



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323714-25

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<b>Development</b>	Nine bedroom guesthouse providing short-term letting as tourist accommodation, with all associated site works.
<b>Location</b>	Roseville, Church Street, Wicklow Town, Co. Wicklow,
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	2560511
<b>Applicant</b>	Wellsworth Ltd.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant Planning Permission with Conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Teresa O'Connor
<b>Observer</b>	None
<b>Date of Site Inspection</b>	13 January 2026
<b>Inspector</b>	Sinéad O'Connor

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## 1.0 Site Location and Description

- 1.1. The site of 0.08 hectares (ha) is located in the centre of Wicklow Town, on the west side of Church Street. Surrounding land-uses are urban in nature and include a doctor's surgery to the immediate north, a pharmacy to the immediate south, office uses to the east and a supermarket to the west.
- 1.2. The site is rectangular in shape and accommodates a large 2-storey dwelling with attic level accommodation (Roseville). The house of 307 sqm currently accommodates 8 no. bedrooms, a living room, and a kitchen. The dwelling is orientated perpendicular to Church Street, which is adjoins along its eastern boundary.
- 1.3. There is a pedestrian entrance to the site at the front garden and a vehicular gate to the rear garden. Part of the front garden is landscaped. The southern section of the front garden is fenced-off and contains a shipping container. The rear garden is under tarmacadam.
- 1.4. The site does not contain any in-curtilage car parking. There is on-street car parking on Church Street immediately adjoining the site.
- 1.5. The dwelling is currently connected to Uisce Éireann water infrastructure and mains electricity. During my site visit I found that the dwelling, including the rear extension, has guttering and downpipes leading to an underground system.
- 1.6. The site is located to the immediate east of National Monument Ref. WI025-012016, which is described as a 'Habitation Site', and to the northwest of National Monument Ref. WI025-012015, which is described as a 'Excavation – Miscellaneous'<sup>1</sup>.

## 2.0 Proposed Development

- 2.1. The proposed development as submitted comprises the retention of 40 sqm single-storey flat roofed extension to the rear of the existing dwelling, and the change of use of the full dwelling from residential to short-term tourist accommodation. It is proposed to change the existing living room into an ensuite double bedroom

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<sup>1</sup> As per the Historic Environment Viewer (accessed 12 January 2026).

(bedroom 3). In this way, the short-term tourist accommodation will comprise 9 no. ensuite bedrooms and a communal kitchen

- 2.2. The existing single storey extension comprises a 30 sqm en-suite bedroom located to the north of the existing living/dining room, and a hall leading to the bedroom. The connecting hall has double doors to the rear garden. The extension is 2.87 metres in height and has a flat roof. The extension is circa 1.6 metres from the western site boundary, 4.4 metres from the northern site boundary, and 5.9 metres from the eastern site boundary.
- 2.3. It is proposed to change the use of the full extent of the dwelling from residential use to use for short term tourist accommodation. The application documentation does not state the maximum duration of guest stays.
- 2.4. Including the extension, to be retained, the proposed change of use relates to the following:

<b>Floor</b>	<b>Accommodation</b> <b>(room to be retained highlighted in bold)</b>
Ground Floor	Bedroom 1 - 26 sqm Bedroom 2 - 17 sqm Bedroom 3 - 21 sqm (currently a living room) <b>Bedroom 4 - 30.5 sqm</b> Kitchen - 16 sqm Plant Room - 8 sqm Laundry Room (standalone in garden) - 5 sqm.
First Floor	Bedroom 5 - 25.7 sqm Bedroom 6 - 17 sqm Bedroom 7 - 21 sqm Bathroom - 5 sqm

2 <sup>nd</sup> Floor	Bedroom 8 - 26.7 sqm Bedroom 9 – 19 sqm
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- 2.5. No car parking is proposed at the site.
- 2.6. The submitted documentation states that the existing shipping container in the front garden is temporary. This container does not form part of the application and will not be included in my assessment.
- 2.7. There is a discrepancy between the ‘Existing’ floor plans (Drawing No. PL103) and the ‘proposed’ floor plans (Drawing No. PL104) in respect of the area of one of the 1<sup>st</sup> floor bedrooms. In the existing plans, bedroom 4 is stated to be 25 sqm, while in the proposed plans this room is 25.7 sqm. I consider that this difference is minor in nature and does not prevent my assessment of the subject development.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. On the 27 August 2025, Wicklow County Council issued a notification of their decision to grant planning permission for the proposed development subject to 5 no. conditions. I consider that the following conditions are notable:

- Condition 2 requires the applicant to enter into a legal agreement to ensure that the dwelling is only used for short term lets and shall not be used as a permanent residence, the entire landholding shall remain under a single ownership, and the maximum duration of a stay shall be 4 weeks in duration.
- Condition 5 states that within 3-months of the final grant of planning permission, the applicant shall remove the storage container located in the front garden.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Report

The Planning Report dated 22 August 2025 assessed the proposed development with reference to the planning history of the site, the Development Plan, and the

internal reports and submissions from prescribed bodies discussed in Section 3.3 of this report. I consider that the following matters raised in the Planners Report are of relevance:

- Compliance with Failte Ireland standards for tourist accommodation is not a matter for the Planning Authority.
- The proposed change of use of the dwelling is acceptable. The proposal accords with the objectives of the Development to promote tourism in the town. There is a shortage of tourist accommodation in the settlement.
- The northern section of the site (including the dwelling) is in Flood Zone A, and southern section of the house is in Flood Zone B. The proposed change of use would not exacerbate flood risk in the area or significantly increase the number of occupants in the dwelling.
- The development does not undermine government objectives to protect rental properties within rent pressure zones on the basis that there is a shortage of tourist accommodation in the town, the site is within the town centre, and the dwelling too large to meet the needs of the standard rental market (307 sqm).
- The existing rear extension is acceptable in respect of its scale and finishes, and respects the overall character of the building.
- The development will have an acceptable impact on the residential amenity of the area.
- The dwelling is connected with public sewers/mains infrastructure. Any matters regarding the adequacy or maintenance of the existing infrastructure will be addressed by Uisce Éireann.
- The submission of an additional archaeological assessment, as requested by the Department of Heritage and Local Government, is unnecessary as it would not provide any additional information. As per the archaeological assessment submitted with the previous application (Reg. Ref. 24237), the existing rear extension would not have disturbed deposits identified at the site. The well to the rear of the dwelling had already been removed.

- The absence of car parking provision is acceptable owing to the town centre location of the site.
- The provision of bicycle parking in the rear garden shed is acceptable.

### 3.2.2. Other Technical Reports

Fire Service: Report dated 14 July 2025: Recommends conditions be attached to any grant of planning permission in respect of a fire safety certificate, water supply, fire hydrants, and the design of any vehicular access.

Road Design Office: Report dated 15 April 2025. No comments made.

### 3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage: Report dated 21 August 2025. Request an archaeological impact assessment to determine the likely impact on previously identified archaeological remains.

### 3.4. Third Party Observations

1 no. observation was made in respect of the application by the Appellant. I consider that all substantive planning issues raised in the observation are reiterated in the appeal, which is summarised later in this report.

## 4.0 Planning History

4.1. The planning history of the site can be summarised as follows:

- **PA Reg. Ref. 24237:** On 06 November 2024 the PA issued their notification of decision to refuse planning permission for the change of use of the existing structure from its use to house displaced persons from the Ukraine to use as a guest house. The reason for refusal is as follows:

*“Having regard to:*

- a. the development description contained in the public notices, which sets out that the proposed development consists of a change of use from a dwelling currently is use for displaced persons to a guest house,*

- b. the current use for which no permission exists,*
- c. the existence of no Planning Exemptions under the Planning and Development Act 2000, as amended, for the change of use that has been effected,*
- d. the sub-division of a single planning unit by the erection of a fence to separate part of the existing urban garden from the existing dwelling on site,*

*it is considered that the proposed development would represent the consolidation of unauthorised development on the site. The provision of such a form of development unduly impacts on the amenities of the area, public health, the amenities of adjoining properties and undermines the planning regulations and would therefore be contrary to the proper planning and sustainable development of the area”.*

Prior to making this decision, on the 10 July 2024 the PA requested 8 no. items of Further Information relating to; the planning status of the existing use and the rear extension, flood risk, submission of detailed survey drawings, details regarding the subdivision of the front garden, updated archaeological impact assessment, cycle parking, and site management details. The applicant submitted their response to the FI request on 18 October 2024.

