

# Inspector's Report



An  
Coimisiún  
Pleanála

**ACP-323725-25**

## Development

A) Sub-division of the site and the construction of a new detached single storey split level four-bedroom dwelling along with all associated site development and landscaping works.  
(B) Provision for connection into existing foul drain for the new house.  
(C) Provision for surface water attenuate storage manholes with discharge via soakaways for new house. (D) Provision for two new vehicular entrances for proposed and existing dwellings with entrance piers and gates.

## Location

Rockfalls House, Kindlestown Upper, Delgany, Co. Wicklow, A63 RP04.

## Planning Authority

Wicklow County Council

## Planning Authority Reg. Ref.

2560109

## Applicant(s)

Werner Smchidt

<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Enda & Aine Dowling
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	17 <sup>th</sup> December 2025
<b>Inspector</b>	Colin McBride

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**Appendix 1 – Form 1: EIA Pre-Screening**

**Form 2: Preliminary Examination**

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.204 hectares, is located to the north of Delgany and to the west of Greystones in the townland of Kindlestown Upper. The appeal site is part of the curtilage of an existing dwelling. The site is accessed from an existing laneway that emanates from Chapel Road to the east of the site and serves a number of other dwellings in the vicinity. The main portion of the site is located to the north of the existing dwelling from whose curtilage the site is taken and is currently made up of a tennis court and further north a grassed area. These sections of the site are located at a higher level than the existing dwelling with the grassed area to the north of the site at a higher level than the tennis court. There are a number of existing dwellings adjoining the site with the area characterised by detached dwellings of various types. To southeast of the main body of the site is the existing dwelling whose curtilage the site is located within (Rockfalls) which is a two-storey flat roofed dwelling. To the northeast of the site at a similar level to the tennis court part of the site is a dormer style dwelling ('Sonoma') and to the north is a single-storey dwelling ('Lantur'). To the west of the site is a dormer style dwelling ('Scots Pine')/no. 11), which is part of cul de sac development detached dwellings (Kendalstown Rise). To the south is a dormer style dwelling (no. 12 Kendalstown Rise). Existing boundary tremanet on the site includes existing hedgerow boundaries along the northern, eastern and western boundary. There is an existing stonewall running along the western boundary of the site.

## 2.0 Proposed Development

2.1. Permission is sought for sub-division of the site and the construction of a new detached single-storey split level four-bedroom dwelling along with all associated site development and landscaping works. Provision for connection into existing foul drain for new house, provision for surface water attenuate storage manholes with discharge via soakaways for new house. Provision for two new vehicular entrances for proposed and existing dwellings with entrance piers and gates. The proposed dwelling has a floor area of 277sqm and a ridge height of 6.13m relative to the

lowest ground level. The dwelling is a split level featuring two-single-storey levels, the lower level with a ridge height of 3.45m above finished floor level (111OD) and the upper level having a ridge height of 3.25m above finished floor level (118.73OD). The dwelling features a flat roof profile and features external finishes of coloured render, timber cladding and stone. It is proposed to provide two vehicular access points to allow for the existing and proposed dwelling to be fully independent of each other. Between the two vehicular entrance and the existing entrance to the existing dwelling off the access laneway will be a shared access driveway on part of the existing driveway for Rockfalls.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted based on 10 conditions. Of note are the following conditions:

Condition no. 5: Landscaping to be in accordance with landscaping plan submitted.

Condition no. 6: Gradient of access driveway not to exceed 1 in 40 for a minimum distance of 6m.

Condition no. 7: Existing trees and vegetation to be retained except those that strictly required to be removed.

Condition no. 8: First occupation of dwelling to be an individual purchaser.

Condition no. 10: Finished floor level to accord with drawing no. FI.03.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planning Report (10/24/25):

- Further information required including site plan showing levels relative to adjoining properties, sections through the site, confirmation that a window serving an ensuite is obscured glazing, a landscaping plan, details of water connection to public source, details of connection of pumping station to wastewater network, a traffic report demonstrating the laneway serving the

site can accommodate further traffic and details of accessway construction including surfacing, whether any trees will be removed, details of earthworks or retaining walls and demonstration of gradient within a specified range.

