National Policy Objectives are relevant to the appeal:

- *National Policy Objective 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.

- *National Policy Objective 9
Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.*
- *National Policy Objective 43 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.*
- *National Policy Objective 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*

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) for Dublin City and its wider suburbs. Bray is located within the MASP, designated as one of three 'Key Towns' (along with Maynooth and Swords), and located on the North-South Strategic Development Corridor. Key Towns are large economically active service and/or county towns that provide employment and high-quality transport links.

The strategy provides for the sustainable, compact, sequential growth and urban regeneration in the town core of identified Key Towns by consolidating the built footprint through a focus on regeneration and development of identified Key Town centre infill/brownfield sites.

5.2. Development Plan / Local Area Plan

Wicklow County Development Plan 2022-2028

Relevant sections in the Development Plan include:

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

Chapter 6 Housing

- Section 6.3.2 Location of new residential development
- Section 6.3.3 Compact Growth & Active Land Management
- Section 6.3.5 Densities

Chapter 17 Natural Heritage & Biodiversity

- Section 17.3 Landscape
- Schedule 17.12 Prospects of Special Amenity Value or Special Interest

Relevant policies and objectives include:

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.
- **CPO 4.5:** To ensure that all settlements, as far as is practicable, develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.

- **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.

Design:

- **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.

Density

- **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.

Existing Residential Areas

- **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 unserviced, 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.
- **CPO 6.25** In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development. Such lands will be retained as open space for the use of residents and new housing or other non-community related uses will not normally be permitted.

Landscape Views & Prospects

- CPO 17.38 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or

form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

Appendix 1 – Development Design Standards

- Section 2.1 Road & Transport
- Section 2.2 Water Services
- Section 3.1.3 Privacy
- Section 3.1.4 Open space
- Section 3.1.6 Infill / backlands development in existing housing areas
- Section 3.1.7 Serviced Sites

Bray Municipal District Local Area Plan 2018 – 2024

The Bray Municipal District Local Area Plan 2018-2024 was adopted on 14th May 2018 and became effective on the 10th June 2018. The Local Area Plan has expired and was not extended. Pre-draft consultation on the preparation of a new planning plan commenced on 20th November 2024 which ran until 18th December 2024.

Under the Bray Municipal District Local Area Plan 2018-2024, the appeal site encompassing the semi-detached dwelling and the public open space and access was zoned 'RE: Existing Residential' with the accompanying objective '*To protect, provide and improve residential amenities of existing residential areas*'. Chapter 11 of the Bray Municipal LAP states that '*houses*' are generally an appropriate use for residential zoned areas.

5.3. Ministerial Guidelines

The following Section 28 Ministerial Guidelines are of relevance to the application:

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

The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements with a focus on compact growth in line with the NPF by encouraging infill development within serviced sites.

The relevant Strategic Planning Policy Requirements include SPPR 1 relating to separation distances, SPPR 2 relating to private open space and SPPR 3 relating to car parking.

- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007)

Section 5.3.2. and Table 5.1 of the Guidelines set out relevant quantitative standards for space provision and room sizes for typical dwellings.

- DMURS (2019) and subsequent advice notes

5.4. Natural Heritage Designations

The following natural heritage designations are located in the general vicinity of the proposed development site:

- Ballyman Glen pNHA (Site Code: 000713) located 1.6km to the west and
- Bray Head pNHA (Site Code:000714) located 2.3km to the south-east.
- Dargle River pNHA (Site Code: 001754) located 2.6km to the south-west.

5.5. EIA Screening

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.

5.6. Water Framework Directive

The subject site is located in an established residential area. The site is located 343m from the River Waterbody Dargle_040 IE_EA_10D010300.

