



### Development

Removal of substandard rear extension at ground and first floor level, and replacement with new rear extension at ground and first floor level, new window to side elevation, new vehicular entrance to front of site and relocation of existing access gate to rear lane.

### Location

Dunville, Upper Dargle Road, Bray, Co. Wicklow

### Planning Authority

Wicklow County Council

### Planning Authority Reg. Ref.

2560921

### Applicant(s)

Deirdre Ryan & Stephen Erskine

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party Normal Planning Appeal

### Appellant(s)

John Ward

### Observer(s)

None

### Date of Site Inspection

10<sup>th</sup> April 2026

### Inspector

Frank O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject appeal site is located on the western side of the Upper Dargle Road within c. 650 metres to the west of the centre of Bray. The site has a stated site area of 0.051 hectares and comprises a single storey detached 3 bed dwelling 'Dunville' with associated side and front garden space. To the rear of the subject dwelling there is an existing one and a half storey rear extension which has an A Gable pitched roof and a ridge height which is slightly above that of the existing dwelling. There are a number of existing mature evergreen trees located within the appeal site, to the north of the subject dwelling. A laneway, which serves as a means of access to dwellings to the rear (west) runs along the northern and western site boundary. There is an existing pedestrian access gate located in the rear (west) wall of the subject appeal site.
- 1.2. The existing dwellings to the rear (west) are at a higher level to the subject dwelling. There are 3 no. existing 2 storey terraced dwellings located to the immediate south of the site which face onto Upper Dargle Road, each served by their own individual vehicular access. Each of these said dwellings have rear first floor patios.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Removal of existing rear extension at ground and first floor level (Gross Floor Space of proposed demolition is stated to be 61 sqm).
  - Replacement with new rear extension at ground and first floor level (Gross Floor Space of proposed development is stated to be 73 sqm).
  - New window to side elevation of the northeast elevation of the first floor of proposed new rear extension (2.4 metres in length by 1.7 metres in height).
  - New vehicular entrance to front of site (4 metres in width).
  - Relocation of existing pedestrian access gate to rear lane. It is proposed to relocate said gate c. 1.3 metres to the northwest along existing rear wall with rear lane.

## 3.0 Planning Authority Decision

### 3.1. Decision

- The Local Authority issued a Notification of Decision to GRANT planning permission on 7<sup>th</sup> January 2026 subject to 5 no. conditions.

#### 3.1.1. Conditions

- Condition no. 5 reads as follows:

5. *The maximum height of the capped pillars at the vehicular entrance shall match that of the existing boundary wall at 0.8m.*

*REASON: In the interests of traffic safety.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Local Authority Planner** considered the proposed development to be acceptable in principle under the RE (Existing Residential) zoning of the subject appeal site subject to relevant policies and objectives contained in the Development Plan and Local Area Plan. The Local Authority Planner considered that although the proposed flat roof would be partially visible it would not be injurious to the amenities of the area, would provide more modern living accommodation and would not result in additional overlooking or overshadowing. The proposed new ground floor window on the rear window would result in increased passive surveillance and was therefore considered to be acceptable. The proposed changes to external finishes from pebble dash to painted render were considered to be acceptable. It was noted that the site is not listed on the National Inventory of Architectural Heritage (NIAH) nor is it a Protected Structure. It was noted that there had been a previous vehicular access to the site from the laneway to the north and that, since then, permission has been granted under Reg. Ref. No. 14/630028 (Duration Extended under Reg. Ref. No. 19/632) for a similar access. The Local Authority Planner considered that given the history of the site and the fact that parking in the area was haphazard, off street parking would be welcomed and that therefore, the principle of the proposed new vehicular entrance would be

acceptable. The Local Area Planner concluded that the proposed development was acceptable and in accordance with the proper planning and sustainable development of the area, as it would not seriously injure the visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would not be injurious to public health.