- **PA Reg. Ref. 22/1106:** This application was made for the demolition of the existing dwelling at the site, and the construction of 7 no. townhouses at the site. On 15 February 2023, the applicant withdrew their application. On the 12 December 2022 the PA issued a request to the applicant to extend the appropriate period for decision making on this file to 08 April 2024. Unsolicited Further Information was submitted to the PA on 21 November 2022, which seeks to respond to the observations made by third parties.

It is stated in the PA report for this current application (dated 22 August 2025) that prior to its withdrawal the application under PA Reg. Ref. 22/1106 was subject to a recommendation to refuse planning permission for the proposed development. File **Reg. Ref. 22/1106** on the Wicklow County Council online planning register (accessed 15 January 2026) contains a PA planning report dated 08 December 2022. This report recommended refusal of the proposed residential development on the basis of;

- The site location proximate to Wicklow Town centre and the ACA,
- The proposal to demolish the existing structure and the lack of any architectural/conservation report,
- The design and scale of the proposed townhouses, lack of car parking, under provision of bike parking, sub-standard private amenity space,
- Lack of setback from the public footpath,
- Location of the proposed townhouses in Flood Zone A and B,
- Contravention of Objectives CPO 8.10, CPO8.20 and CPO 8.25 of the Wicklow County Development Plan (relating to architectural, historical and cultural heritage) and Objectives WT2,VA3, RC1 of the Wicklow Town-Rathnew Development Plan 2013-2019 (relating pedestrian movement, architectural heritage, and Wicklow Main Street).

4.1.1. The PA report for this current application (dated 22 August 2025) refers to two further planning applications at the site.

- Reg. Ref. 63/620158 granted planning permission for the addition of a surgery and waiting room.
- Reg .Ref. 64/620171 granted planning permission for the extension of the dwelling house and surgery.

The online planning register does not include any documentation relating to these applications.

4.1.2. Planning history in the vicinity of the subject site is mixed and extensive, which reflects the urban nature of the site. There are no recent applications made on the adjoining sites that have any bearing or impact on the subject site.

4.2. From my review of the planning history of the subject site, I note that there is some ambiguity in respect of the use of Roseville. Planning permissions from the 1960's indicate that Roseville may have accommodated a doctor's surgery and a dwelling. More recent applications indicate that Roseville is in residential use for housing Ukrainian refugees, with no commercial uses present. I do not consider that this lack of clarity on the permitted use of Roseville impacts significantly upon this current

assessment. For the purpose of my assessment, I accept that the established use of the dwelling is residential as is stated in the application documentation.

## 5.0 Policy Context

### 5.1. Wicklow County Development Plan 2022-2028

- 5.1.1. The proposed development in Wicklow Town is subject to the provisions of the Wicklow County Development Plan 2022-2028. A Ministerial Direction was issued 21 February 2023 in respect of the County Development Plan. This direction relates to settlement boundaries at Kilpeddar-Willowgrove, Johnstown and Carnew, unzoned lands at Carnew, deletion of objectives relating to Aughrim, and the deletion and objectives of objectives relating to Kilmullen, Newcastle. The Ministerial Direction does not impact upon the subject site.
- 5.1.2. Variation No. 2 to the County Development Plan integrated the land use zoning map and key objectives of the Wicklow Town – Rathnew LAP 2025-2031 into the County Plan. This variation came into effect on 12 May 2025. Variation No. 2 of the County Development Plan was the subject of a Ministerial Direction issued 07 October 2025. This direction relates to Material Alterations MA 20B, MA 38 and MA 41 of the Draft LAP. MA20B relates to lands at Glenealy Road (in the west of Rathnew), MA 38 relates to lands at Charvey Court (in the centre of Rathnew), and MA 41 relates to The Murrough (to the north of Wicklow Town). The Ministerial Direction does not impact upon the subject site.
- 5.1.3. Variations No. 1 and 3 of the Plan relate to the Rathdrum Town Plan and the Blessington LAP, respectively. Proposed variations 4, 5 and 6 relate to the Draft Greystones-Delgany & Kilcoole LPF, the Draft Arklow LPF and the core strategy, respectively. These do not impact upon the subject site.
- 5.1.4. **Mapped Objectives**
- 5.1.5. Under Volume 2 Part 5 of the Plan, the site is zoned TC ‘Town Centre’ to “*To provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use*”. Section 5.0.2 ‘Zoning and Land Use Objectives’, lists ‘guest houses’ as generally appropriate for Town and Village Centres.

5.1.6. Part 5.1 'Wicklow Town & Rathnew Local Area Plan 2025 Maps' includes the maps of the LAP. Map No. 2A 'Built Heritage' shows that the site is within the Wicklow Town 'Area of Archaeological Potential or Significant Potential', and is located on the opposite side of Church Street to the Wicklow Town 'Architectural Conservation Area'.

5.1.7. Under Map 4B 'Flood Risk – Present Day & Land Use Zoning Objectives', the northern half of the site is in Flood Zone A 'High Probability' and the southern half of the site is in Flood Zone B 'Moderate Probability'.

5.1.8. **Short Term Letting**

5.1.9. Section 6.3.3 of Chapter 6 'Housing' defines short-term letting as the letting of a house or part of a house for less than 14 days. Under this section, it is stated that applications for change of use from residential to short-term letting will have to provide a details justification for the use and demonstrate that there is no shortage of housing in the area.

5.1.10. Of particular relevance to the proposed development is objective **CPO 6.33** which states that:

To protect the existing housing stock to meet housing demand and require that any proposals for short-term letting provide a detailed justification for the proposed use and demonstrate to the satisfaction of the Planning Authority that any proposals don't undermine the provision of housing and that there is a sufficient supply of rental properties available for longer-term rental in the area. The cumulative impact of applications will also be considered in the assessment of any application. Proposals that would increase pressures on the housing market including the rental market will not be considered favourably.

5.1.11. **Tourism and Related Development**

5.1.12. The Development Plan broadly seeks to promote tourist activity and tourist related development in the County.

5.1.13. Chapters 4, 9 and 11 of the Plan seek to develop Wicklow-Rathnew as a recreation and tourist hub. Section 9.3 'The Role of Land Use Planning in Economic Development of the Plan lists 'Tourism & Recreation' as one of eight Key Sectors for growth in the County. Further to this, Section 11.1.4 of the Plan lists the development

of new tourist accommodation as one of the five priority actions of the Wicklow Tourism Strategy & Marketing Plan 2018-2023.

5.1.14. Section 11.2.4 'Accommodation' notes the importance of facilitating a range of tourist accommodation types to increase the number of overnight guests to the county. Spatially, it is stated in Sections 11.2 and 11.2.4 that tourist accommodation should be primarily directed into existing settlements to connect to existing services and increase settlement vibrancy.

5.1.15. Section 5.1 'General Criteria for Tourism and Recreation Developments' of Appendix 1 lists the criteria under which new tourism developments will be assessed. I consider that the following criteria are relevant:

- The development shall not be detrimental to the amenity of nearby properties, and in particular, to the amenity of nearby residential properties;
- The proposal shall be acceptable in terms of the following traffic and parking issues;
- Developments should generate economic and social benefits for local people and enhance the well-being of host communities.

5.1.16. Section 5.2 'Overnight Accommodation' of Appendix 1 lists those standards applicable to tourist accommodation, and states that applications will be assessed on a case-by-case basis. Proposed developments will be assessed in respect of its scale and the amenities provided for guests, impacts on the amenities of the area, and the use of the development solely for tourist accommodation.

