



### Development

Demolition of swimming pool and ancillary structures, and the construction of a single storey, three bedroomed house and part basement, rooflights and sedum roof along with new vehicular entrance from Whitshed Road, with associated siteworks.

### Location

Nullamore, Whitshed Road, Greystones, Co. Wicklow

### Planning Authority

Wicklow County Council

### Planning Authority Reg. Ref.

2560356

### Applicant(s)

Olive and Barry Herriott

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party Normal Planning Appeal

### Appellant(s)

Olive and Barry Herriott

### Observer(s)

None

### Date of Site Inspection

10<sup>th</sup> April 2026

### Inspector

Frank O'Donnell

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## 1.0 Site Location and Description

- 1.1. The subject appeal site is located on the northern side of Whitshed road, at its western end adjacent to Greystones Golf Club. The site is located c. 1 km to the southeast of the centre of Greystones and has a stated site area of 0.076 hectares. The site comprises an existing large two storey detached hipped roof dwelling with an associated swimming pool to the front (south). There is existing public street lighting along Whitshed Road as well as a public footpath on both sides. Surrounding dwellings are all detached and located on large plots. The existing dwelling on the overall site (Nullamore House) is listed on the National Inventory of Architectural Heritage (NIAH) as being of Regional Importance, Ref. No. 16304092. The site is located within the Greystones-Delgany – Architectural Conservation Area (ACA), specifically the Burnaby Architectural Conservation Area (ACA). Greystones Golf Club lies to the north, west and south of the subject appeal site.
- 1.2. There is a Protected Structure (Killincarrig Farm House (Mill Buildings), RPS 08 – 30) located within c. 108 metres to the south of the subject appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Demolition of swimming pool and ancillary structures. The existing swimming pool area comprises the swimming pool itself, a surrounding decorative concrete wall and pillars, a pool room set into the higher ground to the north and associated hard standing areas. I estimate the existing swimming pool and ancillary structures to measure c. 10 metres in length by c. 3.6 metres in width. The Applicant states the proposed area of demolition measures 234 sqm.
  - Construction of a single storey, flat roofed, 3 no. bedroom house with part basement and a terraced area. I estimate the proposed dwelling, as initially presented, has an overall length of 24.5 metres, a maximum width of 12.5 metres and a maximum height of c. 3.7 metres above the proposed ground floor finished floor level (11.75 metres). I estimate the lower ground floor

basement, as initially presented, to measure c. 10.5 metres in length by c. 5.5 metres in width.

- The Applicant presented a revised dwelling design proposal as part of Unsolicited Further Information. The revised proposal is for a single storey, flat roofed, 3 no. bedroom house. I estimate the revised dwelling proposal to have a maximum length of 20.5 metres, a maximum width of 12.5 metres and a maximum height of c. 3.72 metres. Compared to the original proposal, which had a proposed ridge height of 15.47 metres, the proposed ridge height of the revised proposal submitted as part of Unsolicited Further Information, is shown to be 1.15 metres lower at 14.32 metres.
- The proposed dwelling, for the most part, is proposed to be located on the footprint of the existing swimming pool.
- The proposals include a new vehicular entrance from the subject appeal site to the adjacent public road to the south (Whitshed Road).

### 3.0 Planning Authority Decision

#### 3.1. Decision

- The Local Authority issued a decision to REFUSE permission for the proposed development on 22<sup>nd</sup> December 2025. The 1 no. reason for Refusal read as follows:
  1. *The site of the proposed development is located within the Burnaby Architectural Conservation Area, a nationally significant historic residential suburb from the turn of the 19th and 20th centuries. The County Development Plan 2022-2028, Objective CPO 8.22, and the Greystones/Delgany and Kilcoole Local Area Plan 2013–2019 seeks to protect, safeguard and enhance the special character and environmental quality of Architectural Conservation Areas and the character and appearance of the urban public domain of such areas. However, the proposed dwelling due to:*
    - *its forward position relative to Nullamore,*

- *the considerable scale and design of the proposed dwelling and especially its closeness to Whitshed Road.*

*The development would result in a discordant and uncharacteristic addition to Whitshed Road, clashing with the existing form and pattern of development within the Burnaby Architectural Conservation Area. This would significantly detract from Nullamore's amenities, character, and setting. The proposed development would therefore be contrary to the provisions of the County Development Plan 2022-2028 and the Greystones, Delgany and Kilcoole Local Area plan 2013-2019, would set an inappropriate precedent for similar development within the ACA, and would be contrary to proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Local Authority Planner** assessed the proposed development under the general headings of Principle, Intensity of Development, Principle of Development within the ACA, Design/ Scale, Residential Amenity, Private Amenity Space, Access, Car Parking, Services, Development Contributions and Environmental Assessment.
- The **Local Authority Planner** considers the proposed development would result in a haphazard and incongruous form of development which is uncharacteristic of the type of established development in the area (Burnaby), that it would be contrary to the policies and objectives of the Greystones/ Delgany and Kilcoole Local Area Plan, 2013 to 2019 which seek to protect, safeguard and enhance the special character and environmental quality of Architectural Conservation Areas and the character and appearance of the urban public domain.

#### 3.2.2. Other Technical Reports

- The **Greystones Municipal District Engineer** provides comments in relation to surface water treatment, surface water run-off, foul sewer connection details and sightlines.

- The **Waste Management Section** raises no objection to the proposed development subject to 1 no. condition in relation to a Construction and Demolition Waste Management Plan.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

- None.