Cognisance to be taken of the Wicklow CDP design standards in terms of numbers of contrasting finishes.

Planning Report (28/08/25):

- The response to further information was noted and the proposed development was considered be satisfactory in terms of Development Plan policy, the visual amenities of the area, residential amenities of adjoining properties and traffic safety. The proposal was considered in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

### **3.3. Internal Reports**

3.3.1 Roads Department (27/11/24):

- No objection subject to conditions.

3.3.2 Roads Department (23/07/25):

- No objection subject to conditions.

3.3.3 Water Services (09/01/25):

- Further information required including details of SuDs measures are to be implemented.

3.3.4 Water Services (21/07/25):

- No objection subject to conditions.

### **3.4. Prescribed Bodies**

Uisce Eireann (12/01/25): Further information required including obtain a confirmation letter of feasibility from Uisce Eireann and submit written permission from the owner if the development connects to a private sewer as well as submission of a drawing showing where the private drain connects to the public foul sewer.

Uisce Eireann (22/07/25): No objection subject to conditions.

### 3.5. Third Party Observations

Three submissions raising the following issues.

- Loss of privacy/overlooking, proximity and scale of the proposal, increased density of development, impact on views and visual amenity, inconsistencies in the drawings submitted, quality of private open space, provision of parking, lack of Appropriate Assessment, traffic concerns including sightlines, lack of assessment of trees and foul drainage issues.

## 4.0 Planning History

12/6101: Split decision. Permission granted for retention of alterations to previously granted development under ref no. 07/376 with alteration of house plans and refusal of permission for on site effluent disposal system. Decision dated 04/04/12.

07/376: Permission granted for a detached dwelling house and associated site works. Granted 04/01/08.

Adjacent site to the south:

18/713: Permission granted for retention of amendment to previously granted development under ref no. 14/1778 and 15/1090. Granted 10/08/18.

15/1090: Permission granted for amendments to previously granted permission ref no. 14/1778. Granted 08/12/15.

14/1778: Permission granted for a two-storey dwelling, garage and associated site works. Granted 20/11/14.

13/8114: Outline permission granted for a dormer style dwelling and associated site works. Granted 26/02/13.

08/317: Outline permission granted for dormer style dwelling and associated site works. Granted 16/04/08.

07/403: Outline permission refused for a detached dormer style dwelling and associated site works. Refused 01/03/07.

07/263: Outline permission refused for a detached dormer style dwelling. Granted 30/03/07.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### Wicklow County Development Plan 2022-2028

The site is located in the 'Existing residential' zone under the Greystones, Delgany and Kilcoole Local Area Plan 2013-2019 with a stated objective 'to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located'.

#### Chapter 4 Settlement Strategy

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

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

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.

#### Chapter 6: Housing

CPO 6.1 New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside

when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.

CPO 6.2 The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.

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

CPO 6.4 All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

CPO 6.16 To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well-designed high quality outcomes and public safety is not compromised and the environment is suitably protected.

CPO 6.22 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.

### Chapter 13: Water Services

CPO 13.11 Where connection to an existing public water supply is not possible, or the existing supply system does not have sufficient capacity, the provision of a private water supply will be only permitted where it can be demonstrated that the proposed water supply meets the standards set out in EU and national legislation and guidance, would not be prejudicial to public health, would not impact on the

source or yield of an existing supply, particularly a public supply or would not adversely affect the ability of water bodies to meet the objectives of the Water Framework Directive. Private water supplies for multi-house developments will not be permitted.

CPO 13.21 Ensure the implementation of Sustainable Urban Drainage Systems (SuDS) in accordance with the Wicklow County Council SuDS Policy to ensure surface water runoff is managed for maximum benefit. In particular to require proposed developments to meet the design criteria of each of the four pillars of SuDS design; Water Quality, Water Quantity, Amenity and Biodiversity.

CPO 13.22 To promote the use of green infrastructure, such as swales and wetlands, where feasible as landscape features in new development to provide storm / surface runoff storage and reduce pollutants, as well as habitat, recreation and aesthetic functions.

