



Development	Two storey detached, three bedroom dwelling boundary walls/ fences, dish existing footpath for new driveway, connections to existing services, associated site works and services
Location	6A Thornbrook, Herbert Road, Bray
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560394
Applicant(s)	Kilbride Hill Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Aodhan Murphy & Others
Observer(s)	None
Date of Site Inspection	20 th May 2026
Inspector	Matthew O'Connor

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Appendix 1: Form 1 EIA Pre-Screening

Appendix 2: Form 2 - EIA Preliminary Examination

1.0 Site Location and Description

1.1. The appeal site is 0.028ha and situated on lands within the recently developed 'Thornbrook' housing estate which is accessed from Herbert Road and on the western periphery of the settlement of Bray, Co. Wicklow. The subject site is on a parcel of undeveloped and unkempt land in the southwestern extent of the housing development adjacent to a turnabout area and cul-de-sac serving a number of dwellings. There are a number of mature trees to the immediate west of the site which form a buffer with Herbert Road. As the subject site is situated within the Thornbrook housing estate, the character of the surrounding area is residential and that there are established housing developments located to the east, south and southwest of the appeal site. There are no National Monuments within or immediately adjoining the appeal site and the Thornbrook was formerly part of the historic curtilage of Kilbride Hill House, a Protected Structure. The site is not located within a Flood Zone.

2.0 Proposed Development

2.1. The proposed development comprises:

- Construction of a new detached 3-bedroom, two storey dwelling (95sq.m);
- Boundary walls/fences;
- Dish existing footpath for new driveway;
- Connections to existing services: and,
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission for the development, subject to 8 no. conditions. Many conditions are generally standard in nature but are nevertheless summarised as follows:

- Condition 1: Development carried out in accordance with plans and particulars.
- Condition 2: Payment of financial contribution.
- Condition 3: Working/Construction Hours.
- Condition 4: Occupation shall be for individual purchasers and not a corporate entity.
- Condition 5: Agreement with Uisce Eireann (Irish Water).

- Condition 6: The recommendations of the Arboricultural Assessment shall be carried out in full and landscaping/tree planting shall be carried out before/during first planting season of commencement of works.
- Condition 7: Surface water/Drainage specifications.
- Condition 8: No development which is included in Class 1 of Part 1 of the Second Schedule of the Planning & Development Regulations 2001 (as amended) shall be carried out on the site unless permission for such development has been first granted by the Planning Authority, or on appeal, by An Coimisiún Pleanála.

3.2. Planning Authority Reports

3.2.1. Planning Report(s)

- The first Planner's Report, dated 16th July 2025, had regard to the submitted documentation, locational context of the site, planning history, policy framework of relevant development plans and inter departmental/referral reports.
- The assessment of the Planning Authority deemed the principle of the infill dwelling as acceptable.
- In terms of visual and residential amenity, the Planning Authority noted that the site is identified as 'Undevelopable Area 01' on a previously refused planning application. In addition, on previous landscaping plans this area was illustrated as a partially wooded area and that two trees noted as 310 and 328 on Plan DWG 840-01-035 as submitted with Reg. Ref. 17/1085 (ABP-301577-18) may have been felled. Further Information is required to clarify if these trees are present or to provide rationale for their removal.
- It was deemed that the proposed dwelling is similar in appearance to other units and is acceptable visually.
- There are no concerns in terms of overshadowing or overlooking. However, no details are provided in relation to a boundary wall. Further Information is required.
- The Planning Authority considered the proposal to be located on lands not suitable for development by reason of their proximity to wooded areas (noted as an Undevelopable Area). Further Information is required so the applicant can present a reasoned justification for developing on an area noted as Undevelopable Area 01.

- No concerns were raised in terms of roads, access or parking.
- With regard to Green Infrastructure and Landscaping, the applicant stated that no trees will be removed as a result of the proposal. The applicant should confirm what trees, if any, have been removed prior to the submission of the proposal development. The planting and landscaping scheme was deemed to be insufficient given the location of the proposal adjacent to a heavily wooded area with a potential loss of biodiversity. Further Information is required.
- In terms of drainage and services, the Planning Authority noted the report of the Municipal Engineer which referred to pooling of surface water in rear private amenity spaces and the Further Information is required to identify the reasons why the drainage in the existing estate is poor whilst identifying mitigation measures to ensure this does not occur at the subject site.
- No concerns raised in respect on Appropriate Assessment or Environmental Impact Assessment.