5.1.17. Relevant Policies and Objectives include the following:

- RPO 4.57: Support the development of Wicklow-Rathnew as a tourism hub having regard to its accessibility to key tourist destinations in the Region.
- CPO 11.3 To generally require tourism and recreation related developments to locate within existing towns and villages, except where the nature of the activity proposed renders this unfeasible or undesirable. Within existing towns and villages, the Planning Authority will promote and facilitate the development of tourist related uses at appropriate sites. In all cases, the applicant must submit a robust assessment setting out the sustainability of any proposal with respect to economic, environmental and social sustainability, as defined herein.

- CPO 11.10 To facilitate the development of a variety of quality accommodation types, at various locations, throughout the County.
- CPO 11.14 To require the developers / owners of new holiday homes / self catering developments to enter strict legal agreement (under Section 47 of the Planning & Development Act) with the Planning Authority specifying that:
  - the units may only be used for tourism purposes and shall not be allowed to be used as a permanent residences;
  - in the case of small-scale developments<sup>2</sup>, the entire development, including all buildings, land and any on-site tourist facility, shall be held in single ownership and shall not be subdivided. All units shall be available for short term letting only of a maximum duration of 4 weeks;
  - in the case of larger scale developments, all lands, including any on-site tourist facility shall be held under the management of a single Estate Company (including all lands included in the site boundary and land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application) and in the event that any unit is sold or leased, the owner/lessee shall enter a legal agreement with the Estate Company stipulating that the purchaser, lessee and any successors in title be, and remain, members of the Estate Company, and stipulating that the unit may only be used by the owner/lessee for holiday use for a maximum of 3 months in any year and shall at all other times be used/leased/marketed by the Estate Company for short term (maximum 4 weeks) tourism use.
- CPO 11.30 In conjunction with Fáilte Ireland, to support the development of Bray, Wicklow-Rathnew, Arklow, Greystones-Delgany, Blessington, Baltinglass, Enniskerry, Kilcoole, Newtownmountkennedy, Rathdrum and Tinahely – Shillelagh - Carnew (south west Wicklow) as tourism hubs.

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<sup>2</sup> Small-scale holiday home / self-catering developments are generally those associated with on-farm accommodation and small scale tourist attractions or developments, and would not normally be in excess of 10 units.

#### 5.1.18. **Built Heritage and Archaeology**

5.1.19. Chapter 8 'Built Heritage' of the Plan seeks to protect sites and features of archaeological interest.

5.1.20. Relevant Policies and Objectives in Chapter 8 include the following:

- CPO 8.2 No development in the vicinity of a feature included in the Record of Monuments & Places (RMP) or any other site of archaeological interest will be permitted which seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.
- CPO 8.3 Any development that may, due to its size, location or nature, have implications for archaeological heritage (including both sites and areas of archaeological potential / significance as identified in Schedules 08.01 & 08.02 and Maps 8.01 & 8.02 of this plan) shall be subject to an archaeological assessment.

#### 5.1.21. **Car and Bike Parking**

5.1.22. Section 2.1.7 'Car Parking' of Appendix 1 'Development & Design Standards' states that new and expanded developments shall be accompanied by appropriate car parking provision, cognisant of the requirement to reduce private car use where public transport and parking enforcement are available. In areas with public transport and parking enforcement, the car parking standards in Table 2.3 'Car Parking Standards' shall be considered as maximum standards.

5.1.23. Table 2.3 does not state a car parking standard for guest houses. In this way, there is no standard that is directly applicable to the subject site. For reference, the standard for hotels is 1 per bedroom and the standard for dwellings with 3-4 bedrooms is 2 per unit.

5.1.24. Table 2.4 'Bicycle Parking Standards' lists a requirement for 1 bike space per 20 bedrooms at hotels and guesthouses.

5.1.25. Relevant Policies and Objectives include the following:

- CPO 12.56: New / expanded developments shall be accompanied by appropriate car parking provision, including provision for electric vehicle charging points as set out in Objective CPO 12.8, with particular regard being taken of the potential to reduce private car use in locations where public transport and parking enforcement

are available. At such locations, the car parking standards set out in Appendix 1 Table 2.3 shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified.

#### 5.1.26. **Flooding Risk**

5.1.27. Chapter 14 'Flood Risk Management' outlines a risk-based approach for the minimisation of flooding risk. It is stated that the hierarchy outlined in the Planning System & Flood Risk Management – Guidelines for Planning Authorities 2009 will be followed. In this way, the option to avoid certain development in flood risk areas will be prioritised over mitigation or management.

5.1.28. I note that this chapter of the Plan primarily refers to new development and large or significant extensions to existing structures. No specific guidance is given for small or domestic extensions or works within town centres.

### 5.2. **Wicklow Town – Rathnew Local Area Plan 2025**

5.2.1. The proposed development is within the boundary of the Wicklow Town-Rathnew Local Area Plan 2025. This LAP came into effect on 23 June 2025. A Ministerial Direction was issued in respect of the Local Area Plan on 07 October 2025. The content of this Ministerial Direction is that same as the Ministerial Direction issued on the same date in respect of Variation No. 2 of the Wicklow County Development Plan, discussed in Section 5.1 of this report. As the Direction relates to lands in Rathnew and in the North of Wicklow Town, it does not impact upon the subject site.

5.2.2. The mapped objectives relevant to the site under the LAP are summarised in Sections 5.1.3 and 5.1.4 of this report.

5.2.3. The LAP includes policies and objectives taken directly from the Wicklow County Development Plan. To avoid repetition, I have listed these in Section 5.1 of this report.

5.2.4. Section 2.8 'Tourism Development' states that the LAP supports the tourism industry in the settlement. The 'Tourism Development Strategy for Wicklow Town – Rathnew' aims to increase the number of tourists visiting the settlement, and to increase the duration of stay of tourists. Chapter 8 'Tourism' seeks to manage and enhance

existing tourism and recreational assets and support the development of a wider range of facilities and attractions.

- 5.2.5. In respect car parking, Section 'Car Parking' of Chapter 5 notes that a balance is needed between the provision of adequate parking and the retention of environmental quality and historic character. Map no. 6 'Wicklow Town Centre Strategy' highlights that there is On Street Car Parking on Church Street.

### **5.3. Planning System & Flood Risk Management – Guidelines for Planning Authorities 2009**

- 5.3.1. Chapter 2 of the Flood Risk Guidelines describes Flood Risk as the likelihood of flooding multiplied by the consequences of flooding.

- 5.3.2. The Guidelines list 3 no. flood zones as follows:

- Flood Zone A – where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding);
- Flood Zone B – where the probability of flooding from rivers and the sea is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1 in 1000 year and 0.5% or 1 in 200 for coastal flooding); and
- Flood Zone C – where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding). Flood Zone C covers all areas of the plan which are not in zones A or B.

- 5.3.3. As per Figure 3.1 'Sequential Approach Principles in Flood Risk Management' the hierarchy underpinning the sequential approach is as follows:

- Avoid: Preferably choose lower risk flood zones for new development.
- Substitute: Ensure the type of development proposed is not especially vulnerable to the adverse impacts of flooding.
- Justify: Ensure that the development is being considered for strategic reasons
- Mitigate: Ensure flood risk is reduced to acceptable levels.
- Proceed: Only where Justification Test passed. Ensure emergency planning measures are in place.

- 5.3.4. Section 3.5 states that development in Flood Zone A should be avoided and only be considered in exceptional circumstances, such as in city or town centres. In Flood Zone B, highly vulnerable development such as nursing homes, dwellings, and primary utility infrastructure is not appropriate. Less vulnerable development, such as retail, commercial and industrial uses might be appropriate in Flood Zone B.
- 5.3.5. Table 3.1 'Classification of vulnerability of different types of development' lists dwelling houses and hostels as Highly Vulnerable Development. Land and buildings used for holiday or short-let caravans and camping<sup>3</sup> are classed as Less Vulnerable Development.
- 5.3.6. Section 5.28 states that small extensions and changes of use are unlikely to raise significant flood issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. It is further stated that the Justification Test does not apply to applications for small extension and changes of use because the sequential approach cannot be applied, on the basis that the structure already exists and cannot be relocated. It is stated that a commensurate assessment of risks should accompany applications for small extensions and changes of use, to demonstrate that the works would not have adverse flooding impacts.