## Appendix 1, Development and Design Standards

### 3.1.6 Infill / backlands development in existing housing areas

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

- The site / plot must be capable of being developed in accordance with the density parameters set out for that area in the local area or town plan, or in any case in keeping with the prevailing density of the immediate area. Where no density limit is set (for example, in areas zoned 'existing residential'), the quantum of development that will be permissible will flow as a result of adherence to best development standards;
- The design of a new house should complement the area. Where an area has an established unique or valuable character worthy of preservation, particular care should be taken to match the style and materials of the area; however, where an area is a 'mixed-bag' of styles and periods, more flexibility can be applied;
- Particular attention will be required to be paid to the design and location of new windows, in order to ensure that the privacy of either the existing house on the plot or adjacent houses is not diminished;

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

## 5.2. **Natural Heritage Designations**

The following Natura sites are located in the general vicinity of the proposed development site.

- The Glen of the Downs SAC (Site Code: 000719), approximately 1.4km to the southwest of the site.

## 6.0 **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment, and I would refer to Form 1 and Form 2, in Appendix 1 of this report. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment.

The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

A third-party appeal has been lodged by Enda and Aine Dowling. The grounds of appeal are as follows.

- Proposal poses a threat to an existing high value tree part of the existing site boundary that is subject to a tree preservation order (TPO). Part of the dwelling and pathway are within the Root Protection Area of the tree with a risk of irreparable damage to such. The tree is statutorily protected and the potential to impact such would be contrary Development Plan objectives (CPO 17/18, 17.20 ad 17.21. the tree is not within the applicant land ownership with no consent to remove such. The appellants have included a report by an Arborist highlighting the value of the tree, the potential impact of the development and the need for specific measures to ensure against irreparable damage and potential loss of such.
- The proposed 2.2m high composite timber panel fence along the shared western boundary would detract from an existing historic stone wall, which defines this boundary.
- The proposal would result in unacceptable overlooking and loss of privacy to appellants' property due to proximity and design of the proposal. The windows on the southwestern elevation would overlook the appellants' garden and the proposed development would result in overlooking and loss of light to no. 12 Kendalstown Rise to the southwest of the site, which is at a much lower level than the proposed dwelling.
- The proposal is an unacceptable densification of development at this location and is contrary the established character of the location and would devalue the appellants' property.

## 7.2. Planning Authority Response

No response.

## 7.3. Applicants Response

Response by the applicant, Werner Schmidt.

- The applicant highlights that the tree identified by the appellants as subject to a TPO\_40 is not part of the group of trees protected under such. The applicant also highlights that the appellants are constructing a two-storey extension to their dwelling in close proximity to the tree in question.
- A number of measures are proposed to minimise ground disturbance and ensure long-term protection of the existing tree and root zone (response to further information request) including isolated foundations beneath primary load-bearing points. No development is occurring within 7m of the tree base which is out of its root protection zone.
- The proposal entails retention of the stone boundary wall and where necessary a timber fence will be erected to provide additional privacy.
- The proposal will not result in overlooking or loss privacy to the appellants dwelling with it noted windows on the elevation facing to the southwest are limited in level and scale with only two windows, one serving a walk-in wardrobe and one serving an ensuite. These are ground level windows to non-habitable rooms.
- In regard to no. 12 Kendalstown Rise, no objections have been raised by the owners/occupiers of such and having regard to the design, scale, landscaping proposals and separation distances, the proposal would have no impact on residential amenities of no. 12.
- The proposal is supported by national and local policy in terms of infill housing in established urban locations. The proposal will not give rise to negative impact on adjoining properties and the claim that the proposal will devalue the appellants' property is unfounded. The applicant highlights that the Commission have consistently states that the the alleged devaluation of

property is not a matter that can be adjudicated in in the planning process (a number of case referenced).

- Wicklow County Council carried out a comprehensive and independent assessment of the proposal including Development Plan policy, information submitted including further information and third-party submission with the proposal considered to satisfactorily integrate with the existing residential context at this location with no adverse impact on adjoining properties.

#### 7.4. **Observations**

None.