Further Information was sought in relation to 4 no. items which are summarised as follows:

1. Submit a full Arborist Report outlining the full extent of any removed trees/hedgerows as well as any protection measures for the root system of existing trees which may be affected as a result of the proposal. A detailed replanting schedule outlining indigenous species should be included, where possible.
2. Provide a reasoned justification for the development of lands noted as Undevelopable Area 01 as per previously submitted site plans for refused application 22/694 (ABP-314579-22) and PRR 21/1405.
3. Submit revised drawings including contextual elevations that demonstrate how the development would appear within the overall context of the area including as viewed from the dwellings to the east confirming that the proposed would not form an incongruous feature within the overall estate.
4. Submit a robust Surface Water Drainage Report including design calculations and permeability test results in support of any design proposals as there are concerns regarding surface water drainage within the rear amenity spaces of the existing dwellings which appear to have insufficient capacity.

3.2.2. Second Planning Report

- The second Planner's Report, dated 27th January 2026, provides an analysis of the applicant's response to the Request for Further Information forms the basis for the grant of permission.
- In terms of Further Information Request Item 1, the Planning Authority noted the applicant's response which included an Arboricultural Assessment, Tree Survey/Constraints Plan, Tree Protection Plan and a Planting Plan. The Planning Authority that It is noted that a tree (Tree No. 328) was storm damaged and subsequently removed (with evidence supplied) and that another tree will be retained. The Planning Authority was satisfied that the concerns raised in Item 1 were addressed.
- With regard to Item No. 2 of the Request for Further Information, the Planning Authority acknowledged the response from a Planning Consultant where it is claimed the lands were originally noted as 'undevelopable' due to tree coverage and referred to a larger overall tranche of land. The Planning Consultant claimed that the review of the trees in this area was done at a certain point in time and that the condition of these trees has deteriorated in the intervening years. The Planning Authority agreed that it is likely that the terminology used by the initial architect for the original development was to differentiate public open space from areas with significant tree coverage. It was deemed that the applicant successfully addressed this item as one tree has already been removed and another tree is to be retained.
- In relation to Further Information Request Item 3, the Planning Authority noted the applicant's cover letter and associated drawings in terms of boundary treatments and finishing materials. It was acknowledged that the finishes match those within the estate and that the dwelling does not appear incongruous within the accepting environment.
- In respect of Further Information Request Item 4, the applicant submitted engineering particulars. The Planning Authority noted the inclusion of a soakaway to the front of the proposal under permeable paving and a soakaway in the rear amenity space along with rainwater butts. The submitted documentation notes the proposal would not compromise the surface water drainage of the overall site and the Planning Authority considered Item 4 to be successfully addressed.

- The Case Officer recommended a grant of permission, subject to conditions.

3.2.3. Other Technical Reports

Municipal District Engineer: Further information was requested in relation to existing surface water drainage problems and measures proposed to prevent such issues. Applicant invited to submit details for drainage in the rear garden or attaching a condition requiring drainage details and calculations be provided and agreed with the Municipal District Engineer. No report was received in relation to the applicant's response received at Further Information stage.

3.3. **Prescribed Bodies**

Uisce Éireann – No response received.

3.4. **Third Party Observations**

3.4.1. 19 no. third party observations were received at application stage and the issues raised are similar to those in the appeal. The primary issues of concern relating to the proposed development were summarised by the Planning Authority and listed as follows:

- The proposed development would have a negative visual impact on the area.
- Overdevelopment of the site which is out of character with the established pattern of development.
- Applicant states no trees will need to be removed which is incorrect and misleading.
- Construction of another dwelling will further remove permeable surfaces.
- May result in overshadowing and overlooking of neighbouring properties and would be overbearing in the site context.
- Applicant is required to demonstrate compliance with policies and objectives of the CDP.
- Issues regarding track record of the developer in terms of quality and maintenance of the dwellings and public spaces.
- Precedent set by ABP.

- The applicant has removed a number of trees and hedgerows which have not been replaced.
- A number of trees which were to be retained have been removed and therefore, is in contravention of planning permission granted for the overall site and enforcement proceedings should be put in place.
- Water is already collecting in areas of the estate in periods of heavy rainfall and the area cannot sustain any more loss of green space.
- The estate remains unfinished or below standards promised by developer.
- The removal of trees contrasts the sales information forwarded by the applicant.
- Additional vehicular traffic within the estate would endanger public including children who play in the estate.
- Previous planning applications for this estate were refused by ABP Bats frequent the estate and would be impacted by the development.
- A number of bird species would be impacted by the development.
- Unresolved sewage issues within the estate.
- This site was never intended for development.
- The site is highly visible in the estate, and the development would look out of place.