### 3.2.2. Other Technical Reports

- The **Waste Management Section** raise no objection to the proposed development subject to 1 no. Prior to Commencement Condition relating to a Construction and Demolition Waste Management Plan.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

3.4.1. 2 no. Third Party Submissions were received from the following:

- Thomas Ward
- John Ward

3.4.2. The above 2 no. third party submissions are from the adjacent residents to the immediate south (adjacent address provided) and are both in objection to the proposed development. The issues raised in the said 2 no. Third Party Submissions are similar to those referred to in the decision of the Local Authority and as raised in the Appeal.

## 4.0 Planning History

4.1. Planning History on the Subject Appeal site

- **19/632:** Extension of Duration (EOD) Application. Permission GRANTED in August 2019 to extend the appropriate period of planning reg. ref. no. 14/630028.
- **14/630028:** Permission was GRANTED in June 2014 for the construction of a new entrance subject to 3 no. conditions. Condition no. 3 of planning reg. ref. no. 14/630028 read as follows:

3. *Prior to commencement of development the applicant shall submit revised site layout plan with the following amendments for the written approval of the Planning Authority:*

- a) *The proposed entrance gate shall be omitted.*
- b) *The existing boundary wall to the east of the site shall be removed for the first 4m with the public road.*
- c) *The existing boundary wall to the Upper Dargle wall shall be set back by 1.8m from the existing kerbline.*
- d) *Details of the proposed driveway material shall be omitted.*

*Reason: In the interest of traffic safety and proper planning and development.*

- **13/630122:** Permission for the construction of a new entrance. Permission was REFUSED in February 2014 for 1 no. reason relating to serious traffic hazard due to a reduction of headway visibility of right hand turning traffic into the proposed site for south west bound traffic and would result in an unnecessary access onto the Upper Dargle Road, where there is already an adequate vehicular entrance.

#### 4.2. Planning History on the Adjacent site to the Southwest

- **18/900:** Applicant: Ann & Dermot Loughrey. Permission for a two storey extension to the rear and side, including alterations and reductions to the structure as built and permission for an extension at first floor to the side. Permission was GRANTED in November 2018 subject to 5 no. standard conditions.

#### 4.3. Planning Enforcement History

- **UD5098C:** Status: **Case Closed** - Alleged unauthorised development at Dunville, Upper Dargle Road, Bray, Co. Wicklow consisting of wall built to block up entrance to open space not in compliance with conditions of PRR14/630028.

## 5.0 Policy Context

- ***Wicklow County Development Plan, 2022 to 2028***

### 5.1. Development Plan

- 5.1.1. The proposed development in Bray is subject to the provisions of the Wicklow County Development Plan, 2022 to 2028. The Plan has been the subject of a Ministerial Direction and variations, none of which impact upon the subject site.
- 5.1.2. The Development Plan does not prescribe land uses zoning objectives for Bray. The larger towns in the County were subject to their own Local Area Plans separate to the Development Plan. Wicklow County Council is in the process of preparing new plans and varying the County Development Plan to take into account the land use zonings and mapped objectives.
- 5.1.3. Under Section 4.2 'County Wicklow Settlement Strategy', Bray is described as a Level 1 'Metropolitan Key Town' and is stated to be the largest town in County Wicklow.
- 5.1.4. The subject appeal site is zoned objective 'RE – Existing Residential' in the Bray Municipal District Local Area Plan (LPA), 2018 to 2024, which has expired. The RE – Existing Residential Zoning Objective is '*To protect, provide and improve residential amenities of existing residential areas*', and the accompanying description is, '*To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity.*'
- 5.1.5. As per Section 3.5 (Zoning) of the Development Plan, Bray Municipal District (including Enniskerry and Kilmacanogue) in terms of the order of priority, is the first of 5 no. settlements within the County identified where a new Local Area Plan is to be prepared within the period 2022 to 2025. Work commenced on the review of the Bray Municipal District Local Area Plan 2018 - 2024 and the preparation of the new plan in 2024. A pre-draft public consultation ran from 20<sup>th</sup> of November 2024 until 18<sup>th</sup> of December 2024, with submissions invited. Section 3.5 of the WCDP states that '*As part of the LAP adoption process, the land use zoning and key development objectives maps for the LAP settlements / areas are integrated into Volume 2 of the CDP by way of variation.*'