The proposed development comprises a 4-bedroom infill dwelling.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development to be retained 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. small scale and nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections

Conclusion

I conclude that on the basis of objective information, that the 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.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been submitted against the Planning Authority's decision to refuse permission. The main grounds of appeal are summarised as follows:

- The appellant contends that the concerns outlined under the previous withdrawn and refused applications relating to residential amenity and ground levels have been adequately addressed.
- The appeal notes that case planner for the application indicated that the proposed infill house development is acceptable in principle, that there were no further concerns relating to overlooking and finalised details relating to surface water could be addressed by way of condition.
- The appellant contends that the 2022 AGL Consulting report addressing the geo-technical stability of the adjoining embankment (which was resubmitted with the application) demonstrates no evidence of slippage on site. It is argued that the planning officer raised concerns without supporting evidence and that given the 6m separation distance from the slope to the north of Marian Villas, good construction practice and a construction management plan would adequately mitigate any residual risk.
- The appellant contends that the proposal (and an alternative proposed scheme) complies with Policies CPO 6.21 and CPO 6.25 of the County Development Plan and would not detract from the layout, character or function of the open space. It is argued that the grassed area is underused and of limited aesthetic or recreational value.
- The appellant asserts that Policy CPO 6.21 relates to infill development on lands permitted/designated as open space which is not that case in this instance as the degree of change would be minimal which would not warrant being considered as contrary to Policy 6.21.
- The appellant suggests that under Policy CPO 6.25, the development does not introduce new housing/non-community uses within the open space but seeks a balanced solution enabling infill on a zoned residential site.
- The applicant has put forward measures that would benefit all residents on either side of the open space and future residents of the proposal. No buildings are proposed on the open space but the proposed mitigation works will improve pedestrian and traffic safety to all residents.

- The open space will retain an area of 9m in width by 18m length (33m by 9m wide should parking spaces be omitted). It is contended that this would uphold the setting and amenity for existing and future residents.
- The appellant maintains that the submitted application is well considered but has also provided an alternative scheme for the Commission's consideration should concerns arise regarding impacts on the amenity of Arbutus Grove. The revised scheme proposes widening the eastern access from 3m to 3.5m reducing the open space from 425sq.m to 405sq.m. It is argued that this complies with best urban design practice and DMURs by creating a shared homezone where pedestrians and traffic safely interact. The appellant indicates a willingness to submit amended drawings or comply with any requirements for readvertisement per Section 142(4) of the Planning and Development Act, 2000, as amended.

6.2. Planning Authority Response

No response received.

6.3. Observations

None

7.0 Assessment

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

- Principle of Development
- Impact on Visual Amenities, Protected Views and Prospects
- Impact on Residential Amenities of the Area
- Dwelling Standards

- Access, Car Parking and Public Open Space
- Site Services
- Slope Stability of Embankment

7.2. Principle of development

- 7.2.1. As noted, the Bray Municipal Local Area Plan 2018-2024 has lapsed and was not extended. The proposed development was assessed by the planning authority with reference to both the LAP and the County Development Plan.
- 7.2.2. Under the Bray Municipal District Local Area Plan 2018-2024, the appeal site encompassing the semi-detached dwelling and the public open space and access was zoned 'RE: Existing Residential' with the accompanying objective '*To protect, provide and improve residential amenities of existing residential areas*'.
- 7.2.3. The Wicklow County Development Plan 2022-2028 which came into effect on 23rd October 2022 is the relevant Development Plan for the purposes of this appeal.
- 7.2.4. I consider that the proposed development complies with the relevant objectives and strategy listed in Section 5.3 of my report above, and I found no policies, objectives or standards that would preclude a grant of permission.
- 7.2.5. The site is located in an established and serviced residential area. Appropriately designed infill housing would typically be supported in such locations where it integrates successfully with the existing scale and pattern of development and has regard to the residential and visual amenities of the area.
- 7.2.6. Having regard to the policies of the current County Development Plan and the serviced nature of the site, I am satisfied that the principle of residential infill development at this location is acceptable in principle subject to detailed assessment of the impacts of the development on the area.