## 4.0 Planning History

### 4.1. Planning history on the subject appeal site

- **19/1389**: Applicant: Barry Herriott. Permission for a part single storey/ part two storey detached dwelling, to include a granny flat unit, a new vehicular entrance opening onto Whitshed Road, all associated site works. Permission was **REFUSED** in February 2020 for 1 no. reason, as follows:

1. *The site of the proposed development is located in the Burnaby Architectural Conservation Area, a historic residential suburb developed at the turn of the 19th and 20th centuries, and considered to be of national interest. The policies and objectives of the Greystones/Delgany and Kilcoole Local Area Plan 2013 – 2019 seek to protect, safeguard and enhance the special character and environmental quality of Architectural Conservation Areas and the character and appearance of the urban public domain of such areas.*

*Having regard to:*

- *The location of the proposed development to the front of Nullamore,*
- *The height, scale and design of the proposed dwelling and its proximity to the public road (Whitshed Road).*

*It is considered that the proposed development would give rise to a haphazard and incongruous form of development on Whitshed Road, which is uncharacteristic of the established form and pattern of development in the Burnaby Architectural Conservation Area, and which*

*would unduly impact the amenities, character and setting of Nullamore. The proposed development would therefore be contrary to the provisions of the Greystones, Delgany and Kilcoole Local Area plan 2013-2019, would set an inappropriate precedent for similar development within the ACA, and would be contrary to proper planning and sustainable development of the area.*

- **19/1008:** Applicant: Barry Herriott. Permission for a single storey dwelling, a single storey detached garage structure, vehicular entrance opening onto Whitshed Road, demolition of existing storage shed and all associated site works. Permission was **REFUSED** in October 2019 for 1 no. reason as follows:

1. *The site of the proposed development is located in the Burnaby Architectural Conservation Area; a historic residential suburb developed at the turn of the 19th and 20th centuries, and considered to be of national interest. The policies and objectives of the Greystones/Delgany and Kilcoole Local Area Plan 2013 - 2019 seek to protect, safeguard and enhance the special character and environmental quality of Architectural Conservation Areas and the character and appearance of the urban public domain of such areas.*

*Having regard to:*

- *The location of the proposed dwelling to the front of Nullamore*
- *The pattern and form of development proposed, in particular the large footprint and lack of circulation space*
- *The design, form, scale and internal layout (which creates the impression of two separated units rather than a single dwelling unit) of the proposed dwelling.*

*It is considered that the proposed development would give rise to a cramped, haphazard and incongruous form of development on*

*Whitshed Road which is uncharacteristic of the established form and pattern of development in the Burnaby Architectural Conservation Area, and which would unduly impact the amenities, character and setting of Nullamore.*

*The proposed development would therefore be contrary to the provisions of the Greystones/ Delgany and Kilcoole Local Area plan 2013-2010, would set an inappropriate precedent for similar development within the ACA, and would be contrary to proper planning and sustainable development of the area.*

- **11/4256:** Applicant: Barry Herriott. **EXTENSION OF APPROPRIATE PERIOD** for PRR 06/6847. Extension of Duration was **GRANTED** in May 2011 for a period of two years and six months up to and including the 10<sup>th</sup> January, 2015.
- **08/2108:** Applicant: Barry Herriott. Permission for a dormer bungalow and alterations to approved adjoining bungalow reg. ref. no. 06/6847. Permission was **REFUSED** in February 2009 for 1 no. reason, as follows:

*1. Having regard to:*

- *The location of the proposed development within the front garden of Nullamore House which is included as a Building of Interest in the National Inventory of Architectural Heritage.*
- *The site location within ‘The Burnaby’ which is a low density area of historical and architectural interest composed mainly of large, family style homes on generous sites and is a designated architectural conservation area as set out in the Greystones/ Delgany Local Area Plan 2006 –2012.*
- *The location adjoining an existing permitted dormer style dwelling.*

*It is considered that the proposed development would detract unduly from the setting of Nullamore, would not be in keeping with the pattern of development in the Burnaby and would not reflect the special character of this area which is delineated for protection under the Greystones/ Delgany Local Area Plan 2006-2012. The development*

*would introduce a suburban estate-like development into a setting which is characterised by individual houses on large plots, would further result in the loss of hedging and railings at this point which form an attractive feature of the area. The development would therefore be out of character with the existing pattern of development in the area, would be contrary to the provisions of the Greystones/ Delgany Local Area Plan 2006 –2012, would set an inappropriate precedent for similar development, and would, therefore, be contrary to proper planning and sustainable development of the area.*

- **06/6847:** Applicant: Barry Herriott. Permission for a dormer bungalow being renewal of lapsed permission Reg. Ref. 01/4411. Permission was **GRANTED** in July 2007 subject to 13 no. conditions.
- **04/1075:** Applicant: Barry Herriott. Permission for Dormer bungalow in addition to previously approved dormer bungalow reg. ref. no. 01/4411. Permission was **REFUSED** for 2 no. reasons as follows:
  1. *The proposed development would materially contravene Planning Register Reference 01/4411 as to permit the development as proposed would not allow for the fulfilment of this permission in accordance with the conditions of planning register reference 01/4411.*
  2. *The proposed development would be contrary to the proper planning and development of the area, would injure the amenities and depreciate the value of properties in the vicinity and would be contrary to the stated policy of the Planning Authority to preserve and improve the character of 'The Burnaby', a low density residential area of historical and architectural interest, as the development as proposed would be out of keeping with the pattern of development in area and would, due to its position on the site, unduly impact on views of 'Nullamore' from the public road and the setting of this dwelling, thereby altering the overall character of this part of The Burnaby, contrary to the provisions of the Greystones-Delgany Development Plan 1999.*
- **01/4411:** Applicant Barry Herriott. Permission for a Dormer Bungalow. Permission was **GRANTED** in July 2001 subject to 12 no. conditions.

## 4.2. Comment on Planning History

4.2.1. Planning permission was previously granted on the subject appeal site, under planning reg. ref. no's. 01/4411 & 06/6847. Since the decision on planning reg. ref. no. 06/6847 and aside from an extension of duration permission granted under planning reg. ref. no. 11/4256, permission has been refused on 3 no. separate occasions for a dwelling on the subject appeal site, as planning reg. ref. no's 08/2108, 19/1008 and 19/1389 refer.

## 5.0 Policy Context

### 5.1. Development Plan

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

5.1.1. The Wicklow County Development Plan, 2022 to 2028 was adopted on 12<sup>th</sup> September 2022 and came into effect on 23<sup>rd</sup> October 2022. The Development Plan has been the subject of 5 no. Variations to date. I have reviewed the Development Plan and the LPF and I have referenced the Chapters, Sections and Objectives further below which I consider to be of relevance to the assessment of the proposed development.

5.1.2. **Volume 1** of the Development Plan relates to the Written Statement.