5.1.6. Chapter 3 - Settlement Strategy - Objectives include,

- **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 4.8:** *To prepare new local plans for the following areas during the lifetime of this development plan: Bray Municipal District, Wicklow-Rathnew, Arklow, Greystones-Delgany and Kilcoole, Blessington.*

5.1.7. Chapter 6 – Housing – Objectives include,

- **CPO 6.21:** *In areas zoned ‘Existing Residential’ house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see CPO 6.25 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.*
- **CPO 6.22:** *In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously unserviced, low-density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.*

5.1.8. Relevant Appendices – Appendix 1: Development and Design Standards. Section 3.1.8 - House Extensions - The construction of extensions to existing houses will be encouraged generally as it usually provides a less resource intensive method of expanding living space than building a new structure. The basic principles to be applied include the following,

- The use of sensitive design,
- No overlooking of adjacent private areas,
- No increased overlooking of adjoining areas,
- No significant loss of daylight or sunlight to adjoining areas,
- The form size and appearance of the extension should complement the area.

## 5.2. **Natural Heritage Designations**

5.2.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- Bray Head SAC (Site Code 000714), c. 2.2 km to the southeast;
- Ballyman Glen SAC (Site Code 000713), c. 1.6 km to the southwest.

## 6.0 **EIA Screening**

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

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. The proposed development is the subject of 1 no. Third Party Appeal. The main Grounds of Appeal can be summarised as follows

- John Ward

7.1.2. The main issues raised in the Appeal can be summarised as follows:

- Impact on established Residential Amenity in terms of Overlooking and Loss of Privacy. Design amendments suggested.
- Structural Stability of Party Wall. Condition no. 4 of the Appellants planning permission, reg. ref. no. 02/69 required a Structural Engineers report, monitoring during construction works and the lodgement of a final Structural Engineers Report within 12 months of the completion of the development. No such condition is attached to the subject permission, planning reg. ref. no. 25/60921. This issue has not been properly addressed and is required to be addressed. The Appellant recommends that a Structural Engineers Report be completed to establish what works are required to ensure the structural stability of said wall is maintained throughout the proposed development.
- Ecological Impact. The Appellant considers there are squirrels, bats and owls present on the subject appeal site and that these species will be disturbed and impacted upon during the course of construction works which includes the removal of old trees and hedging. The protection of such habitats, biodiversity and the restriction of development in these areas are emphasised in the planning policies contained in the Wicklow County Development Plan, 2022 to 2028 and former Local Area Plans. The tree preservation orders have not been taken into consideration as part of the decision to grant permission. Appropriate Assessment must be carried out in order to establish an ecological baseline and to ensure there is no adverse impact on wildlife in the area. A Tree Preservation Order Report must be carried out in order to attempt to conserve the trees / vegetation on site prior to the removal of same to make way for the proposed new development.

- Private Open Space. There is limited private open space proposed to the rear. The Wicklow County Council regulations require private open space of 75 sqm. The design of the proposed development should be amended accordingly which may serve to reduce noise and disturbance to the residents of the Killery House.
- Right of Way on rear laneway. There is an existing Right of Way along the rear laneway for the Appellant only allowing him to drive vehicles to his property. The Appellant notes permission has been granted to move the existing doorway by c. 1.5 metres but queries the purpose of this and seeks clarification. The Appellant expects that if permission is granted, a condition would be attached that any damage to the existing laneway be rectified. The location of the proposed access door at a location where the width of the lane measure 2.4 metres, impacts on the Appellants ability to park his car and to open his car door into the future.
- Car Entrance. The Appellant queries why a Car Entrance has been granted when on 3 no. previous occasions, similar proposals have been refused on the basis of sightlines and traffic safety (crossing a white line and bus corridor).
- Design. The design of the proposed extension in terms of height and proximity will result in a significant loss of light and will overshadow Killery House. A 2.2 metre separation distance is proposed.
- Rear Extension. There is no existing 2 storey extension to the rear of the subject property (appeal site), it is a single storey. The Applicant intention is to mislead the Local Authority in this regard.