#### **5.4. Circular on Short-Term Letting and the Planning System (SPI 01/2026). 23 January 2026.**

- 5.4.1. Circular SPI 01/2026 was published 23 January 2026 to provide clarity on the legislative and policy framework for the regulation of short-term letting. It is stated that there is currently no national-level planning policy in place regarding short-term letting.
- 5.4.2. At present PA must make planning decisions on applications for short-term letting on the merits of the particular application, with reference to policies of the relevant Development Plan. Other relevant planning matters may be considered including the following:
- access, traffic, parking, drainage, waste management, design, privacy, noise, disturbance, open space and amenities;

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<sup>3</sup> subject to specific warning and evacuation plans.

- the nature of the site/location and any relevant statutory designations;
- evidence of the level of housing demand in the area and in particular, the nature of the rental market.

5.4.3. Reference is made to a policy direction issued by the Government in April 2025, which proposes to restrict short-term letting through a general presumption against granting planning permission for such uses in cities and towns with a population of more than 10,000 persons (in the most recent census).

5.4.4. It is stated that planning permission for short-term letting may be granted in limited circumstances within cities and larger towns, for example where such development would enable a viable 'over the shop' use or the refurbishment of a protected structure.

5.4.5. The circular sets out the evolving legislative context of short term letting, with reference to the EU Short Term Rental (STR) Regulation and the Department of Enterprise, Tourism and Employment's Short Term Letting and Tourism (STLT) Bill. An indicative timeline for relevant legislation is provided.

#### **5.5. Guidance Note for Local Authorities for Regulating Short Term Letting July 2019.**

5.5.1. The appeal submitted refers to the Guidance Note for Local Authorities for Regulating Short Term Letting issued by the Government of Ireland in July 2019. For reference, I have summarised the most relevant section of this guidance document below.

5.5.2. Section 7 of the guidance on short-term letting lists topics that should be assessed by PA. Topics relevant to this application include the following:

- The overarching Government Housing Policy to retain/return residential properties to the long term housing market.
- Making the most efficient use of existing residential housing stock.
- Whether the property is situated in an area experiencing high rent inflation.
- Whether there is a sufficient supply of rental properties available for longer-term rental in the area to meet local need.
- Residential amenity considerations such as noise and disturbance to neighbours.

- Nature and character of the location –for example town/rural or primarily residential/ commercial.

5.5.3. Section 7.2 states that the PA may also consider the balancing of competing demands for both residential and tourist accommodation, the nature of the subject residential accommodation, and whether the property has been vacant while available for occupation for an extended period of time.

## 5.6. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The closest designated or Natura 2000 sites to the subject area are as follows:

- The Murrough Special Protection Area (SPA) (Site Code 004186)) is located 90 metres to the east of the subject site.
- The Murrough Wetlands Special Area of Conservation (SAC) (Site Code 002249) and proposed Natural Heritage Area (pNHA) (Site Code 000730) is located 900 metres to the north of the subject site.
- The Wicklow Head SAC (Site Code 004127) and pNHA (Site Code 000730) is located 1.6 km to the southeast of the subject site.
- The Wicklow Reef SAC (Site Code 002274) is located 3.5 km to the east of the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A Third Party Appeal against the PA Decision was lodged on 23 September 2025. The substantive planning issues have been summarised below as follows:

- The development is substandard with reference to local and national framework documents.
- The development is a material contravention of the Wicklow-Rathnew Local Area Plan.

- No information is provided in respect of sewage or surface water disposal. Overloading of the existing sewer could pose a health risk.
- The existing sewer appears to run under the doctor's surgery to the north of the subject site. No approval was obtained from the doctor's surgery for the proposed change of use and the applicant has not shown that they have sufficient legal interest to increase the loading of this sewer.
- The existing sewer was not built to accommodate the foul water arising from the proposed 9-bedroom guesthouse. The applicant has not demonstrated that the existing sewer can accommodate the additional loading.
- The existing sewer is likely a combined sewer, which increases flow rates. A soakaway for surface water is recommended.
- The provision of no on-site parking materially contravenes the provisions of the Development Plan.
- Table 9.2 of the LAP requires the provision of 1 no. car parking space per guest room for hotels/guest houses<sup>4</sup>, which equates to 9 no. spaces.
- Guests parking on Church Street would inconvenience existing residential permit holders and local businesses.
- There are 14 no. on-street parking spaces on Church Street, and the proposed development would require 64% of these.
- The proposed use is car intensive and public transport is limited.
- There is no accessible car parking on Church Street, and none is proposed within the subject site.
- The subject site is in Flood Zone A and B. The proposed development represents a significant increase in development at the site and a high intensity use. Guest house/Short-Term letting is identified as Highly Vulnerable under the Flood Risk Guidelines and should be directly away from areas at risk of flooding.

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<sup>4</sup> I note that there is no Table 9.2 in the current Wicklow Town – Rathnew Local Area Plan 2025. There is a Table 9.12 'Car parking standards' in the Wicklow Town – Rathnew Development Plan 2013-2019.

- The provision of Highly Vulnerable development should only be considered on lands at risk of flooding where the use is essential. The proposed development is not essential as there are a sufficient number of guest rooms available in the area.
- The submitted documentation does not state the nature of the proposed accommodation. The proposal does not include self contained cooking, dining or lounging facilities normally associated with short-term accommodation.
- The proposed development does not include any accessible rooms and, therefore, contravenes Building Regulations.
- There is no evidence provided that the development meets the minimum Failte Ireland standards.
- The application documentation does not show any provision for full time supervision on-site. The lack of supervision of guests at the site will have serious impacts on the residential amenities of adjoining residents.
- The submitted drawings are inaccurate and do not show the current layout or floor levels. No foul or surface water infrastructure drawings are provided.
- The submitted floor plans do not show access to the plant room from the 1<sup>st</sup> floor or attic level. This room isn't shown in the Drawing No. PL104 and its layout and function are not stated.
- The floor levels of the house appear to have changed but these changes are not reflected in the layout of the stairs or landings.
- Drawings PL103 and PL104 show steps to the attic level that are not shown in the floor plans.
- There is precedent for the refusal of planning permission by Wicklow County Council for changes of use from residential to short term letting accommodation.
- The proposed development materially contravenes Section 6.0 of the Wicklow County Development Plan 2022-2028, which seeks to protect residential amenities. Short term letting can have undue negative impacts on residential amenities in respect of noise, car parking and antisocial behaviour.
- No justification for the proposed change of use has been submitted, as is required under Section 6.3.3 of the Development Plan.

- The demand for housing in Wicklow Town likely exceeds supply. As of 07 August 2025, only 4 properties were available for rent in Wicklow.
- The proposed development will remove a dwelling from the rental market and will increase pressures on existing housing shortages in the area, which materially contravenes Section 6.3.3 of the Plan.
- The proposed change of use is contrary to the provisions of the 'Guidance Note for Local Authorities for Regulating Short Term Letting' July 2019.
- The subject site is within a rent pressure zone and is within an area experiencing high rent inflation. The 4 no. properties available to rent in the town would only be affordable to persons earning over €100,000 per year.
- The Appellant refutes the PA's reasons for granting permission as follows:
  - There is not a shortage of guest rooms in the town. There are 289 no. guest rooms available in the Wicklow Town and Rathnew area, across several hotels and guest houses.
  - The existing dwelling is not too large to meet the needs of the rental market. There is no upper limit on long term rental properties in government policy/guidelines or under the Development Plan.
  - The existing dwelling is ideal for family use or could be subdivided into small units.
  - The proposed development sets a strong and undesirable precedent. The PA decision suggests that adding an extension to a dwelling would make it too large to be retained in the rental market., thereby allowing applicants to circumvent the policy to retain residential stock.

## 6.2. Applicants Response

The applicant submitted a response to the appeal on the 15 October 2025. I consider that the key points of this submission are as follows:

- The subject site was for sale and vacant for almost 6 years prior to its purchase by the current landowners in 2021.