7.3. Impact on Visual Amenities, Protected Views and Prospects

- 7.3.1. The proposed development comprises a two-storey dormer-style dwelling within the side garden of no. 15 Arbutus Grove. The dwelling will extend forward of the building line of no. 13 & 15 Arbutus grove by c. 4.9m although, due to the sloping nature of

the site, the ridgeline of the dwelling will sit below that of the parent dwelling. Finishes comprise sand/cement render to elevations and slates to the roof. Having regard to the elevated location, I note that it is likely that the dwelling will be visible from surrounding areas including Dargle Road Lower to the south. In terms of the location setback from the primary streetscape on Hawthorn Road, its siting and design and scale in-keeping with neighbouring residential properties, I consider that the dwelling will successfully integrate with the established character of the estate and wider area.

- 7.3.2. The open space to Arbutus Road provides a localised vantage point with views of Bray Head and the Little Sugar Load. Schedule 17.12 of the Development Plan lists the view of Bray Head and Little Sugar Load from the town generally as a prospect of special amenity or special interest (Ref. BTC1) as does the expired Bray LAP (Schedule 10.14(b)).
- 7.3.3. The cover letter with the application noted that a front porch has been omitted from the current design to maintain views from the open space. A review of the planner's reports for the previously refused applications, indicate no significant objection to the development based on visual amenity or impact on protected views. It is acknowledged that the development will partially obstruct views of Bray Head from this location. I also note that a similar development at no. 14 could, in theory further reduce this vista.
- 7.3.4. The planner's report for the current application did not cite the matter of views and prospects and the issue was not listed as a reason for refusal. Policy CPO 17.38 seeks to protect listed views and prospects although Section 17.3 of the Development Plan clarifies it is not the intention that all lands in the views/prospects will be 'sterilised' from development.
- 7.3.5. On balance, I am satisfied that the proposed development, by reason of its scale, siting and design would only have a localised impact and would not give rise to a significant infringement of the general protected view of Bray Head and Little Sugar Loaf. The majority of the vista would remain visible and comparable views are available from numerous locations within the estate and wider area. I do not consider that the proposal undermines the intent of Policy CPO 17.38. Having regard to the limited extent of obstruction and the scale of the proposed development in-keeping

with neighbouring development, I consider that the development would not introduce an obtrusive or incongruent feature in the landscape. I am satisfied that the proposed development would not unduly affect the visual amenity of the area or detract from protected views and prospects identified in the Development Plan.

7.4. Impact on Residential Amenities of the Area

- 7.4.1. The proposed development comprises a two-storey dormer style dwelling positioned to the side of the existing house at 15 Arbutus Grove. The dwelling would appear to align with the rear building line of no. 15 and projects forward of the parent dwelling by c. 4.9m. The dwelling will be c. 7m from the boundary with no. 9 Hawthorn Road to the east and c. 6.1m from the southern boundary which adjoins a steep embankment with the dwelling, Marian Villa positioned directly below. The dwelling is proposed with 3no. rooflights to the north (facing side wall of no. 15), 1no. window to the east (fronting onto rear garden of no. 9 Hawthorn Road) and 2no. dormer windows and a large window open facing the south.
- 7.4.2. The planning authority reports did not raise significant concerns in relation to residential amenity, and no third-party objections were submitted on this matter. Having regard to the siting and scale of the proposed dwelling, the separation distance to adjoining properties, I am satisfied that the development will not give rise to undue loss of daylight and sunlight or have an overbearing appearance.
- 7.4.3. While the dwelling would result in some degree of overlooking of the rear garden of no. 9 Hawthorn Road, I am satisfied that the impacts are not excessive, particularly in the context of the existing dwellings, no.'s 13 & 15 which overlook no. 9. Having regard to the site topography, the separation distance to the embankment, I consider that the development will not result in significant overlooking or loss of privacy to Marian Villa, located below the embankment. Overall, I am satisfied that the development would not have an adverse impact on the residential amenities of the area.

7.5. Dwelling Standards

- 7.5.1. The proposed development comprises a 4-bedroom two-storey dormer style dwelling (stated floor area 176.91sq.m). The parent dwelling, no. 15 will be retained as

existing although existing sheds and glasshouse to the rear and side are proposed to be removed.