5.1.3. **Chapter 8 (Built Heritage)** of the Development Plan includes the following Objectives:

#### **Architectural Heritage Objectives**

- **CPO 8.12** *To have regard to 'Architectural Heritage Protection: Guidelines for Planning Authorities' (Department of Arts, Heritage and the Gaeltacht, 2011) in the assessment of proposals affecting architectural heritage.*

#### **Other Structures & Vernacular Architecture Objectives**

- **CPO 8.19** *Development proposals affecting vernacular buildings and structures will be required to submit a detailed, true measured survey, photographic records and written analysis as part of the planning application process.*

- **CPO 8.20** *Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS3), the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County's architectural heritage.*

### **Architectural Conservation Area Objectives**

- **CPO 8.21** *Within Architectural Conservation Areas, all those buildings, spaces, archaeological sites, trees, street furniture, views and other aspects of the environment which form an essential part of their character, as set out in their character appraisals, shall be considered for protection. The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable.*
- **CPO 8.22** *The design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole. Schemes for the conservation and enhancement of the character and appearance of Architectural Conservation Areas will be promoted. In consideration of applications for new buildings, alterations and extensions affecting Architectural Conservation Areas, the following principles will apply:*
  - *Proposals will only be considered where they positively enhance the character of the ACA.*
  - *The siting of new buildings should, where appropriate retain the existing street building line.*
  - *The mass of the new building should be in scale and harmony with the adjoining buildings, and the area as a whole, and the proportions of its parts should relate to each other, and to the adjoining buildings.*
  - *Architectural details on buildings of high architectural value should be retained wherever possible. Original features, which are important to a building's character such as window type, materials, detailing,*

*chimneys, entrances and boundary walls, both within and outside the architectural conservation area, should be retained where possible.*

- *A high standard of shopfront design relating sympathetically to the character of the building and the surrounding area will be required.*
- *The materials used should be appropriate to the character of the area. Planning applications in ACAs should be in the form of detailed proposals, incorporating full elevational treatment and colours and materials to be used.*
- *Where modern architecture is proposed within an ACA, the application should provide details (drawings and/or written detail) on how the proposal contributes to, or does not detract from, the attributes of the ACA.*
- **CPO 8.24** *To establish, where it is considered appropriate, “Areas of Special Planning Control”, if it is considered that all or part of an Architectural Conservation Area is of special importance to the civic life or the architectural, historical, cultural or social character of a town or village in which it is situated.*

#### **Historical & Cultural Heritage Objectives**

- **CPO 8.25** *To protect and facilitate the conservation of structures, sites and objects which are part of the County’s distinct local historical and cultural heritage, whether or not such structures, sites and objects are included on the RPS.*

5.1.4. **Volume 2** of the Development Plan relates to Plans and includes Part 6 - Local Planning Frameworks (LPF). Under Variation no. 4 the Greystones - Delgany & Kilcoole LPF came into effect on 9th February 2026, see further below.

5.1.5. **Volume 3** of the Development Plan provides a total of 11 no. Appendices including Appendix 1 (Development and Design Standards), Appendix 3 (Housing Strategy), and Appendix 4 (Record of Protected Structures).

- **Greystones/ Delgany & Kilcoole Planning Framework, 2026**

## 5.2. Local Planning Framework (LPF)

5.2.1. The **Greystones – Delgany & Kilcoole Local Planning Framework (LPF)** came into effect on 9<sup>th</sup> February 2026 under Variation no. 4 of the Development Plan.

5.2.2. As per the LPF Land Use Zoning Map (March 2026) which superseded the previous Land Use Zoning Map (Adopted in February 2026), the subject appeal site is zoned **RS Special Residential**. As per Map no. 2A of the LPF, the subject appeal site is also located within the Burnaby Architectural Conservation Area (ACA).

5.2.3. Part A of the LPF relates to Strategy and includes the Overall Strategy for the LPF.

5.2.4. Part B relates to Settlement Specific Objectives. Section B.2 of Part B relates to Residential Development. Objectives GDK20 and GDK21 relate to Special Residential Zonings and read as follows:

- **GDK20 Special Residential Zonings**

1. *Any new development on lands zoned **RS (Special Residential)** at ‘The Old Burnaby’ ACA shall be restricted to a lower density (**not exceeding 10 units per hectare**), and a design and height that reflects the character of this existing historical residential area. All applications within this area shall include Architectural Heritage Impact Assessment in support of the development.*
2. *To provide for residential development for a maximum of 1 No. unit, with no restrictions on purchasing and occupation at Bellevue Demesne (as zoned **RA (Special Residential)** on Map No. 1), subject to all matters pertaining to the proper planning and sustainable development of the site/area being satisfied.*
3. *To provide for residential development for a maximum of 4 No. additional units, with no restrictions on purchasing and occupation at the grounds of Delgany Golf Club, Bellevue Demesne (as zoned **RB (Special Residential)** on Map No. 1), subject to all matters pertaining to the proper planning and sustainable development of the site / area being satisfied.*

- **GDK21**

- *To promote and facilitate the development of a range of residential development types, tenures and sizes, including affordable and cost-rental properties, in order to cater for the varying housing needs and economic circumstances of the area's population. In particular, Wicklow County Council shall work with the Land Development Agency, and other relevant stakeholders, to deliver a range of residential tenures to meet the requirements of the population including (but not limited to) affordable and cost-rental housing types on appropriate lands, subject to compliance with the policies and objectives of the LPF, the County Development Plan and other relevant national and regional policies and guidelines.*

5.2.5. Section B.6 of Part B of the LPF relates to Heritage, Biodiversity & Green Infrastructure and includes general references to the Record of Protected Structures (RPS) and Architectural Conservation Areas (ACA).