- The current dwelling wasn't attractive to purchasers as a single residential dwelling as evidenced by the extended duration that the property was for sale and price paid for the property by the applicant.
- The current landowner had lodged an application to provide 7 no. residential units at the site to make use of its town centre zoning (Reg. Ref. 22/1106). Several objections were lodged in respect of that application, including a submission from the current appellant. Following a recommendation for refusal, the application under Reg. Ref. 22/1106 was withdrawn.
- During 2022 the Irish Government was actively seeking suitable properties to accommodate persons fleeing Ukraine due to Russia's invasion. The applicant invested significantly to remodel and refurbish the subject dwelling to provide the high-quality accommodation sought by the Government at that time.
- Compliance with Building Regulations is not a matter for the planning approval process and is addressed through certification and compliance procedures after a final grant of planning permission is issued.
- It is proposed to maintain the existing connection to Uisce Eireann wastewater infrastructure. Uisce Eireann did not make any submission on the proposed development.
- Roseville has been fully occupied for the past 2 years and no issues in respect of wastewater have arisen. Prior to this, the Roseville had been occupied as a dwelling for several decades without issue. Any future issues that may arise will be addressed by the landowner and Uisce Eireann.
- The proposed development does not include any external works. The PA report for this application and the Flood Risk Assessment submitted with previous applications on the site (2022) indicate that the change of use would not exacerbate flood risk in the area.
- The accommodation at Roseville accords with Failte Ireland's requirements for short term tourist accommodation under the Short-Term Letting Act 2025.
- The subject site is located in the centre of Wicklow Town, which is ideal for tourist accommodation. Information on the availability of services, including car parking and mobility, are provided on the booking platforms for tourist accommodation.

- Visitors can avail of several transportation options; local taxi services, Moby bike sharing, regional Bus Eireann routes 131, 133, 133B and 133X that have stops in the town centre, TFI bus route 183 that connects to leading tourist destinations, and the Wicklow Train Station, which is circa 1km from the site.
- Public car parking in the vicinity of the site is not limited to on-street parking. There are public car parks at Church street and at the Abbey Grounds, which together have 150 no. pay and display spaces. Long term public car parking is available at The Murrough, which has 90 spaces including charging stations for electric vehicles.
- Wicklow Town currently has a shortage of tourist accommodation. The Bridge Tavern was the only town centre commercial premises with availability when the applicant submitted their response.
- The County is falling short of its potential to attract tourism revenue to the local economy.
- The proposed development will attract and retain tourist revenue within the town centre, for the benefit of tourist attractions and businesses including the Abbey Grounds, the Black Castle, Wicklow's Historic Gaol, the new self-guided walking route through the town, the Great Eastern Brewing Co., and local dining and recreation venues.
- The tourist industry generated circa €12 billion in revenue in 2022, circa 2.5% of Irelands GDP.
- The Country is facing a housing crisis, as evidenced by the designation of the entire Country as a Rent Pressure Zone. The RPZ designation is not intended to prevent the re-use of suitable properties for short-term tourist accommodation.
- Each application for short-term tourist letting must still be assessed on its own individual merits.
- Roseville is a substantial property that has proven itself to be unsuitable as a single dwelling, as evidenced by its 7-year vacancy prior to its acquisition and refurbishment by the applicant.

- The PA consider the proposed development acceptable and in accordance with the zoning objectives of the Wicklow Town-Rathnew Local Area Plan 2025-2031.
- The proposal is consistent with the tourism and recreation objectives of the Wicklow County Development Plan, which support the reuse of existing buildings and the promotion of town-centre accommodation to enhance the local tourism offering.
- There is a need for ongoing development and investment to support the vitality of Wicklow Town.
- Roseville was unoccupied and derelict prior to its purchase and refurbishment by the applicant. The proposed development represents an adaptive and sustainable response to the issue of vacancy that is negatively impacting town centres.
- The proposed development will not negatively impact on the residential amenities of adjoining residents.

### 6.3. **Planning Authority Response**

The PA did not submit a response to the appeal or to the applicant's Response to the Appeal.

## 7.0 **Assessment**

I have read the contents of the file, visited the subject site and its surroundings, reviewed the planning history, and having had regard to planning policy as well as the issues raised in the appeal and the response submitted, I consider the critical issues in determining the current application and appeal before the Coimisiún are as follows:

- Principle of Development
- Short-Term Letting Policy – New Issue
- Material Contravention of the Development Plan
- Development to be Retained – New Issue
- Impacts on Residential Amenities

- Car and Bike Parking
- Water Infrastructure
- Flood Risk
- Archaeological Impacts – New Issue
- Other Issues

## 7.1. Principle of Development

- 7.1.1. The subject site is zoned TC ‘Town Centre’ under the County Development Plan and the LAP. Section 5.0.2 of the Plan and Section 11.1 of the LAP state that guest houses are generally appropriate on lands zoned Town Centre. The PA assessment considered the proposed use acceptable at the subject site. With reference to the Development Plan and the LAP, I agree with the PA, and I consider that the proposed short-term residential use is acceptable at this location.
- 7.1.2. The text and objectives of the Development Plan and the LAP support and promote the provision of tourist accommodation in Wicklow Town, and town centres generally. I note that the PA assessment states that there is an ongoing shortage of tourist accommodation in Wicklow town. Drawing from the information available, I consider that the proposed short-term tourist accommodation use is acceptable in principle at the subject site.
- 7.1.3. The appellant states that there is precedent for the refusal of planning permissions for the change of use of structures for short-term letting. In this regard, I note that Section 5.2 ‘Overnight Accommodation’ of the Development Plan states that applications for tourist accommodation will be assessed on a case-by-case basis. With reference to the Town Centre zoning of the site, I consider that the proposed change of use to short term tourist letting is acceptable in principle.
- 7.1.4. The existing rear extension, to be retained, is single storey in height and is set back from adjoining site boundaries. The extension does not impact upon the front façade of Roseville and, therefore, has no significant visual impacts on this historic structure or the adjoining ACA. The existing residential use and proposed guest house use align with the TC-Town centre zoning objectives of the Development Plan and the LAP. In this way, I consider that this rear extension is acceptable in principle.

## 7.2. Short Term Letting Policy (New Issue)

- 7.2.1. In the period between when the PA issued their notification of decision and the time when I began this assessment the Government issued a circular in respect of applications for short term letting. Circular SPI 01/2026 (23 January 2026) notes that there is currently no national level planning framework in place to inform the assessment of applications for short term letting.
- 7.2.2. It is stated in the Circular that PA's shall continue to assess applications on their merits, with reference to Development Plan policy and planning matters. It is further stated that there is a general presumption against permitting short-term letting in larger urban centres (population over 10,000), except in limited circumstances. Examples given include 'over the shop' uses or the refurbishment of a protected structure.
- 7.2.3. According to CSO data, accessed 28 January 2026, Wicklow Town had a population of 12,744 persons at the time of the 2022 census. In this way, Wicklow Town constitutes a larger town in respect of any assessment of applications for short-term letting, and the presumption against short-term letting except in limited circumstances is applicable.
- 7.2.4. As per the provisions of the circular, I will assess this current application on its merits with reference to the policies of the Wicklow County Development Plan 2022-2028 and the Wicklow Town – Rathnew Local Area Plan 2025.
- 7.2.5. As is stated in Section 7.1 of this report, I consider that the principle of development at the site is acceptable with reference to the TC-Town centre zoning objective of the Development Plan and LAP, and Objective CPO 11.3 of the Development Plan. I note that the Development Plan specifically seeks to promote Wicklow as a Tourist Hub, as per objectives RPO 4.57 and CPO 11.30. In addition, CPO 11.10 seeks to facilitate a variety of tourist accommodation types in the County. Drawing from the above, it is evident that local planning policy generally supports the provision of tourist accommodation.
- 7.2.6. With reference to the examples of suitable short-term accommodation given in Circular SPI01/2026, I note that Roseville is not a protected structure. From my review of the Tailte Eireann historical mapping I note that the first edition 6 Inch

mapping, which date from between 1829 and 1834, show a structure of a similar size and orientation as Roseville at the subject site. Roseville is both shown and named in the 25 Inch maps, which date from between 1863 and 1924. In this way, it is evident that Roseville is a historical structure. The dwelling has a simple architectural form and has a strong presence on the streetscape when viewed from the south, owing to its orientation. It is my opinion that Roseville makes a positive contribution to the historical character of the town centre. As per the applicants' submissions, Roseville was derelict prior to its acquisition by the applicant and was vacant for a prolonged period. I also note that the applicant had previously sought to demolish the structure to facilitate the construction of 7 no. dwellings at the subject site. In light of the above, I consider that the proposed short-term letting use will secure the ongoing use and maintenance of Roseville, to the benefit of the historic character of the town.