### 8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the 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 as follows:

- Principle of the proposed development
- Physical Impact
- Impact on existing trees and hedgerow
- Existing stone wall

8.2. Principle of the proposed development:

8.2.1 The proposal is for subdivision of an existing residential property with construction of a split level on part of the curtilage that is currently a disused tennis court and a grassed area. The subdivision includes provision of separate vehicular entrance points. The site is zoned Existing residential' zone under the Greystones, Delgany and Kilcoole Local Area Plan 2013-2019 with a stated objective 'to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in

which it is located'. The proposal for residential use would be compliant with the zoning objective for existing residential and in an area characterised by existing residential development. The principle of the proposal would be acceptable at this location.

### 8.3. Physical Impact:

8.3.1 The main issues raised in the appellants submission relate to the impact of the proposal on residential amenity of the adjoining property to the west, 'Scots Pine'/no. 11, Kendalstown Rise (appellants' property) and on no. 12 Kendalstown Rise to the south of the with concerns regarding impact in terms of scale/overbearing impact, overshadowing and overlooking raised in the appeal submission. The area is characterised by detached dwellings with a number of existing dwellings surrounding the site. The proposal is a split level flat-roofed structure, which entails two single-storey blocks with the southern portion having a lower finished floor level than the northern portion of the dwelling. The main orientation of windows is on the southeastern elevations of the two blocks.

8.3.2 I am satisfied that the proposal would have no impact in terms of overlooking or loss of privacy to adjoining dwellings including the appellants dwelling and no. 12 Kendalstown Rise. In relation to the existing dwellings to the north and northwest, the northern portion of proposed dwelling is at a similar level and is single-storey in height relative to such meaning no overlooking from proposed windows due to existing/proposed boundary treatment. In regards to the existing dwelling to the southeast, the proposed dwelling although at a higher level is set back sufficiently in terms of both blocks and the main window facades to prevent direct overlooking of the existing property whose main orientation is also southeast. In relation to the appellants' dwelling to the west, I am satisfied that the single-storey nature of the two blocks making up the dwelling taken in conjunction with the limited level of windows on the south western façade, which serve a walk-in wardrobe and ensuite in addition to proposed/existing boundary treatment would have result in no overlooking or loss of privacy to the appellants' property. In relation to no. 12 Kendalstown Rise to the southwest, there is no likelihood of overlooking having regard to the main orientation of the proposed dwelling being southeast, the level of separation between the two and the high level of natural screening between the site and the proposed development with the proposal having no impact on such screening. The proposal

would be satisfactory in terms of impact on adjoining amenities in relation to privacy/overlooking.

8.3.3 In relation to loss of light/overshadowing, the overall scale of the proposal is modest featuring two single-story flat roof blocks. I would be of the view that the proposal would result in no significant overshadowing of adjoining properties to the north/northwest (similar finished floor level) given its modest ridge height in relation to the existing dwellings. In relation to the existing dwelling to the south, west and southwest including the appellants' dwelling, the overall modest ridge height of the proposal taken in conjunction with its orientation in relation to these dwellings would mean it is unlikely to rise to any significant overshadowing of the any of the adjoining properties or subsequent reduction in existing residential amenity for these properties.

8.3.4 I would be of the view that the proposal has been designed to have adequate regard to the residential amenities of adjoining properties and is of a design, scale and layout that would be satisfactory in the context of the proper planning and sustainable development of the area.

8.3.5 The appellants raised concerns regarding density of development and character of development indicating that the proposal was an excessive density of development. The area is characterised by detached dwellings within their own curtilage and a generally low suburban density. The proposal entails subdivision of an existing dwelling's curtilage to provide for a new detached dwelling. The subdivision is being carried out in such a manner as to provide a fully independent new dwelling with both proposed and existing dwelling having independent vehicular access points, both having private open space and off-street car parking. It does require provision of a shared area where it adjoins the existing laneway serving the existing dwelling (Rockfalls), however I am satisfied that an acceptable level of independence is provided in relation to the existing and proposed dwelling. I am satisfied that the proposed dwelling and the existing dwelling would meet the Development Plan quantitative and qualitative standards for residential development. I would consider having regard to this fact and the fact the proposed dwelling is satisfactory in terms of adjoining amenities, that it would not result in an excessive density of development or be out of character at this location.