## 7.2. Applicant Response

7.2.1. The Applicant submitted a Response to the Third Party Appeal. The main issues raised can be summarised as follows:

- Overlooking: No Overlooking is presented from the proposed development as the first floor window, which is in the same position as an existing window, only looks at the rear garden space and beyond same to the adjacent lane, i.e. to the east. The Appellant's dwelling is to the west. There is no overlooking from the proposed rooflights.

- Stability of Boundary Wall: There are limited works proposed to the existing side wall. These are stated to include a new doorway opening, a new single storey adjoining the wall of 4.5 metres and the retention and upgrade of existing adjoining wall of 6 metres. The Applicant states that a Structural Engineer will be retained to ensure the structural stability of the wall and all aspects of the project prior to the commencement of works.
- Removal of Hedging: The side of the site includes overgrown leylandii trees. It is proposed to remove said trees and to upgrade same with more ecologically appropriate native hedging and landscaping. This will be maintained and appropriately scaled for a suburban garden whilst providing real habitat to wildlife.
- Rear Open Space: The rear yard is proposed to be reduced in size by 5 sqm from 32 sqm to 27 sqm. This exceeds 25 sqm recommended minimum rear garden space. There is private open space to the side and front of the dwelling of 302 sqm.
- Rear Access: It is proposed to move an existing pedestrian access gate 1.3 metres in order to facilitate the proposed works. This gate is in frequent use. The proposed location for the new pedestrian access gate will not interfere with other users of the lane.
- Vehicular Access: As per google street-view images from as recently as 2014 there was an access via a side gate onto the side lane. Permission was granted under planning reg. ref. no. 14/630028 for a gate in the same position to which the applicant has currently applied for. In the interim, the speed limit on the adjacent road has been reduced. The Applicant considers a new access is an appropriate request.
- Height and Proximity: Relative to the Appellants residence, the location of the proposed development has not changed. The first floor height has increased by 400 mm and is 2.3 metres below neighbouring houses to the southwest. The scale of the proposed extension is appropriate to the character of the area and in terms of overlooking. There is unlikely to be any overshadowing owing to the position of the proposed extension relative to the Appellants Property.

- Existing Two Storey: There is an existing first floor within the existing rear extension which is in use as an office and which the Applicant intends to upgrade and modernise.

### 7.3. **Planning Authority Response**

- None

### 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 and the reports of the planning authority and having inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Design and Layout
- Traffic and Access
- Ecology

### 8.2. Design and Layout

- *Overlooking*

8.2.1. I note the existing relationship between the subject dwelling, in particular the existing one and a half storey rear extension, and the Appellants residence. There is no current overlooking of the Appellants property from the subject appeal site.

8.2.2. It is proposed to remove the aforementioned rear one and a half storey extension and replace same with a two storey flat roof extension. On review of the submitted plans, it is clear, in my opinion, that no overlooking of the Appellants' residence will occur as a result of the proposed extension as the new windows proposed, relative to the Appellants' residence, comprise ground level roof lights and a new large window in the northeast facing rear first floor elevation. The proposed development, as

presented, is therefore, in my opinion, acceptable in terms of potential overlooking of the Appellants residence.

8.2.3. I note, as shown on the existing and proposed Side Elevation Drawing – Stage 2 Developed Design, Drg. No. GA08, that the aforementioned window, at first floor level, is proposed above the existing boundary wall along the adjacent laneway. I further note, as shown on the submitted proposed site layout plan, that the proposed new window and associated first floor extension is orientated to face northeast. I note the positions of all existing windows serving the adjacent single storey dwelling to the immediate west and the 2 no. 2 storey terraced dwellings to the northwest on the opposite side of the laneway. In my opinion, no direct overlooking will occur from the proposed new window to the respective windows of these said dwellings. Each of the existing 2 no. 2 storey dwellings have an existing stepped pedestrian access from the adjacent lane and have a common finished floor level which is significantly above the existing laneway level. In the case of the southernmost 2 storey terraced dwelling, the front garden space is small and is enclosed behind a low block wall. The space to the front of the next 2 storey terraced dwelling, further to the north, does not comprise any meaningful amenity space and appears to serve as a means of access only. The adjacent amenity space further to the northeast appears to serve this said dwelling. Owing to the separation distances proposed to be observed, the existing relationship between the subject appeal site and the 2 no. 2 storey terraced dwellings further to the northwest, existing boundary treatments and associated levels, together with the proposed northeast facing orientation of the subject proposed window, it is my opinion that no undue overlooking of the amenity spaces of the said adjacent dwellings is likely to occur as a result of the proposed development. The proposed development therefore, as presented, is in my opinion, acceptable in terms of overlooking.