- 7.2.7. Drawing from the above, I consider that the subject development accords with the policy framework for tourist accommodation and short-term letting and is acceptable in this instance.

### **7.3. Material Contravention of the Development Plan**

- 7.3.1. The appellant raises the issue of material contravention of the Wicklow County Development Plan 2022-2028 in respect of residential amenity (Section 6.0), requirements for short term lets (Section 6.3.3 and CPO 6.33), and car parking provision.
- 7.3.2. I have assessed impacts on residential amenity in Section 7.4 of this report and the provision of car parking in Section 7.5. To avoid duplication, I will not be addressing these matters in this section.
- 7.3.3. Section 6.3.3 'Compact Growth & Active Land Management' of Chapter 6 'Housing' of the Development Plan includes a paragraph on the management of short-term lettings. It is stated that applications for change of use from residential to short-term letting require a detailed justification and are required to illustrate that there is no shortage of housing in the area. Housing Objective CPO 6.33 closely mirrors the wording of Section 6.33, and further states that the Council will not favourably consider applications that would increase pressures on the housing market.

- 7.3.4. The PA assessment of the proposed development did not refer to Section 6.3.3 or CPO 6.33 of the Plan, and the issue of materially contravening these parts of the Plan did not arise.
- 7.3.5. I consider that Section 6.3.3 and CPO 6.33 outline 3 no. requirements for change of use applications from residential to short-term letting as follows:
- Justification of the proposed use.
  - Demonstration to the satisfaction of the PA that the change of use won't undermine the provision of housing.
  - Illustration that there is a sufficient supply of long-term rental properties in the area.
- 7.3.6. The cover letter submitted to the PA by the applicant includes a justification for the proposed development on the basis of the site's location in Wicklow Town centre, and its proximity to tourist and recreational amenities, local businesses and services, and public transportation. It is stated that there is a chronic shortage of tourist accommodation in the town, and that the proposed development would enhance the tourist offering.
- 7.3.7. In respect of impact of the proposed development on the provision of housing, the cover letter states that the proposed development would not significantly impact on the town's long term housing needs. More information is provided in the applicant's response to the appeal, which states that Roseville was vacant for an extended period between the time it was first put up for sale in 2016 and its acquisition by the applicant in 2021. The applicant states that the property was in a derelict condition at the time they acquired it. The applicant states that the extended period that the property was vacant and available for sale and the final price paid for the property, indicate that there was no demand for Roseville as a residential dwelling.
- 7.3.8. The third requirement of CPO 6.33 relates to the supply of long-term rental properties in the area. Neither the cover letter submitted by the applicant to the PA nor the response to the appellant submitted to ACP provide any assessment of the existing long term rental market in Wicklow Town. In this regard, I consider that the application has failed to meet the requirements of CPO 6.33 and, therefore, represents a contravention of this part of the Plan. Given that the wording of CPO

6.33 allows no flexibility in its application, I consider that contravention of this objective constitutes a material contravention of the Development Plan.

- 7.3.9. Under Section 37 (2)(a) of the Planning and Development Act 2000, as amended, the Coimisiún may grant planning permission for a proposed development that materially contravenes the relevant Development Plan. In this instance, I note that the provisions of Section 37 (2)(b) of the Act do not apply as the PA did not refuse permission on the grounds of this material contravention. As per Section 37 (2)(c) of the Act, and with reference to Section 34 (10), the Coimisiún is required to indicate its main reasons for materially contravening the Plan. For reference and completeness, I have provided a justification for contravention of CPO 6.33 below.
- 7.3.10. It is my opinion that there are conflicting objectives of the Development Plan and the LAP regarding the provision of tourist accommodation including short-term tourist letting.
- 7.3.11. The LAP for Wicklow-Rathnew is the most recent plan relevant to the site and postdates the Development Plan by 3 no. years. While the LAP contains many of the same objectives as the Development Plan, I consider it relevant that the LAP does not include CPO 6.33 or any similar objective to limit tourist accommodation in Wicklow Town. There are, however, several objectives of the LAP that specifically seek to direct tourist accommodation to Wicklow Town, as set out in Section 7.2 above. Section 5.2.8 of the LAP seeks to retain tourists in the town and to extend the duration of tourists' trips to the area. In addition, I note that Objectives RPO 4.57 and CPO 11.30 of the Development Plan seek to promote Wicklow Town-Rathnew as a tourist hub. I do not consider that it would be possible to promote Wicklow as a tourist hub and to increase tourist stays in the town without facilitating some quantity of short-term tourist accommodation.
- 7.3.12. In respect of justifying the proposed change of use at the subject site, I note that Roseville is located in Wicklow Town centre within comfortable walking distance of the services and amenities therein. This site is well located with reference to public transportation infrastructure including Wicklow Train Station and bus routes. There are both bike and car sharing companies operating in the town. The site is located proximate to established tourist attractions, restaurants, shops and local businesses, and is already connected to public water and electricity infrastructure. Drawing from

the above, it is my opinion that the subject site is well located for the provision of short-term tourist accommodation.

- 7.3.13. Regarding the provision of housing in the town, the applicant's submissions state that Roseville was vacant between 2016 and 2021/2022, when it was purchased by the applicant. As per the documentation submitted and with reference to the planning history of the site, I note that Roseville has been operating as temporary residential accommodation since it was refurbished by the applicant in circa 2022. Drawing from the above, it is my opinion that Roseville has not been in long term residential use for over a decade. Owing to the extended period that the property was unavailable to the residential rental market, I do not consider that Roseville has any significant impact on the provision of housing in Wicklow Town. In this way, I am satisfied that the proposed change of use to short term tourist accommodation will not result in the net loss of long-term rental properties in the area.
- 7.3.14. In respect of the provision of rental accommodation in the area, the appellant found a low number of properties for long term rental. I accessed the Daft.ie website on 19 January 2026 and found only 4 no. properties advertised for rent. I do not consider that the 4 no. properties available for rent are sufficient to meet likely demand arising from the 16,439 no. persons living in Wicklow Rathnew<sup>5</sup>. I note that there is a chronic shortage of housing across the Country, as evidenced by the entire Country being designated as a Rent Pressure Zones (RPZs) under the Residential Tenancies Act (Amendment) Act 2025. Drawing from the above, I do not consider that it is possible to illustrate that there is a sufficient supply of long-term rental housing in the area and, therefore, it is not possible for any application to meet the third requirement of CPO 6.33.
- 7.3.15. It is my opinion that strict adherence to CPO 6.33 would prevent all changes of use from residential to short-term tourist accommodation. It is my opinion that this would contravene several objectives of the Plan and the LAP that specifically seek to support tourist resources in the town. In this instance, I consider that a balanced approach is required to both protect existing and future long term rental properties and support the tourist economy in Wicklow. It is my opinion that the characteristics of the subject site and dwelling that may make it less desirable as residential

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<sup>5</sup> Table 2.1 of the Wicklow Town- Rathnew LAP.

property make it well suited for tourist accommodation, namely its town centre location, the adjoining commercial uses and its historic character. I consider it pertinent that the proposed change of use will not remove an existing rental property from the housing market. I consider that the proposed use will support the viability and vitality of Wicklow Town and will keep Roseville in active use for the foreseeable future.

7.3.16. In this way, I consider that the proposed development aligns with the provisions of the Wicklow County Development Plan and the Wicklow Town -Rathnew LAP and accords with the sustainable development of the area.