5.2.6. Section B.8 of Part B of the LPF relates to Zoning and Land Use. As set out in Section 12.1, the stated zoning objective for RS: Special Residential is

- *'to protect, provide and improve residential amenities in a format and a density specified in this LPF.'*

5.2.7. The description provided in Section 12.1 Zoning Objectives for RS Special Residential zoning is

- *To facilitate for the provision of high quality new residential environments with excellent layout and design, reflecting the density and character of the historic Burnaby and not exceeding density of 10 units per hectare.*

5.2.8. The following is stated in Section B. 8 Zoning and Land Use in relation to typical appropriate uses for each zone type:

- *The planning authority shall determine each proposal on its merits, and shall only permit the development of uses that enhance, complement, are ancillary to, or neutral to the zoning objective. Uses that are materially inconsistent with and detrimental to the zoning objective shall not be permitted.*

5.2.9. With specific regard to RS Special Residential, the following is stated:

- *Uses generally appropriate for **special residential (RS)** zoned areas include houses, residential open space, education, community facilities, retirement homes, nursing homes, childcare, guest house, bed and breakfast, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the County Development Plan and this LPF.*

5.2.10. It is further stated in Section 12.1 that:

- *Many uses exist where they do not conform to the designated zoning objective. When extensions to, or improvements of premises accommodating such uses are proposed, each shall be considered on its merits and permission may be granted where the development does not adversely affect the amenities of properties in the vicinity and does not prejudice the proper planning and development of the area.*
- *Whilst the land-use zoning will give an indication of the acceptability or otherwise of particular uses in particular areas, proposed development will also be assessed in terms of compatibility with the development control guidelines and standards outlined in the Wicklow County Development Plan and this LPF. Factors such as density, height, massing, traffic generation, public health regulations, design criteria, visual amenity, availability of services and potential nuisance by way of noise, odour and air pollution are also of importance in establishing whether or not a development proposal conforms to the proper planning and sustainable development of an area.*

5.2.11. The subject appeal site is located within the **Burnaby Architectural Conservation Area (ACA)** as defined on Map no. 2A Built Heritage. The stated character of the ACA is as follows:

- **Character:** *The Burnaby as an historic residential suburb is not alone locally distinct but also of national interest. The Burnaby represents the historic emergence of low density garden suburbs for commuting families at the turn of the 19th and 20th centuries facilitated by the rail-line. The Burnaby is similar in style to the suburban sub-divisions of North American cities and*

*Australian cities of that era. There are few other comparative examples within Ireland as there was in general limited urban development undertaken on the island during the first quarter of the 20th century.*

5.2.12. The following is stated in relation to development within the Burnaby ACA:

- **Development in The Burnaby:**
  - *Not all existing buildings in The Burnaby area merit protected status and retention. The adoption of the Burnaby ACA does not preclude nor prejudice the demolition and redevelopment of individual sites provided proposals are in accordance with the policies and objectives of the Architectural Conservation Area. The heritage value of individual buildings will be judged on a case by case basis.*
  - *The adoption of the Burnaby Architectural Conservation Area does not preclude or prejudice against: subdivision of dwelling into apartments, extensions, change of use and/or infill development. However such development may only be permitted provided they are in accordance with the policies and objectives of the Architectural Conservation Area, and in the case of conversion to apartments cannot result in the subdivision of front gardens.*
  - *It will be an objective of Council to encourage the retention of original policy railings and hedging to plot boundaries. Where boundaries must be repaired or replaced or where new boundaries are required, the Council will promote the use of policy style railing and formal hedge planting.*

### 5.3. Ministerial Guidelines

- Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Design Manual for Urban Streets (2019)
- Architectural Heritage Protection Guidelines for Planning Authorities, 2011

- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering homes, (DoEHLG, 2009)

#### **5.4. Natural Heritage Designations**

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

- The Murrough c. SPA (Site Code 004186), c. 1.5 km to the southeast;
- Bray Head SAC (Site Code 000714), c. 2 km to the north;
- Glen of the Downs SAC (Site Code 000719), c. 2.2 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. First Party Appeal. The main Grounds of Appeal can be summarised as follows:

- Design Changes:
  - The proposed dwelling design was substantially altered during the course of the application and included a planning appraisal of the proposed development which is attached as part of the appeal.
  - The Appeal elaborates on the initial planning appraisal submitted.
- First Local Authority Assessment of the proposed Development:

- The First Local Authority Planners Assessment Report refers to general ACA policies and then to elements of the proposed development which are considered to conflict with said policies.
- Reference in the Local Authority Assessment is made to Policy HER 12 of the Greystones Delgany LAP, 2019, which notes that all development in an ACA should be site specific while preserving or enhancing the ACA as a whole.
- Reference is made in the Local Authority Assessment to a previous planning application, reg. ref. no. 19/1389 where permission was refused for a dwelling on the subject appeal site on the basis of design, scale, proximity to the public road and the location of said dwelling to the front of Nullamore. The Local Authority Planner noted the design change presented under the subject application to that presented in 2019 but remaining concerns were raised in relation to car access to garden space and the proposed balcony and that the original proposal was injurious to the character and setting of Nullamore. In order to maintain the original character of the area it was considered that it would not have been possible to divide the subject site.
- As part of Unsolicited Further Information, the Applicant provided a substantially revised design proposal which included a reduced size and scale, the omission of a balcony and the repositioning of the dwelling 18 metres back from the public road.
- Second Local Authority Assessment of the proposed Development:
  - The second Local Authority Planners Report dated December 2025 refers to the planning history of the subject appeal site, the nature of the alterations proposed, the building line and the reliance on screening provided by the existing hedgerow.
  - The second Local Authority Planners Report noted that the amended design would have less of a visual impact on the streetscape with the flat roof peaking just above the existing hedgerow. Reliance on this existing hedgerow screening was not considered to reflect the sentiment of the Burnaby ACA. It was further considered the roof would

be visible from higher elevations and the new vehicular entrance. The Appellant submits the use of existing screening is entirely appropriate and is consistent with the character of the ACA.