- 7.5.2. When assessing the proposal against the standards set out under Table 5.1 and Section 5.3.2 of the 'Quality Housing for Sustainable Communities' (2007), I note that the dwelling meets and substantially exceeds the target gross floor area of 110sq.m (by 76sq.m), although it falls short in respect of the recommended living room width and area and designated storage provision. While these deficiencies are acknowledged, the generous overall floor area provides flexibility in terms of internal layout and indicates that the dwelling would deliver a good standard of residential amenity. In the context of an infill site with associated constraints, strict adherence to each standard can be challenging and I am satisfied that the shortfalls are not so significant as to undermine the overall quality of the dwelling. I considered that the proposed dwelling provides an acceptable standard of residential amenity for future occupants.
- 7.5.3. Based on the plans provided, the semi-detached dwelling will retain c. 60sq.m of private open space to the rear and side while the proposed dwelling will have c. 168sq.m of private open space to the east and south of the proposed dwelling. The proposed private open space serving both dwellings comply with the areas set out under SPPR 2 of the Compact Settlement Guidelines.
- 7.5.4. I am satisfied that the proposed infill dwelling with associated private open space to the rear complies with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and all relevant standards and will provide for good quality accommodation.

7.6. Access, Car Parking and Public Open Space

- 7.6.1. The subject site, no. 15 and neighbouring dwellings, 13, 14 and 16 Arbutus Grove are currently serviced by two access roads (3m width) with a dropped kerb off Hawthorn Road. The WCC Planner's Report suggest that the access was originally a footpath that had been widened at some point by the Town Council. The site visit suggests that three of the four houses have existing vehicular entrances. The Infrastructure Report prepared by Meinhardt submitted with the application clarify

that refuse bins for all four dwellings are required to be placed adjacent to Hawthorn Road. This was evident at the time of site visit.

- 7.6.2. The open space to Arbutus Grove is formed between the public footpath to Hawthorn Road, the two access roads and the northern boundaries of no. 15 and 16 Arbutus Grove. Based on the submitted site layout plans, the open space has an existing area of 418sq. The open space is entirely grassed with no additional planting, trees or landscaping.
- 7.6.3. The proposed development includes for a vehicular roadway to serve the proposed infill dwelling and existing four dwellings to Arbutus Grove. This comprises a one-way system in a clockwise direction around a reduced central open space. This includes provision of a 1.2m footpath adjoining the front boundaries of the dwellings on Arbutus Grove, a carriageway width of 3m and 4no. parallel on-street car parking spaces (with permeable grasscrete paving). A new vehicular access (3m width) will be provided to serve the proposed infill dwelling. Refuse collection is proposed as per the existing arrangement on Hawthorn Road. The above works require the removal of section of the existing public open space reducing its area from c. 418sq.m 179sq.m.
- 7.6.4. The application included swept path analysis drawings (Drawing no. 3167-MHT-CV-XX-DR-0001 & No. 3167-MHT-CV-XX-SK-000) for vehicular access and ridged truck access to the infill site and relating to the new one-way system. The drawings suggest that the proposed roadway will allow for adequate vehicular access and turning movements (including within the infill dwelling site) which would not impinge upon the proposed footpaths or central open space.
- 7.6.5. The application included a letter of consent from WCC for inclusion of the public open space and access from Hawthorn Road as part of the application. The application also includes a letter of support from the neighbouring properties which indicated agreement with the improvements to allow safe pedestrian movement and vehicular access. The letter stated that there are other areas of more useable open space in the area, particularly the adjacent large open space between St. Peter's School and St. Peter's Church and graveyard.
- 7.6.6. The subject site and adjoining open space have been the subject of a series of planning applications since 2022 with refusals generally relating to loss of public

open space and/or the adequacy of vehicular access. While details have varied across applications, the Municipal District Engineer for Bray has consistently indicated that a new roadway from Hawthorn Road is acceptable in principle subject to agreement of final layout and construction details. This established that the principle of access is not disputed but that the reduction in area of the adjoining open space has remained the primary planning concern.