#### **7.4. Residential Amenity**

7.4.1. The appellant raised concerns in respect of negative impacts on residential amenity arising from the proposed use of Roseville for short term tourist letting. The appellant states that the proposed development materially contravenes the provisions of the Development Plan in respect of protecting residential amenity.

7.4.2. The PA found that the proposed development would have an acceptable impact on residential amenity owing to its nature, location and size.

7.4.3. There appears to be an apartment on the 1<sup>st</sup> floor of the Doctor's Surgery, which adjoins the subject site to the north. The subject site adjoins commercial uses to the west and south.

7.4.4. From my site visit I note that there are no windows on the southern façade of the Doctor's Surgery, which significantly reduces the potential for negative impacts in respect of noise and light pollution, and removes the potential for overlooking. In respect of noise impacts on the adjoining apartment, I note that the existing rear garden of Roseville does not contain any outdoor furniture and is currently in use for laundry and bin storage. Owing to the size and function of the rear garden, I do not consider that persons staying in the dwelling will socialise in this area. The primary outdoor amenity area serving Roseville is the private front garden, which is sufficiently far removed from the Doctor's Surgery to prevent noise impacts.

7.4.5. Other residential dwellings in the area include those on opposite side of Church Street, circa 15 metres from Roseville. I consider that the distance between the

subject site and the closest residential dwellings will prevent any significant impacts on existing residential amenity arising from the proposed development.

7.4.6. Drawing from the above, I do not consider that the proposed development will have significant negative impacts on the amenity value of neighbouring properties and, therefore, I do not consider that the proposed development constitutes a contravention of the Development Plan in respect of residential amenity. It is my opinion that the proposed development is acceptable in respect of residential amenity.

## 7.5. Car and Bike Parking

7.5.1. The appellant raised concerns regarding the absence of car parking to serve the proposed development. Reference is made to the car parking standards of the Development Plan, which require a 1 no. car parking space per bedroom for hotel developments. The appeal states that the absence of car parking constitutes a material contravention of the Development Plan.

7.5.2. The PA assessment states that the provision of no car parking is acceptable owing to the town centre location of the site. I note that the Roads Department of Wicklow County Council made no comment on this application.

7.5.3. Appendix 1 'Development & Design Standards' states that new or expanded developments shall be accompanied by an appropriate level of car parking. I note that Table 2.3 of the Plan does not list car parking standards specific to guest houses or short-term tourist accommodation. The car parking standards listed in Table 2.3 are maximum standards, owing to the availability of public transportation and parking enforcement in the town.

7.5.4. On the basis that the Development Plan does not specifically prescribe minimum car parking standards for guest houses or short term tourist lets, I do not consider that the absence of car parking at the site constitutes a contravention of the Plan.

7.5.5. I note that Table 2.4 of the Plan does list specific bike parking requirements for guest houses. This indicates that the PA may have purposefully not assigned a car parking standard for guest houses. Section 2.1.7 allows for the provision of the appropriate level of car parking to serve development. In addition, I consider it relevant that Chapter 5 of the LAP states that a balance is required in the provision of parking

within historic areas. With reference to the above, I note that the property currently does not have car parking and has functioned for the previous several decades without car parking and without creating a traffic hazard. The site is within Wicklow town centre and is well served by public transportation. In this way, I consider that future guests to Roseville will not be wholly dependent on the private car to access tourist attractions in the area. Drawing from the above, I consider that the provision of no dedicated on-site car parking is the appropriate in this instance.

- 7.5.6. Having reviewed the documentation and visited the subject site, I consider that there is ample space to private safe and secure bicycle parking within the site. Table 2.4 of the Plan requires 1 space per 20 bedrooms however, I consider it appropriate that an increased rate of bike parking is applied given the sites central location. This matter can be addressed by condition, in my opinion. If the Coimisiún is minded to grant planning permission for the proposed change of use, I recommend that a condition is included to provide a minimum of 1 no. bike parking space per bedroom.
- 7.5.7. Drawing from the above, I consider that the proposal is acceptable in respect of car and bike parking.

## **7.6. Development to be Retained (new issue)**

- 7.6.1. The subject development includes the retention of an existing extension to the rear of the property. The PA did not raise any concerns regarding this rear extension. As per the application documentation, the rear of Roseville has been the subject of several rear extensions.
- 7.6.2. The extension to the rear of the property is single storey in height and has a stated area of 40 sqm. This extension accommodates a bedroom and a corridor connecting to the rear of the property. Having reviewed the drawings and visited the site, I consider that the rear extension is a sufficient distance from shared boundaries to the north and west to prevent negative impacts on the adjoining commercial and residential uses. The nearest residential property to the rear extension does not have any windows overlooking the subject site and, therefore, will not be negatively impacted by the works. Owing to its height, the rear extension does not directly or indirectly overlook or overbear upon the adjoining properties. The structure has standard rainwater goods and appears to drain to an existing piped system.

Internally, the existing room is sufficiently large to provide suitable amenity value for future visitors. As the extension is to the rear of the property, it does not detract from the historic character of the structure. Drawing from the above, I consider that the existing rear extension, to be retained, is acceptable.

## **7.7. Drainage Infrastructure**

- 7.7.1. The appellant raises concerns regarding the capacity of the existing wastewater infrastructure to accommodate the additional load associated with the proposed development.
- 7.7.2. The PA report states that Roseville is currently connected to the public sewer and water mains, and this will remain unchanged under the current proposals. It is further stated that any issues arising in respect of maintenance or adequacy of the existing infrastructure is a matter for Uisce Eireann. In their response to the appeal, the applicant states that the property has been fully occupied for the past 4 years and there have been no issues with the existing wastewater system. The applicant confirms that any issues arising will be addressed between themselves and Uisce Eireann.
- 7.7.3. From the documentation submitted I note that there have been no issues raised in respect of wastewater infrastructure by either the applicant or the adjoining landowners. In addition, I consider it relevant that Uisce Eireann chose not to make a submission on the application or on the appeal.
- 7.7.4. The provision and maintenance of wastewater infrastructure on private lands is typically the responsibility of the landowner, while the maintenance of public water infrastructure falls within the remit of Uisce Eireann. In this way, any issues arising in respect of the existing wastewater infrastructure will be dealt with by the applicant or the adjoining landowner, as required.
- 7.7.5. While the proposed development will increase the total number of bedspaces available at the site, I note that actual occupancy, and therefore wastewater loading, will likely vary throughout the year. In this way, I do not consider that the wastewater loading from the proposed change of use will be significantly higher, on average, than that currently arising from the site. Drawing from the above, it is my opinion that the proposed development will not have any significant negative impact on the

existing wastewater infrastructure. I consider that the proposed development is acceptable in this respect.

- 7.7.6. Issues were also raised in respect of the ownership of the existing foul water pipes and their location underneath the adjoining property. In this regard, I note that there are no proposals to upgrade the existing wastewater infrastructure at the site or any adjoining sites. Addressing matters of legal ownership or entry onto private land is not a function of the planning system. I note that, as per Section 34 (13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission under this section to carry out any development.

## **7.8. Flood Risk**

- 7.8.1. The appeal raises concerns regarding flood risk at the site. It is stated that guest houses are highly vulnerable development, and that the proposed development represents a significant increase in development at the site and intensity of use of the dwelling.
- 7.8.2. The PA report found that the proposed development would not significantly increase the number of inhabitants at the site and would not exacerbate flooding risk in the area. The PA make reference to the Flood Risk Assessment submitted with the previous planning application at the site.
- 7.8.3. Under the Development Plan and the LAP, the northern half of the site, which contains the existing dwelling, is designated Flood Zone A and the southern half of the site, that contains the front garden, is designated Flood Zone B. I note that the proposed development will not increase the floor area of Roseville or increase the quantity of hardstanding on the site. The existing rear extension, to be retained, has a total area of 40 sqm and has guttering and rainwater goods directing surface water to the existing piped system.
- 7.8.4. Section 5.28 of the Flood Risk Guidelines states that small extensions and changes of use are unlikely to increase flooding risk so long as the works do not obstruct important flood paths, introduce a significant number of people, or include the storage of hazardous materials. In this regard, I note that there are no surface water bodies at or in the immediate vicinity of the site. The subject site occurs within a long-established urban setting, and as such, overland water flow is directed into the

sewer infrastructure or along roadways. In this way, I do not consider that the development obstructs any important flood paths. Roseville was a large dwelling, even before the most recent rear extension was added. It is, therefore, reasonable to assume that the dwelling housed large families or extended families during its lifetime. The rear extension, to be retained, has 4 no. bedspaces and the proposed guest house use will accommodate up to 26 no. persons in total. While the proposed development will increase the maximum number of people at the site, I do not consider that 26 no. people is significantly large number of people with reference to the size of the site and its town centre location. As per Section 5.28 of the Flood Risk Guidelines, the justification test does not apply to existing structures. In this way, and with reference to the Flood Risk Guidelines, I do not consider that the proposed development will increase flood risk.