- The Report considers the Visual Impact from street level will be negligible. The Appellant considers such impacts are not material or significant. The Appellant assumes the stated views from higher elevations refers to Nullamore and adjacent dwellings to the east. As per the revised section drawing submitted as part of the Unsolicited Further Information, the Appellant submits the revised proposals will create no visual impact when viewed from Nullamore as the proposed roof level (14.32 metres) is below that of the ground level to the front of the existing house (15.285 metres). The Appellant submits there will be no impact on the character of this part of the ACA.
- The Appellant refers to a previous grant of permission for a dwelling in a similar location, as planning reg. ref. no. 01/4411 and an Extension of Duration (EOD) issued in 2007 refer. This was subsequent to the adoption of the 2006 Local Area Plan, which included the Burnaby as an ACA. The EOD noted the existing house would not be negatively impacted by the development.
- The criteria for assessing the impact of a proposed dwelling on the setting or amenities of the existing dwelling has not changed since 2007 nor has the character of the area. The Architectural Heritage Protection Guidelines were re-issued in 2011 where infill development of a modern design in an ACA was considered possible.
- As indicated on the Proposed Contiguous Street View Drawing, the proposed development will not impact on existing views from existing dwellings to the east.
- As per submitted photographs, views of the new dwelling will be fleeting and minimal. All vehicular entrances to dwellings within the ACA provide some views of the public roads which is typical and part of the existing character of the ACA.

- Reasons for Refusal:
  - The reasons for refusal comprise 3 no. main elements, as follows:
    - The forward positioning of the proposed dwelling relative to Nullamore.
    - The Design and Scale of the proposed dwelling.
    - The proximity of the proposed dwelling to Whitshed Road.
  
- Essence of the Appeal:
  - The revised design proposal is appropriate within the ACA and is not at variance to widely varied form and pattern of development in the area. The revised proposals do not impact on this part of the ACA.
  - The Local Authority Planners Assessment makes no reference to Hickory Ridge, located 3 houses to the east of the subject appeal site. This dwelling is positioned forward of other dwellings and is within 18 metres set back of the public road. The set back from the public road is reduced for houses further to the east with the last dwelling being set back c. 15 metres from the public road. On the southern side of the public road the set back distance is much closer and ranges from c. 5 to 15 metres. The building line is varied in this area of the ACA.
  - The impact of the proposed development on the overall character and form of the area should look at the overall ACA as well as being site specific. The non homogeneous and not uniform character of ACAs is discussed in Sections 3.7 and 3.8.1 of the Architectural Heritage Protection guidelines. As per Section B.9 of the 2025 LPF (and Appendix B of the 2019 LAP) buildings within the Burnaby ACA are noted as an eclectic mix where infill development is not precluded. Infill development, which should be of modern design, can serve to enhance as opposed to detract from the ACA.
  - The proposal should be considered in the context of the Whitshed Road overall and not just the nearby 2 or 3 dwellings. The subject appeal site is located at the edge of the ACA.

- The purpose of the proposed development is to allow the Applicants to downsize. The Local Authority Planner suggests the suitable form of development to allow the Applicants to achieve this desire would be to build a Granny Flat (Independent Living Unit). The Applicants consider this to be of no relevance to the subject proposal owing to the physical and occupational requirements of same as set out in Section 3.1.9 (Independent Living Units (Granny Flats)) of Appendix 1 of the Development Plan.
- Conclusion of the Appeal:
  - The Commission is requested to consider the revised proposals.
  - The proposals will achieve the desire of the Applicants to continue to reside at Burnaby.
  - A decision to Grant permission will not adversely affect the character of the Architectural Conservation Area (ACA) or the setting or amenities of the existing residence.

## **7.2. Planning Authority Response**

- None

## **7.3. Observations**

- None

## **7.4. Further Responses**

- 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:

- Principle of Proposed Development
- Design, Layout and Impact on Architectural Heritage
- Other matters
  - *Planning History*
  - *Independent Living Unit*

8.2. Principle of Proposed Development

- *Residential Density (New Issue)*

8.2.1. The subject appeal site is zoned Special Residential (SR) in the Greystones – Delgany & Kilcoole Local Planning Framework (LPF). The relevant zoning objective for Special Residential (SR) is *‘to protect, provide and improve residential amenities in a format and a density specified in this LPF.’*

8.2.2. Objective GDK 20 (Special Residential Zonings) of the LPF provides 3 no. main elements. The first is concerned with any new development on lands zoned RS (Special Residential) at ‘The Old Burnaby’ ACA where a restriction applies to a lower density (not exceeding 10 units per hectare), design considerations (including an appropriate height) and a requirement for all applications within this area to include an Architectural Heritage Impact Assessment.

8.2.3. I estimate that the proposed development of 1 no. dwelling on the stated site area of 0.076 hectares equates to a residential density of 13 dwellings per hectare. This exceeds the stipulated low residential density not exceeding 10 units per hectare as per GDK20 (Special Residential Zonings). I note the Report prepared by the appointed Chartered Town Planner which was submitted to the Local Authority as Unsolicited Further Information. In relation to residential density the Applicant

submits in the said report that the area of the overall site, including the main dwelling house (Nullamore), is such that 2 no. dwellings can be provided without material impact on the recommended threshold of 10 dph. I consider the low residential density limit of 10 dph, as per GDK20, to be a requirement as opposed to a recommended threshold and I note that separately, as per Section 12.1 (Description of RS Special Zoning Objective) of the LPF, the Description provided states: *'To facilitate for the provision of high quality new residential environments with excellent layout and design, reflecting the density and character of the historic Burnaby and not exceeding density of 10 units per hectare.'* In my view therefore the limit to ensure low residential density within the ACA, as per GDK20 and Section 12.1 of the LPF, shall not exceed 10 units per hectare.

- 8.2.4. I estimate the subject appeal site, which is stated to measure 0.076 hectares, together with the overall site, which includes the adjacent dwelling (Nullamore), has an overall site area of c. 0.2973 hectares (2,973 sqm). The existing dwelling, together with the proposed dwelling, represents an approximate residential density of c. 7 dwellings per hectare. The proposed development however has been presented as a standalone dwelling with its own independent vehicular access and does not include the existing dwelling (Nullamore) or the remainder of the overall site. The minimum site size required for 1 no. dwelling to achieve a low residential density of 10 units per hectare equates to 0.1 hectare or (1,000 sqm). The Applicant has not proposed to increase the site size.
- 8.2.5. I am satisfied therefore that the proposed residential density of 13 no. dwellings per hectare is excessive in this instance as it exceeds the required stated maximum low residential density of 10 dwellings per hectare. In this regard, it is my opinion that the proposed development, if permitted at said excessive residential density of 13 no. dwellings per hectare, would not accord with the provisions of GDK20 in relation to residential density and would have the potential to create an undesirable precedent for similar proposals within the ACA into the future. Such an arrangement, in my view, is not in the interests of the proper planning and sustainable development of the area.