- *Overshadowing*

8.2.4. I note the relationship between the existing rear one and a half storey extension and the Appellants residence. This is perhaps best illustrated on the existing rear street elevation drawing, ref. GA11 and the existing Ground Floor, First Floor and Roof Plan drawings, Refs' GA01, GA03 and GA05. The existing dwelling, in particular, the existing rear ground and first floor extensions, do not, in my opinion, overshadow the

Appellants residence owing to the existing level differences, the fact that the rear upper floor is offset by a minimum of 1.43 metres from the inside of the rear wall along the rear laneway and as the rear patio area of the Appellants property is for the most part covered.

8.2.5. I note the proposed rear first floor extension is shown to observe a similar minimum set back of 1.54 metres off the inside of the rear wall of the subject appeal site. In addition, I note that the southern side wall of said flat roof extension is proposed to increase in height by c. 2.5 metres to parapet height for an overall length of c. 4.4 metres. Having regard to the said differences in level, the existing covered rear patio area and the offset proposed to be observed from the rear wall of the site, it is my opinion that the proposed development, as presented, will not serve to result in any significant additional overshadowing to the Appellants residence.

- *Party Wall*

8.2.6. I note the concerns of the Appellant in relation to the future structural stability of the existing side party wall. I also note the Response to this issue received from the Applicants, the stated minimal works proposed to the party wall and the stated intention to retain a Structural Engineer. I note the extent of the proposed works to the party wall and I would agree that said works are indeed minimal. Having regard to the extent of works proposed, in addition to the Applicants own proposal to retain a Structural Engineer, I would have no concerns as to the future structural stability of the party wall.

- *Design and Layout - Conclusion*

8.2.7. In my opinion, the Design and Layout of the proposed development, in particular, the proposed rear 2 storey extension is such that it would not give rise to any significant negative impacts upon the established residential amenities of the area or the established architectural character, form and setting of the area. The proposed Design and Layout, is therefore, in my opinion, appropriate and in accordance with the proper planning and sustainable development of the area.

### 8.3. Traffic and Access

- *Pedestrian Access Gate/ Right of Way*

- 8.3.1. There is an existing pedestrian gate located in the rear wall of the site which facilitates pedestrian access from the subject appeal site to the adjacent lane to the rear. I note the Appellant, as per the submission to the planning application, states the existing gate does not have the benefit of planning permission. The existing pedestrian gate has, in my opinion, the appearance of being in place for a considerable length of time. I note, as per the site layout map attached to planning reg. ref. no. 13/630122, which is available to view on the online planning register, that the existing pedestrian gate is indicated and that, as per the planning enforcement case, UD5098C, referenced in the Local Authority Planners Report, there is no mention of any unauthorised pedestrian gate. Notwithstanding this issue, the Applicant is, in my opinion, effectively seeking to install a new pedestrian entrance gate albeit it is described in the public notices as the relocation of existing access gate.
- 8.3.2. I note the Appellants concerns in relation to potential traffic conflicts arising as a result of said pedestrian access gate, which is proposed to be positioned 1.3 metres further to the southwest from the existing gate. I note said proposed pedestrian entrance gate is shown to open inwards and that there are steps proposed within the subject appeal site which facilitate access to same. In addition, I estimate the width of the rear laneway at this location to measure at least 2.5 metres, which is the same width as a standard parking space. In my opinion, a new pedestrian entrance at this location would not serve to interfere with the use of the existing laneway as a means of access to the Appellants property and the principle for same is therefore acceptable. In the event of a Grant of permission being issued, a condition should be attached which stipulates that the new pedestrian access gate opens into the site.
- 8.3.3. The Appellant submits that he is in possession of the sole Right of Way over the laneway to the rear. The Applicant has not disputed this. Notwithstanding this issue, there is no clear evidence presented by the Appellant in support of his claim regarding the sole Right of Way. In my opinion, the issue of a Right of Way is not a matter to be determined under this appeal but is instead a Civil matter between the

parties. I am satisfied that the Applicant has demonstrated sufficient legal interest to make the subject application.