- 7.8.5. It is my opinion that the proposed development, owing to its size and nature, will not impact negatively on flooding risk at the site or surrounding area.

## **7.9. Archaeological Impacts – New Issue**

- 7.9.1. The subject site is within the Wicklow Town 'Area of Archaeological Potential or Significant Potential'. Objective CPO 8.3 of the Development Plan states that any development that may impact on archaeological heritage shall be the subject of archaeological assessment.
- 7.9.2. No archaeological assessment was submitted with this application. In this regard, the Department of Housing, Local Government and Heritage made a submission to the PA requesting an archaeological impact assessment of the proposed development.
- 7.9.3. The PA assessment refers to the archaeological assessment submitted with the previous application at the site, Reg. Ref. 24/237. The PA considered that the submission of an additional archaeological assessment was not required on the basis that no additional construction works are proposed.
- 7.9.4. Section 3.1 'Archaeological Testing Results' of the Archaeology and Built Heritage Assessment dated 28 August 2024 submitted under Reg. Ref. 24/237 states that the only feature in the rear garden was a well that was contemporary to the dwelling. The test trench in the front garden found several pits and linear features of either

medieval or post medieval date. Section 4 'Impact Assessment' states that the well was removed when the rear extension was constructed.

7.9.5. The subject development does not include any construction works at the subject site. In this way, any undiscovered archaeological material at the subject site will remain undisturbed. I note that the archaeological assessment submitted under Reg. Ref. 24/237 found no features or materials of archaeological interest in the rear garden of Roseville. In this way, the existing rear extension would not have disturbed any archaeological features when it was constructed. Drawing from the above, I do not consider that the subject development has had or will have significant archaeological impacts.

## 7.10. **Other Issues**

### 7.10.1. **Accuracy of Submitted Drawings**

7.10.2. The appeal raises concerns regarding the accuracy of the drawings submitted to the PA. In this regard, I note that the PA found the planning application to be valid. I consider that the drawings are of a sufficient standard to enable my assessment of the proposed development.

### 7.10.3. **Relevant Standards**

7.10.4. The appellant refers to building regulations and Failte Ireland standards for tourist accommodation. Compliance with these documents is not a fundamental planning matter. No further reference to these documents is made in this assessment.

### 7.10.5. **Comments on Conditions**

7.10.6. Condition 2 of the PA's decision states that the applicant shall enter into a legal agreement in respect of the short-term letting use of the structure. It is stated that the structure may not be used as a permanent residence, that the site may not be subdivided and shall remain in single ownership, and that visitors may only stay for a maximum of duration of 4 weeks.

7.10.7. I note that this condition closely reflects the wording of CPO 11.14 of the Development Plan, which also seeks to prevent short-term lets from being used as permanent dwellings.

7.10.8. The proposed development comprises 9 no. guest bedrooms and a shared kitchen. From the documentation submitted, I note that the proposed development will not have any living or dining areas or any shared bathrooms. I consider that this configuration will be wholly unsuitable for long term residential use and would not meet the minimum requirements for standard dwellings. In this regard and with reference to CPO 11.14 of the Plan, I consider it necessary to ensure that the proposed development is not used as a permanent residence. If the Coimisiún is minded to grant retention planning permission and planning permission for the proposed development, I recommend that a similar condition to Condition 2 of the PA decision be attached.

7.10.9. Condition 5 of the PA decision requires the removal of the storage container from the front garden. I do not consider that this matter is of relevance to the proposed development. If the Coimisiún is minded to grant retention planning permission and planning permission for the proposed development, I recommend that a similar condition is not attached.

## **8.0 Environmental Impact Assessment**

8.1.1. Refer to Appendix 1 – Form EIA Pre-Screening.

8.1.2. Domestic extensions and changes of use are not listed as classes of development for the purposes of EIA under Part 2 of Schedule 5, within the Planning and Development Regulations, 2001 (as amended). In this regard, a requirement for preliminary examination or EIA would not arise.

## **9.0 Appropriate Assessment**

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

The subject site is located circa 90 metres to the west of The Murrough SPA (Site Code 004186), 900 metres to the south of The Murrough Wetlands SAC, and 2.6 km to the northwest of the Wicklow Head SAC (Site Code 004127).

The proposed development comprises the retention of a 40 sqm rear extension to an existing dwelling and the change of use of the dwelling to use as short-term tourist accommodation.

No nature conservation concerns were raised in the planning appeal or by the PA in their assessment.

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 significant risk to any European Site. The reason for this conclusion is as follows:

- The urban nature of the site and its existing connections to public water infrastructure,
- The relatively small size of the rear extension to be retained,
- The nature of the proposal as a change of use of an existing structure,
- The lack of a direct connections to any European Sites,
- Taking into account the appropriate assessment undertaken by the PA.

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 Water Framework Directive

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reasons for this conclusion are as follows:

- The small scale of the rear extension to be retained.
- The nature of the proposed development as a change of use of an existing structure.
- The existing surface water collection infrastructure at the site.
- The urban character of the site with existing connections to public water infrastructure.
- The lack of direct hydrological connections from the site to surface water bodies.

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.

## 11.0 Recommendation

- 11.1.1. I recommend that retention permission and planning permission be granted, subject to conditions, for the following reasons and considerations.

## 12.0 Reasons and Considerations

- 12.1.1. Having regard to provisions of the Wicklow County Development Plan 2022-2028, the Wicklow Town-Rathnew Local Area Plan 2025, and relevant government guidance, it is considered that, subject to conditions, the proposed change of use from residential to short term tourist accommodation is acceptable owing to the site's Town Centre location, existing connections to public infrastructure, proximity to public transportation, historic character, and neutral impact on the long-term residential rental market. Having regard to the nature, scale and design of the existing rear extension, it is considered that the development would not negatively impact on the character of the dwelling or the surrounding area or significantly impact on residential amenities. The proposed development is, therefore, in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars

**Reason:** In the interest of clarity.

2. Within 3 months of the date of the final grant of this permission , the applicant shall enter into a legal agreement with the Planning Authority under Section 47 of the Planning Act 2000 (as amended) specifying that:-

(a)The short term letting unit may only be used for tourism purposes and shall not be allowed to be used as a permanent residence;

(b)The entire development, including all buildings, and the lands outlined in red on the Proposed Site Layout Plan submitted on the 8/7/2025, shall be held in single ownership and shall not be subdivided.

(c)The unit shall be available for short term letting only of a maximum duration of 4 weeks. This agreement shall be registered as a burden against this site in the Land Registry within three months of the date of the final grant.

**Reason:** To regulate the use of the development and to comply with Objective CPO 11.14 of the Wicklow County Development Plan 2022-2028.

3. Nine (9 no.) safe and secure bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

5. The developer shall pay to the planning authority a financial contribution in respect of the Wicklow Port Access & Town Relief Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Sinéad O'Connor  
Planning Inspector

04 February 2026

## Appendix 1 – Form EIA Pre-Screening

<b>Case Reference</b>	ACP-323714-25
<b>Proposed Development Summary</b>	Ninebedroom guesthouse providing short-term letting as tourist accommodation, with all associated site works.
<b>Development Address</b>	Roseville, Church Street, Wicklow Town, Co. Wicklow,
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b>  (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 type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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	Domestic scale extensions and changes of use are not classes of use listed in Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended.

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p>	

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: 04 February 2026