8.2.6. As this is a New Issue, the Commission may wish to seek the views of the parties. However, having regard to the other more substantive reasons for refusal set out below, it may not be necessary to pursue the matter.

- *Architectural Heritage Impact Assessment (AHIA)*

8.2.7. I note that as part of the submitted Unsolicited Further Information, the Applicant included a Report prepared by a Chartered Town Planner. In that said Report, reference is made to the Architectural Heritage Protection Guidelines, 2011 and, in particular, to Appendix B of same in relation to the content and assessment of an Architectural Heritage Impact Assessment (AHIA). The appointed Chartered Town Planner presents a brief AHIA and submits the information provided is sufficient to allow for a detailed assessment of impact on the character of the ACA. The conclusion of this said Report is that the proposed development will not have an undue impact, if any, on the character or setting of the ACA.

8.2.8. I note the recommendations regarding the preparation of an AHIA as set out in Appendix B of the Architectural Heritage Protection Guidelines, 2011, the main Sections of which include B1.0 (Requirement for a Report), B2.0 (Scope of the Assessment), B3.0 (Recording a Structure to be Altered or Demolished), B4.0 (Competency of Author(s) and B5.0 (Elements of the Assessment), see paragraphs B1.1 to B5.18.

8.2.9. I note the Applicants' AHIA is brief, comprising a total of 6 no. paragraphs. There is no reference in the said AHIA or indeed the said Report to the status of the main dwelling (Nullamore House) which is listed on the National Inventory of Architectural Heritage (NIAH) as being of Regional Importance, see Ref. no. 16304092. The description of the subject dwelling in the NIAH includes a reference to the house being surrounded by an extensive garden. The NIAH Appraisal of the property states:

- *'Though perhaps not as impressive as many of its near neighbours, this large suburban Edwardian residence is a fine well preserved example of its type and an asset to the streetscape.'*

8.2.10. In my view, the above information is relevant to the assessment of the proposed development and should, as a minimum be referenced and appraised as part of a suitably scoped AHIA. As stated in Section B1.1 a) of the guidelines, the purpose of

an AHIA as part of a development application is *'in order to provide sufficient information for the planning authority to make an informed decision on the potential impact on the architectural heritage.'* The Applicant, in reference to Section 2.1 of the Guidance set out in Appendix B of the Guidelines, has dismissed the requirement for an in-depth appraisal, apparently on the basis of the existing dwelling not being a Protected Structure. This, in my view, ignores the NIAH Regional Status of the existing dwelling and its extensive garden, which, in my opinion, forms part of its character. The Applicant submits the assessment of impact is therefore spatial in nature with regard being had to the character of the ACA alone and not, it would appear, the character and setting of the subject NIAH listed dwelling and garden. There is no appraisal, for example, of the relationship between the existing swimming pool, which is proposed to be demolished, and the existing dwelling nor indeed is there any detailed assessment as to the relationship between existing and proposed dwellings. The Applicant refers to paragraph 4.1 of the guidance and correctly notes that in situations where there is development with minor impact on character, an assessment can be carried out by a person with specialist expertise. There is no information or appraisal provided by the Applicant as part of the AHIA which concludes that the impact of the proposed development upon the character and setting of the existing dwelling is indeed minor. The Applicant has instead concluded that its impact is minor without any apparent in-depth appraisal. The Applicant then proceeds to list off the various recommended elements of a AHIA as set out in Section B5.0 of Appendix B, as opposed to providing any in-depth, reasoned and meaningful assessment of the overall impact on Architectural Heritage. I am not satisfied that the Applicants AHIA is sufficiently robust or detailed to reach the conclusion that the proposed development is minor in terms of its impact upon the character and setting of the existing dwelling and indeed that of the wider ACA.

8.2.11. In conclusion therefore and having regard to the foregoing, it is my opinion that the proposed development, as presented, conflicts with the provisions of GDK 20 (Special Residential Zonings), particularly in terms of the excessive residential density proposed and the absence of an appropriately robust and detailed Architectural Heritage Impact Assessment (AHIA). In addition, it is my opinion, that the proposed development, as presented, conflicts with the RS (Special Residential) zoning objective for the lands which seeks *'to protect, provide and improve*

*residential amenities in a format and a density specified in this LPF.* The proposed development therefore, as presented, is not considered to be in accordance with the proper planning and sustainable development of the area.

### 8.3. Design, Layout and Impact on Architectural Heritage

- *Subdivision of overall site/ established building line*

8.3.1. The proposed development, as presented, seeks to provide an additional 1 no. dwelling resulting in 2 no. dwellings in total on the overall site which is estimated to measure c. 0.2984 hectares (2,984 sqm). As per the submitted plans, the proposals would serve to subdivide the existing overall site (Nullamore) into 2 no. separate sites with separate vehicular entrances. The Local Authority consider that *'...the subdivision of the site as proposed would result in the existing dwelling (Nullamore) being located to the rear of the proposed development and that this would be out of character with the established pattern of development on Whitshed Road.'*

8.3.2. I note the established character of the subject appeal site, its location immediately adjacent to Greystones Golf Club at the western end of the defined Burnaby Architectural Conservation Area (ACA), and the established pattern of development in the immediate area of the subject appeal site, particularly on the northern side of Whitshed Road. The existing dwelling on the subject site, in addition to the 2 no. existing dwellings to the immediate east and other existing dwellings further to the east, is well set back from the public road. The relevant established building line in this instance is, in my opinion, that shared between the existing dwelling (Nullamore) and the other 2 no. dwellings further to the east. I note a separate, more modern dwelling, located c. 50 metres further to the northeast, is built forward of the original building line, however, in my opinion, owing to the distance involved, the character of the area and the open and spacious character of the overall site of Nullamore, which includes the dwelling and garden, I do not consider the building line of that said dwelling serves to override the relevance of the established building line of Nullamore house.