8.4 Impact on existing trees and hedgerow:

8.4.1 One of the main issues raised is the impact of the proposal on an existing tree that is part of boundary to west of the site (located within 12 Kendalstown Rise) with the appellants claiming that the tree is subject to a Tree Protection Order (TPO) and the proposal has the potential to cause irreparable damage to the tree. The applicant claim that the proposal will have no impact on the existing tree due to its level of separation and the manner in which construction is proposed (foundations). The applicant also refutes the appellants' claim that the existing tree identified is subject to a TPO in the first place. Map B of the Local Area Plan is the Heritage Map and such identified Tree Protection Objectives. TPO\_40 is described as "Oak, Pine Ornamental & boundary trees" at Kendalstown Rise. This status appears to relate to more than one tree and although the location of marker for TPO\_40 is located further west of the site approximately 180m from the site boundary, the description indicates that it relates to trees within Kendalstown Rise including oak and pine trees. The tree in question is a mature pine tree. In this regard it is plausible that the tree in question is included in this given its location and the type of tree it is.

8.4.2 Regardless of the status of the tree in question, I would note that the applicant was requested by way of further information provide details of a landscaping plan, whether any trees will be removed, details of earthworks or retaining walls. The applicant submitted an Arboricultural Assessment as did the appellants. It is notable that the applicant is not proposing to remove the tree and the report submitted indicates that the proposed dwelling is just beyond the root protection zone of the existing trees (7m from the base) and that the nature of foundations proposed are to ensure no impact on the existing tree. I would note that the appellants' Arboricultural report does not explicitly indicate that the proposed dwelling would impact the tree in question and indicates that appropriate protection measures are required to ensure protection of the tree in question and that the dwelling is 7m from the base of the tree whereas the appellant claims it is beyond such limit from the tree.

8.4.3 On the basis of the information submitted, I am satisfied that proposal entails retention of the existing tree and that the foundation type being use is to minimise the extent of foundations and possible impact on the existing tree. I am satisfied that

subject to appropriate conditions requiring a buffer zone and tree protection measures during construction that the proposal would be satisfactory in the context of the existing tree.

#### 8.5 Existing stone wall:

8.5.1 The appellants raised concerns regarding the existing stonewall along the western boundary and the proposal for a composite timber fence along this boundary obscuring the wall which is regarded as a historic feature. The applicant has indicated that the existing wall is being retained and that the provision of the timber fence along parts of the boundary is to provide additional privacy. On this point I would note that the retention of the existing wall is a positive element, however I do not consider that the erection of a fence obscuring such is unacceptable subject to retention of such and as the wall is not a significant visible or prominent historical element at this location. I am satisfied subject to an appropriate condition requiring retention of the wall, the proposal is satisfactory.

#### 8.6 Conclusion:

8.6.1 I am satisfied that the nature and scale of the proposal is such that it would have no adverse impact in terms of pattern of development, visual amenity and adjoining amenity. The proposed development provides for a fully independent dwelling unit that has off-street car parking, private open space and meets the relevant standards for such in terms of qualitative and quantitative standards. The proposal also leaves the existing dwelling from whose curtilage the site is taken from with off-street parking and private open space in accordance with the relevant qualitative and quantitative standards. The proposed development would be acceptable in terms of the proper planning and sustainable development of the area.

### 9.0 AA Screening

9.1 I have considered the proposal for a new dwelling within the curtilage of an existing dwelling ('Rockfalls', Kindlestown Upper) and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within a suburban residential area on the outskirts of Delgany on a serviced site approximately 1.4km northeast from the Glen of the Downs SAC (Site Code: 000719), which is the nearest European Site(s).

The proposed development comprises conversion of an existing garage to a one-bed apartment unit. No nature conservation concerns were raised in the planning appeal.

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

The reason for this conclusion is as follows:

- Nature of works are small scale in nature.
- Location-distance from nearest European site and lack of connections.

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.