- *Vehicular Access*

- 8.3.4. I note that planning permission was previously granted for a vehicular access from the subject appeal site onto the public road, crossing over the public footpath, see planning reg. ref. no. 14/630028 and Extension of Duration Reg. Ref. No. 19/632. I have compared the proposed vehicular access arrangements to the previously permitted vehicular access as shown on the approved site layout plan for planning reg. ref. no. 14/630028, which is available to view on the online planning register. The proposed new vehicular access is proposed in the same location to that permitted under planning reg. ref. no. 14/630028 and similarly measures 4 metres in width. Under the current proposals, the northernmost pillar of the new vehicular entrance is proposed to be positioned adjacent to the public footpath whereas under planning reg. ref. no. 14/630028 it was set back slightly off the footpath. In my opinion, as the principle for a new vehicular entrance has already been established under a previous planning permission and extension of duration permission relating to the subject appeal site, the current proposals in relation to a new vehicular entrance in the same location are acceptable.
- 8.3.5. I note Condition no. 3 of planning reg. ref. no. 14/630028, as quoted further above in Section 4.0 of this report (Planning History). In the event of a Grant of permission being issued, Condition 3 a) of planning reg. ref. no. 14/630028, or similar, need not, in my opinion, be attached, as the inclusion of the old entrance gate is not proposed and the vehicular access is proposed to remain open. Condition no. 3 b) would similarly not be required in my opinion, as the drawings already propose such an arrangement (removal of 4 metres of the existing wall).
- 8.3.6. Condition 3 c) of same permission (14/630028) states: '*the existing boundary wall to the Upper Dargle wall shall be set back by 1.8m from the existing kerbline.*' I consider the same condition should be attached in the event of a Grant of permission being issued. For clarity, this, in my opinion, refers to the wall on the side lane, i.e. the existing boundary wall to the Upper Dargle wall and does not relate to the existing front boundary wall of the subject property which runs along the footpath for a distance of c. 27 metres.

## 8.4. Ecology

- 8.4.1. I note the concerns raised in the Appeal in relation to the stated presence of certain mammals on the subject appeal site including squirrels, bats and owls. The Appellant considers the proposed construction works, which include the removal of existing vegetation including mature evergreen (leylandii) trees and hedging, will serve to disturb such species. The Appellant further submits that the protection of such habitats and biodiversity as well as a restriction on development in such areas are emphasised in the planning policies set out in the Wicklow County Development Plan, 2022 to 2028 and the former Local Area Plans. The Appellant considers a Tree Preservation Order Report should be carried out in order to attempt to conserve the trees/ vegetation on site prior to the removal of same.
- 8.4.2. I note the subject appeal site, as per the now lapsed Bray Municipal District Local Area Plan, 2018 to 2024, is not afforded any special ecological designation, nor indeed is the site or any part of the surrounding area, the subject of any Tree Preservation Orders. The site is also removed from any sensitive European sites. The existing dwelling is not listed as a Protected Structure nor is it listed in the National Inventory of Architectural Heritage (NIAH). The existing leylandii trees are a non-native species, appear to be overgrown and are not, in my opinion, of any outstanding natural heritage or ecological value such that would warrant their retention. At the time of my site inspection, the existing hedging on site was similarly overgrown and appeared to include some non-native species. The Applicant intends to upgrade the existing vegetation with *'more ecologically appropriate native hedging and landscaping which will be appropriately scaled and maintained for a suburban garden whilst providing real habitat to wildlife'*.
- 8.4.3. The Appellant has not provided any empirical evidence to support their opinion that there are species including squirrels, bats and owls using the subject appeal site. Having regard to the scale and localised nature of the works proposed, the low ecological value of the existing Leylandii trees to be removed and the presence of other tree lines in the area, it is my opinion that the proposed development, as presented, is acceptable in terms of potential impacts to local ecology. The Applicants' proposals to provide native hedging and landscaping are welcomed.