8.3.3. I note the stated character of the Burnaby ACA, as per page 135 of the LPF, which states, inter alia, that: *'the Burnaby as an historic residential suburb is not alone locally distinct but also of national interest'* and *'represents the historic emergence of low density garden suburbs ...'*. I note as per Objective CPO 8.22 of the Development

Plan, which relates to development within an Architectural Conservation Area, a key consideration is that proposals will only be considered where they positively enhance the character of the ACA. A further consideration of Objective CPO 8.22 is that the siting of new buildings should, where appropriate, retain the existing street building line. In my opinion, the proposed development by reason of the proposed subdivision of the overall site and the introduction of a new separate dwelling and associated new vehicular entrance in the front garden space, forward of the established historic building line, does not serve to positively enhance the character of either the overall site (including Nullamore House) or the Burnaby ACA.

8.3.4. In this regard, I would therefore agree with the Local Authority that the proposed subdivision of the site would be out of character with the established pattern of development on Whitshed Road.

- *Design and Impact on Architectural Heritage*

8.3.5. The revised dwelling design proposal, amended as part of Unsolicited Further Information, comprises a flat roofed structure which is cut into the existing slope. The proposed ridge level at 14.32 metres is c. 5.57 metres above the existing public road level to the south (8.85 metres), c. 0.97 metres below the existing ground level to the front (south) of the existing dwelling (Nullamore) to the north and c. 11.7 metres below the ridge height of said existing dwelling. The proposed revised ridge height of 14.32 metres is c. 1.15 metres below that of the original proposal (15.47 metres). In addition, I note as per the original and revised site layout plans, the proposed front elevation of the revised proposal is now set back c. 18 metres from the edge of the public road (originally c.12 metres). While I note the significant design changes presented, the proposed development is still nonetheless located within the front garden of the main dwelling (Nullamore), and will be readily visible from same. As set out above, the proposed new dwelling is forward of the established building line, will serve to subdivide the overall site and is therefore considered to be out of character with both the character of the overall site (including Nullamore House) and the Burnaby ACA.

8.3.6. I note that owing to the presence of an existing mature hedgerow along the front of the overall site, including the subject appeal site, that the proposed new dwelling, owing to its limited height, would not be readily visible from Whitshed Road,

particularly on approach from the east. Views of the proposed new dwelling would however, in my opinion, be visible on approach from the west from Greystones Golf Club and associated pathways (2 no.) which transect same. The proposed development would therefore not, in my opinion, be fully screened from public view. In this regard I refer to the 1 no. photomontage presented as part of the Applicants' Design Statement as lodged with the original proposal and to the first of 2 no. photomontages presented as part of the Unsolicited Further Information. An anticipated view into the overall site at this location, as illustrated on proposed site Section B-B Drawing submitted as part of Unsolicited Further Information would see the proposed new dwelling in the foreground and front garden of Nullamore, with the main dwelling in the background. The existing hedgerow, in my opinion, forms part of the curtilage and character of Nullamore House and arguably the wider ACA. The removal of part of the existing hedgerow to accommodate the proposed new vehicle entrance, together with anticipated views into the overall site has, in my opinion, the potential to further erode the established architectural character and setting of both Nullamore house and the Burnaby ACA.

8.3.7. The Local Authority consider the Applicants' proposal would appear to be *'entirely reliant upon the screening from the existing hedgerow'* and does not reflect the sentiment of the Burnaby ACA. The stated attributes of the Burnaby ACA include low density garden suburbs, large plots with buildings set back from the edge of the plot and street and a streetscape character of green tunnels. A stated objective of the Council, as per the development advice on page 136 of the LPF, is to *'encourage the retention of original policy railing and hedging to plot boundaries.'* In my opinion, the proposed development, as presented, does not reflect the above attributes and overall sentiment of the Burnaby ACA.

8.3.8. I note, as per the same specific development advice for the Burnaby ACA, as set out on page 136 of the LPF, that in the case of conversion to apartments this *'cannot result in the subdivision of front gardens'*. Although not expressly applicable to the subject case, this nonetheless, in my opinion, serves as an acknowledgement that the sub-division of front gardens of plots within an ACA is not a preferred design solution.

8.3.9. Other requirements set out in Objective CPO 8.22 of the Development Plan include the mass and scale of the building being in harmony with adjoining buildings and the area as a whole, that proportions of its parts should relate to each other, and to the adjoining buildings and that where modern architecture is proposed within an ACA the application should provide details (drawings and/ or written detail) on how the proposal contributes to, or does not detract from, the attributes of the ACA. In my opinion, a suitably scoped Architectural Heritage Impact Assessment (AHIA) would have assisted in appraising the overall impact of the proposed development upon the established Architectural Heritage of the subject appeal site, the overall site and the ACA.

8.3.10. In conclusion therefore and having regard to the foregoing, it is my opinion that the proposed development, as presented, by reason of the proposed design and layout, which necessitates the subdivision of the overall site (Nullamore House and Gardens), does not observe the established relevant building line, removes a section of existing mature hedging and creates a new vehicular entrance, is such that it would serve to impact negatively upon the established character and setting of Nullamore House (NIAH Reg. Ref. 16304092 – Regional Importance) and that of Burnaby Architectural Conservation Area. The proposed development, if permitted, would not be in accordance with the proper planning and sustainable development of the area and would serve to create an undesirable precedent for similar proposals into the future.

#### 8.4. Other Matters

- *Planning History*

8.4.1. I note the previous planning history on the overall site where, aside from original permissions granted in 2001 (Reg. Ref. No. 01/4411) and 2007 (Reg. Ref. No. 06/6847) and an Extension of Duration (EOD) Application granted in 2011 (Reg. Ref. No. 11/4256), permission has been refused by the Local Authority on 3 no. separate occasions for similar proposals in the front garden of the overall site (see Planning reg. ref. no's. 08/2108, 19/1008 and 19/1389).

8.4.2. The Appellant submits that the EOD issued after 2007 was subsequent to the adoption of the 2006 Local Area Plan, which included the Burnaby as an ACA and that the EOD noted the existing house would not be negatively impacted by the

development. The Appellant further submits that the criteria for assessing the impact of a proposed dwelling to the setting or amenities of the existing dwelling has not changed since 2007 nor has the character of the area.