## 10.0 Water Framework Directive Screening

10.1. The subject site is located in within a suburban area on the outskirts of Delgany on a serviced site. The proposed development comprises the subdivision of the curtilage of an existing dwelling and construction of a split-level dwelling in the to the north of the existing dwelling and all associated site work. The nearest waterbody is a River Waterbody (IE\_EA\_10K520710, KILRUDDERY\_DEERPARK\_010) located approximately to 724m to the north of the site.

10.2. No water deterioration concerns were raised in the planning appeal.

10.3. I have assessed the proposal for a new dwelling 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.

#### 10.4. The reason for this conclusion is as follows:

Nature of the works, which are small scale being construction of a dwelling.

Location/distance from the nearest water bodies and/or lack of hydrological connection.

### 11.0 Recommendation

11.1. I recommend a **grant** of permission for the construction of a is sought for sub-division of the site and the construction of a new detached single-storey split level four-bedroom dwelling along with all associated site development and landscaping works.

### 12.0 Reasons and Considerations

Having regard to the residential land use zoning objective pertaining to the site as indicated in the Greystones, Delgany and Kilcoole Local Area Plan 2013-2019, the policies and objectives of the Wicklow County Development Plan 2022-2028, the established the nature, scale and design of the proposal, the separation distances between the proposed development and existing neighbouring dwellings, the orientation of the development on the site relative to existing neighbouring dwellings, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the residential amenities of the area by way of overlooking, overshadowing or overbearance, would not adversely impact on the visual amenities of the receiving environment and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would be consistent with national, regional and local planning policies and objectives supporting compact urban growth, densification and intensification of use of existing built-up serviced, zoned lands. The proposed development would, therefore, be 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 as amended by the further plans and particulars received by the planning authority on the 11<sup>th</sup> day of August 2025. 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. The first occupation of any residential unit shall be by individual purchasers and shall not be by a corporate entity.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing in the common good.

3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: in the interest of public health.

5. The gradient of the access driveway shall not exceed 1 in 40 for a minimum distance of 6 metre from its junction with the public road.

Reason In the interest of traffic safety.

6. The landscaping scheme shown as submitted to the planning authority on the 11th day of August, 2025 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

The applicant shall implement tree protection measures to ensure all trees identified for retention and protected during construction.

The existing stone wall along the western boundary is to be retained.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Eireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: in the interest of public health and to ensure adequate water and wastewater facilities.

8. 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 Coimisiun Pleanala 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.

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Colin McBride  
Senior Planning Inspector

19<sup>th</sup> December 2025

**Appendix 1**  
**Form 1 - EIA Pre-Screening**  
**No EIAR Submitted**

<b>Case Reference</b>	ACP-323725-25
<b>Proposed Development Summary</b>	Sub-division of the site and the construction of a new detached single storey split level four-bedroom dwelling along with all associated site development and landscaping works.
<b>Development Address</b>	Rockfalls House, Kindlestown Upper, Delgany, Co. Wicklow, A63 RP04.
<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 checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input 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.	State the Class here.
<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 type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

Schedule 5 or a prescribed type of proposed road ABP-320781-24 Inspector's Report Page 23 of 32 development under Article 8 of the Roads Regulations, 1994.	
<b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>  

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

#### Form 2 – EIA Preliminary Examination

<b>Case Reference</b>	ACP-323725-25
<b>Proposed Development Summary</b>	Sub-division of the site and the construction of a new detached single storey split level four-bedroom dwelling along with all associated site development and landscaping works.
<b>Development Address</b>	Rockfalls House, Kindlestown Upper, Delgany, Co. Wicklow, A63 RP04.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	

<b>Characteristics of proposed development</b>  (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).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The development proposed is the construction of a detached dormer dwelling in the rear garden of no. 12 Knockmeenagh Road and associated site works. The proposal is acceptable in design and scale, is located adjacent to existing residential development and is not out of context at this urban location and will not give rise to any significant waste or pollutants. The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster and presents no risks to human health.
<b>Location of development</b>  (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).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The development is situated on zoned and serviced lands in a suburban area on brownfield land and is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Wicklow County Council Development Plan 2022-2028.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  Having regard to the modest nature of the proposed development, its location relative to sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment</b>	<b>EIA is not required.</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

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