## 9.0 AA Screening

- 9.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in the urban area of Bray, at a distance of approximately c. 1.6 km from Ballyman Glen SAC (Site Code 000713) and c. 2.2 km from Bray Head SAC (Site Code 000714) which are the closest European Sites.
- 9.2. The proposed development is for the redevelopment and extension of an existing dwelling, the relocation of an existing pedestrian access gate and the provision of a new vehicular entrance. No specific appropriate assessment issues were raised as part of the 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:
- The nature and scale of the works and the availability of wastewater services.
  - The separation distance from the nearest European site and lack of meaningful connections.
  - The screening determination of the Planning Authority.
- 9.3. I conclude, on the basis of objective information, that the 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

- 10.1. The Dargle\_040 (IE\_EA\_10D010300) lies within c. 221 m to the southwest of the subject appeal site (Waterbody Status: Good). The site lies above the Wicklow Groundwater body ((EU Code: IE\_EA\_G\_076) (Waterbody Status: Good). The proposed development is detailed in section 2.0 of my report. No specific water deterioration concerns were raised in the planning appeal or observations.
- 10.2. I have assessed the proposed development and associated works 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.

10.3. 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 works e.g. small scale and nature of the development;
- Location-distance from nearest water bodies and/or lack of hydrological connections;

10.5. 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. I recommend that permission be Granted, subject to the conditions set out below.

## 12.0 Reasons and Considerations

12.1.1. Having regard to the provisions of the Wicklow County Development Plan, 2022 to 2028, and having regard to the scale, form, and design of the proposed residential extension, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an acceptable form of development, and would not seriously injure the residential amenities of the area. The proposed development would, therefore, accord 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, 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. Prior to the commencement of any work on site, the existing boundary wall along the side laneway shall be set back by 1.8m from the existing kerblines unless otherwise agreed in advance in writing with the Planning Authority. The maximum height of the capped pillars at the vehicular entrance shall match that of the existing boundary wall and shall not exceed 0.8m in height.

**Reason:** In the interest of traffic safety.

3. The gate to the proposed new pedestrian entrance shall be of solid material only and shall only open into the subject appeal site and not onto the existing laneway to the rear of the subject appeal site.

**Reason:** In the interest of pedestrian and traffic safety.

4. The external finishes shall be as shown on the submitted plans in respect of materials and colour unless otherwise agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of the visual amenities of the area.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on

Saturdays and not at all on Sundays or 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.

6. Site development and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clean of debris, soil and other material.

**Reason:** In the interest of orderly development and to ensure that the adjoining roadways are kept in a clean and safe condition.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

*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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Frank O'Donnell  
Planning Inspector

20<sup>th</sup> May 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500684-WW-26
<b>Proposed Development Summary</b>	Removal of substandard rear extension at ground and first floor level, and replacement with new rear extension at ground and first floor level, new window to side elevation, new vehicular entrance to front of site and relocation of existing access gate to rear lane.
<b>Development Address</b>	Dunville, Upper Dargle Road, Bray, 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>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
<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</b>	

<p><b>be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><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></p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10 b) (i) Construction of more than 500 dwelling units.</p> <p>Class 10 b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.</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>	

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

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

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

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>PL-500684-WW-26</b>
<b>Proposed Development Summary</b>	Removal of substandard rear extension at ground and first floor level, and replacement with new rear extension at ground and first floor level, new window to side elevation, new vehicular entrance to front of site and relocation of existing access gate to rear lane.
<b>Development Address</b>	Dunville, Upper Dargle Road, Bray, Co. Wicklow
<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).	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It 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.	The proposed development is located in an urban area within the confines of an existing dwelling plot. The site is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan. The site is not located within an Architectural Conservation Area (ACA) or within an area of archaeological significance.

<p>wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	
<p><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).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from 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.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)