- 7.6.7. The Planner's report for the current application considered that the proposal would lead to the loss of amenity space, would detract from the layout, character and function of the open space. The report noted that technical details relating to Uisce Eireann infrastructure, surface water and slope stability may require further information to be submitted and or agreed by way condition. Notwithstanding, the report concluded that the encroachment into the open space was unacceptable and refused permission on this basis.
- 7.6.8. The appellant contends that the development complies with the Development Plan objectives CPO 6.21 and CPO 6.25 and would not result in a loss of amenity or detract from the character and function of the open space. It is argued that the grassed area is poorly used and of limited aesthetic value, that the proposal would in fact improve the layout by providing formalised access to existing dwellings with safer pedestrian and vehicular arrangements.
- 7.6.9. As part of the appeal, an alternative scheme has been submitted for consideration of the Commission. This would involve widening the eastern access serving the subject site from 3m to 3.5m with a consequential reduction of the open space from 425sq.m to 405sq.m. The appellant argues that this represents a reasonable compromise creating a homezone style shared space consistent with DMURS principles which would not reduce the amenity of the open space.
- 7.6.10. I accept that the vehicular access to the subject site and adjoining houses is appropriate in principle. I note that the Council's own engineer has consistently supported the concept under the previous applications subject to detailed agreement.
- 7.6.11. The proposed one-way access system, as set out at application stage represents a balanced solution which would regularise access, improve traffic and pedestrian safety and deliver an infill dwelling on serviced lands in accordance with both

Development Plan and national policy objectives for compact growth and consolidation of the built environment.

- 7.6.12. I further consider that the access layout is consistent with the principles set out within the Design Manual for Urban Roads and Streets (DMURs) which seek to facilitate a low-speed, pedestrian oriented environment while maintaining safe and functional vehicle access. The proposed arrangement would maintain appropriate visibility and access for vehicles while supporting a safer local street environment in-keeping with sections 4.3 and 4.4 of DMURS relating to pedestrian and cyclist environment and carriageway layout.
- 7.6.13. While I note that the intention of objectives CPO 6.21 and CPO 6.25 is to protect open space in existing residential areas indicating that '*new housing or other non-community relates uses will not normally be permitted*', I do not consider that the policy entirely inhibits development associated with residential infill within open spaces where demonstrable benefits exist and where remaining open space continues to provide meaningful function.
- 7.6.14. In relation to the encroachment on the adjoining open space, I acknowledge that the reduction in area is relatively substantial. However, I consider that the retained area will retain meaningful potential for passive recreational use of residents and that the estate is served by a substantially larger and higher quality open space approximately 100m away. In this context and having regard to the benefits to the scheme in providing proper access to four existing dwellings as well as the proposed infill house, I consider that the loss of part of the open space, while acknowledged, acceptable on balance.
- 7.6.15. I note the appellant's suggestion that omission of the four on-street car parking spaces may further lessen the impacts on the open space. In this regard, I consider there is potential for the suggestion although I am not satisfied that existing properties would have adequate area for turning movements in the absence of additional swept path analysis and I note the benefit of the additional on-street parking in terms of reducing pressure on Hawthorn Road.
- 7.6.16. I note the alternative scheme submitted by the appellant which proposes widening the eastern access to 3.5m and thereby retaining a greater area of the open space. While this potentially could be acceptable, I am not convinced that this represents

the best practice from a traffic safety perspective and consider the shared use could potentially result in pedestrian/vehicular conflict. The intensity of use (no. 13, 15 Arbutus Grove and the proposed infill house) may mitigate this concern to an extent but in my view, the scheme as submitted (one-way system) better addresses pedestrian safety and provides a more long-term solution.

7.6.17. On balance, I consider that the development as proposed at application stage is acceptable and note the wider planning gain in terms of access improvement, traffic safety and delivery of residential development on zoned serviced lands at a location with large areas of open space nearby. In this instance, I do not consider that the development is contrary to Policies CPO 6.21 and CPO 6.25 and is in-keeping with the wider Development Plan policies for compact growth by capitalising on the potential for infill and brownfield development. I am satisfied that finalised arrangements for road layout (including bin storage and landscaping of the open space space) and car parking may be agreed with the planning authority prior to commencement of development.