- 8.4.3. The relevant EOD Application is planning reg. ref. no. 11/4256, which sought to extend the appropriate period of planning reg. ref. no. 06/6847. A decision in relation to EOD reg. ref. no. 11/4256 was issued in May 2011 (for an additional period of two years and six months, up to and including the 10<sup>th</sup> January 2015). This said EOD decision was indeed issued at a time when the Greystones / Delgany Local Area Plan, 2006 to 2012, (which included the Burnaby ACA) was in force.
- 8.4.4. I have reviewed the Local Authority Planners Report and recommendation for EOD Ref. no. 11/4256, which is attached to the online planning register. There is no reference in that said Report to the 2006 Local Area Plan nor indeed to the Burnaby ACA. Such relevant considerations do not appear to have been taken into account as part of the Assessment of the Local Authority. Notwithstanding this issue, I note that EOD (reg. ref. no. 11/4256) is indicated to have expired in January 2015.
- 8.4.5. Since the decision on EOD reg. ref. no. 11/4256, the Local Authority has twice refused permission for proposed residential development in the front garden of Nullamore House, as planning reg. ref. no.'s. 19/1008 and 19/1389 refer. These said decisions were made at a time when the Greystones-Delgany & Kilcoole Local Area Plan, 2013 to 2019, was in force and reference to same is made in both Local Authority Planners Reports pertaining to the said 2 no. applications available on the online planning register. Permission was also previous refused under planning reg. ref. no. 08/2108.
- 8.4.6. In conclusion therefore, it is my opinion that the Local Authority, as evidenced in its most recent decisions to refuse permission for residential development in the front garden of Nullamore House, as planning reg. ref. no.'s. 19/1008, 19/1389 and indeed the subject application reg. ref. no. 25/60356 refer, has been consistent in its approach to the assessment of such proposals.
- 8.4.7. It should be noted that the Greystones – Delgany & Kilcoole Local Planning Framework (LPF), came into effect on 9<sup>th</sup> February 2026 and is now the relevant Local Planning Framework for the subject lands.

- *Independent Living Unit*

8.4.8. I note the Applicants refers to Section 3.1.9 (Independent Living Units/ Granny Flats) of Appendix 1 of the Development Plan and to a suggestion by the Local Authority Planner that such an arrangement would represent a suitable form of development for the Applicants need to downsize. The Applicant considers, owing to the physical and operational requirements of same, that this is of no relevance to the subject proposal. I note said Section 3.1.9 of Appendix 1 of the Development Plan and I would agree that it relates to a separate form of development and is not of relevance to the subject proposal which is for a standalone dwelling.

## 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 Greystones, at a distance of approximately c. 1.5 km the Murragh c. SPA (Site Code: 004186), c. 2 km from Bry Head SAC (Site Code 000714) and c. 2.2 km from Glen of the Downs SAC (Site Code 000719) which are the closest European Sites.

9.2. The proposed development is for the demolition of an existing swimming pool and ancillary structures and the construction of a single storey, three bedroomed house and part basement and new vehicular entrance. No 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. Three Trouts Stream\_010 (IE\_EA\_10T030580) lies within c. 1.1 km to the south of the subject appeal site (Waterbody Status: Moderate). 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 refused as per the reasons and considerations set out below.

## 12.0 Reasons and Considerations

12.1. Having regard to the location of the subject appeal site within a defined Architectural Conservation Area (Burnaby ACA), Objective GDK 20 (Special Residential Zonings) of the Greystones – Delgany & Kilcoole Local Planning Framework (LPF), the RS (Special Residential) zoning objective of the lands, *‘to protect, provide and improve residential amenities in a format and density specified in this LPF’* and associated description *‘to facilitate for the provision of high quality new residential environments with excellent layout and design, reflecting the density and character of the historic Burnaby and not exceeding density of 10 units per hectare’* and other relevant policy provisions of the LPF and the Wicklow County Development Plan, 2022 to 2028, including Objectives CPO 8.21 and CPO 8.22, it is considered that:

- the proposed residential density which equates to 13 dwellings per hectare exceeds the stipulated lower residential density (not exceeding 10 units per hectare) and does not include a sufficiently robust and detailed Architectural Heritage Impact Assessment (AHIA) which are specific requirements included in Objective GDK 20 (Special Residential Zonings) of the LPF,
- the proposed subdivision of the overall site of Nullamore House and garden (NIAH Ref. no. 16304092 – Regional Importance),
- the forward position of the proposed dwelling in front of the established historic, predominant and relevant building line of Nullamore House and other relevant adjacent properties,
- the proposed removal of a section of existing mature hedging and the creation of a new vehicular entrance, which facilitate views into the overall site,

The proposed development does not therefore serve to positively enhance the character of either the overall site (including Nullamore House) or the Burnaby ACA. The proposed development, if permitted, would not be in accordance with the proper planning and sustainable development of the area and would serve to create an undesirable precedent for similar proposals into the future.

*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

30<sup>th</sup> April 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500686-WW-26
<b>Proposed Development Summary</b>	Demolition of swimming pool and ancillary structures, and the construction of a single storey, three bedroomed house and part basement, rooflights and sedum roof along with new vehicular entrance from Whitshed Road, with associated siteworks.
<b>Development Address</b>	Nullamore, Whitshed Road, Greystones, 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.
<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.	
<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	

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

<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>	
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>	PL-500686-WW-26
<b>Proposed Development Summary</b>	Demolition of swimming pool and ancillary structures, and the construction of a single storey, three bedroomed house and part basement, rooflights and sedum roof along with new vehicular entrance from Whitshed Road, with associated siteworks.
<b>Development Address</b>	Nullamore, Whitshed Road, Greystones, 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 substantial 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. wetland, coastal zones, nature	The proposed development is located in an urban area within the confines of a large 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 located within an Architectural Conservation Area (ACA). The site is not located within an area of archaeological significance.

reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	There are no Protected Structures on the subject site or within the general vicinity of same.
<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>	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.
<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:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)