7.6.18. Under the previous refused applications, I note third parties had raised issues relating to construction traffic and implications for the access road. In this regard, I consider that this may be addressed by way of a construction management plan and construction traffic management plan to be agreed with the planning authority prior to commencement of development.

7.7. Site Services

Water and Wastewater Services

7.7.1. The application included an Infrastructure Report prepared by Meinhardt which includes a mapping record of the Uisce Eireann (UE) infrastructure serving the site (dated 24/08/2022) and a Confirmation of Feasibility letter from Uisce Eireann dated 23rd August 2022. A separate watermain site layout plan has also been provided.

7.7.2. The UE mapping and information provided indicates that the site is traversed by an existing 3" cast-iron watermain (confirmed to be abandoned by WCC) and an operational 300mm vitrified clay wastewater pipe. The UE mapping indicates that the site is served by existing 250mm watermain on Hawthorn Road.

- 7.7.3. The applicant is proposing to connect to the 300mm vitrified clay wastewater pipe traversing the site via a new saddle connection subject to UI requirements and provide a new 25mm service connection from the 250mm watermain on Hawthorn Road.
- 7.7.4. The Infrastructure Report states that the proposed dwelling has been designed to ensure that the dwellings sits outside of the required wayleave per UI standards with exception to a rear porch which extends over the wayleave but is intended to be cantilevered to avoid loading onto the existing sewer.
- 7.7.5. The Bray MD Engineer has not provided comments relating to the subject application. The Planner's report noted the proposed water/wastewater services and considered the final details would be required to be agreed with UI at detailed design stage and suggested it may be appropriate to request further information to ensure that the cantilever arrangement satisfies UI requirements. In this regard, I note that the UI letter of feasibility identified that the UI assets were present on the site and the developer has to demonstrate that the development will not inhibit access for maintenance, endanger structural/functional integrity of the assets, and require drawings (including clearance distances, changes to ground levels) and method statement.
- 7.7.6. The submitted Watermain Layout (Drawing No. 3167-MHT-CV-XX-DR-2700) suggest that the cantilevered porch will extend over abandoned 3" cast iron watermain while the site layout plan (Drawing No. P/0625/07) indicate the dwelling will be a minimum of 2.1m from functional 300mm vitrified clay wastewater pipe.
- 7.7.7. Based on the information provided and letter of feasibility from UI, I am satisfied that details may be agreed with UI prior to the commencement of development.

Surface Water Drainage

- 7.7.8. The Infrastructure Report indicates that surface water drainage will comprise a private underground system which will direct flow to a perforated precast concrete soakaway located to the east of the proposed dwelling and c.3.5m from the rear boundary.
- 7.7.9. As indicated, no report has been received from the MD Engineer. The Planner's report noted that final water disposal could be agreed via condition. The report

suggests that increased impermeable surfacing and creation of a dedicated soak-away close to the slope with Marian Villa may lead to stability issues.

Notwithstanding, I am satisfied that the location and type of surface water drainage to serve the scheme may be addressed by way of agreement with the planning authority prior to commencement of development.

7.8. Slope Stability of Embankment

7.8.1. As indicated, the site adjoins a large embankment to the south which extends to the Upper Dargle Road. A Slope Stability Assessment report prepared by AGL Consulting Geotechnical Engineers was submitted with the application. This report is dated June 2022 and was submitted as further information under Reg. Ref. 21/1214.

7.8.2. Relevant points from the report are as follows:

- The slope at the rear of the site is cut into natural ground and, based on aerial photographs available from the GSI, has been in existence for over 27 years without any significant movement taking place within that time.
- The stability analysis shows that the proposed house has no significant effect on the stability of the slope. The results of the analysis also show the margin of safety to be >1.0 at the proposed house foundation which is in compliance with current Eurocode design standards.
- There is residual risk of shallow slope failures ($<1\text{m}$ deep) at the site, however these would only affect the garden if there were allowed to progress without remedial measures being undertaken. It is considered that the proposed house is not at risk of damage from slope instability.

7.8.3. Under the previous applications which were withdrawn and refused, the planner's reports for each indicated that the Slope Stability Assessment report demonstrated that the proposed house will have no significant effect on the stability of the slope.

7.8.4. The third-party observation submitted to the planning authority raised safety concerns that construction on the steeply sloping site could worsen existing erosion and retaining wall collapse to rear of their dwelling potentially endangering their property at Marian Villa.

- 7.8.5. The WCC Planner's report noted the concerns and considered an updated geotechnical report was required to address issues relating to slope stability. The Planner's Report appended images of a section of the retaining wall to the embankment to the rear of Marian Villa has collapsed.
- 7.8.6. The appellant contends that the geotechnical issues are capable of being addressed by way of condition. They argue that no evidence of slope instability exists on the application site, that the proposed dwelling is setback over 6m from the boundary and that a construction management plan would adequately mitigate any risk to Marian Villa below.
- 7.8.7. During the site visit, I did not observe any apparent or recent slope slippage along the south boundary with the embankment although it is acknowledged that a large extent of the boundary is vegetated and potential issues may not have been easily visible without removal of overgrowth.
- 7.8.8. The evidence as submitted to the PA indicates the recent partial collapse of the retaining wall to the embankment to the immediate rear of the subject site (at Marian Villa) suggests slope slippage has occurred since the preparation of the original report. In the absence of an updated Slope Stability Assessment, I am not satisfied that the proposal would not adversely impact the stability of the slope with subsequent potential impacts upon public safety. In the absence of an updated Slope Stability Assessment, I consider a grant of permission would be premature and I consider the development should be refused for this reason. I recommend to the Commission that this is in effect a new issue in the context of the appeal and they may wish to inform the first party that this may constitute a reason for refusal, a section 137 Notice may be warranted.

8.0 AA Screening

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

The subject site is located in an established residential urban area and comprises the construction of a new 4-bedroom house, new vehicular access and entrance and all associated site works. The closest European Site, part of the Natura 2000 Network, is The Ballyman Glen Special Area of Conservation (Site Code: 000713)

located 1.6km to the west and The Bray Head Special Area of Conservation (Site Code:000714) located 2.3km to the south-east of the proposed development.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

I conclude, 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 (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission be Refused for the development for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the topography of the site, the evidence of recent partial collapse of the retaining wall along the embankment to the immediate rear of the subject site and in the absence of an updated slope stability assessment prepared by a suitably qualified professional, it has not been demonstrated that the proposed development would not adversely affect the stability of the slope or endanger public safety by reason of slope failure or structural instability. 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.

David Freeland
Planning Inspector

10th October 2025

Form 1 - EIA Pre-Screening

Case Reference			
Proposed Development Summary	Construction of dormer dwelling, alterations to access roadway and associated site works.		
Development Address	Adjoining No. 15, Arbutus Grove, Bray, A98YR80		
		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)		☒ Yes, it is a 'Project'. Proceed to Q2.	
		☐ 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)?			
☒ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.		Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold	
☐ 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?			
☐ 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.			
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.			
☒ 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 – Sub Threshold (1 unit)
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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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector:_____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	
Proposed Development Summary	Construction of dormer dwelling, alterations to access roadway and associated site works.
Development Address	Adjoining No. 15, Arbutus Grove, Bray, A98YR80
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).	The proposed development of one unit is a standalone project requiring no demolition and no substantial excavation. It does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type (residential), does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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).	The development is situated in a built-up area, removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan. It is adjacent to a number of existing residential properties, but not of a scale or use type to unduly impact upon these.
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).	Having regard to the relatively modest scale of the proposed development, its location removed from sensitive habitats, the likely limited magnitude and spatial extent of effects, and the absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	

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)