4.0 Planning History

4.1. The following relevant planning history is associated with the subject site:

ABP Ref. ABP-314579-22 (W.C.C. Ref. 22/694): Permission REFUSED by An Bord Pleanála who upheld the decision of Wicklow County Council for amendments to the previously approved planning permission Reg Ref No. 21/1405, Reg Ref No. 17/1085 & Ref No. ABP-301577-18 for (1) addition of 2 no. dwelling units increasing new dwelling units on site from 32 to 34. The units will comprise 2 no. 4-bed detached dwelling units and all associated site works at Kilbride Hill House (a protected structure, RPS ref 26). Applicant: Kilbride Hill Limited.

W.C.C. Ref. 21/1405: SPLIT DECISION for amendments to the previously approved planning permission Reg Ref No: 17/1085 & Ref No: ABP-301577-18 for (1) the addition of 4 dwelling units increasing new dwelling units on site from 31 to 35. The 4 dwelling units will comprise of 3 no. 3 bed terraced dwelling units and 1 no. 3 bed semi-detached dwelling unit, (2) changing of a proposed of 1 no. 4 bed dwelling unit into a

3 bed semi-detached dwelling unit and all associated site works at Kilbride Hill House (a Protected Structure, RPS Ref. 26) Applicant: Kilbride Hill Ltd.

Permission GRANTED for 1 no. additional 3 bed semi-detached dwelling and change of proposed of 1 no. 4 bed dwelling into a 3 bed semi-detached dwelling – subject to 5 no. conditions. Permission REFUSED for 3 no. 3 bed terraced dwelling units.

ABP Ref. ABP-301577-18 (W.C.C. Ref. 17/1085): Permission GRANTED by An Bord Pleanála who upheld the decision of Wicklow County Council for construction of 43 no dwellings, extension of gate lodge and creation of a new curtilage for Kilbride Hill House. Demolition of log shed, glass house and pump house. The ancillary woodland to the west of Kilbride Hill House will remain undeveloped except the proposed upgrading and lighting of an existing pedestrian path located adjacent to Aston Wood and accessed from Herbert Road. The 43 no dwellings comprise 14 no two storey 4 bed detached dwellings, 1 no two storey 3 bed detached dwelling and 28 no two storey 3 bed semi-detached dwellings, an existing modern extension to the gate locate of c 14.2 sqm will be demolished and a single storey extension of c 51.1 sqm constructed to provide a 2 bed dwelling. The total number of existing and proposed dwellings will be 45 no. The proposed development will include 90 no car parking spaces to be provided on street and within curtilage, provision of public open spaces totalling c 4581 sqm (plus incidental open spaces totalling c 8973 sqm) and a childrens play area, pedestrian links to the woodland to the north west of the site, and all associated site services and site works. The existing entrance will be retained and upgraded. The completed development will be maintained by an Estate Management Company. Applicant: Balark Trading GP Ltd.

W.C.C. Ref. 16/905: Permission REFUSED for 46 no dwellings, the extension of the existing gate lodge and the creation of a new curtilage for Kilbride Hill House (a Protected Structure RPS Ref 26) which will be retained as a private residence. A new entrance is proposed to be constructed adjacent to the existing entrance. The 46 no dwellings will comprise 22 no three 4 bed semi detached dwellings, 6 no two storey 3 bed detached dwellings, 5 no two storey 3 bed terraced dwellings, 3 no two storey 3 bed detached dwellings, 2 no two storey 3 bed semi detached dwellings, 1 no single storey 2 bed detached dwellings, 4 no two storey 4 bed detached dwellings, 2 no two storey 3 bed dwellings and 1 no three storey 4 bed detached dwelling. An existing

extension to the gate lodge of c 14.2 sqm will be demolished and a single storey extension of c 66.9 sqm constructed to provide a 3 bed dwelling. The total number of existing and proposed dwellings will be 48 no. The proposed development will include 94 no car parking spaces to be provided on street and within curtilage, provision of public open space of c.6684 sqm and a children's play area and all associated site services and site works. The completed development will be maintained by an Estate Management Company. Applicant: Balark Investments Ltd.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Wicklow County Development Plan 2022-2028 is the relevant Development Plan for the appeal site.

5.1.2. Chapter 3 relates to the 'Core Strategy' which sets out the housing and settlement targets for Wicklow.

5.1.3. Chapter 4 relates to 'Settlement Strategy'. Bray is designated a Level 1 Key Town within the Metropolitan area. The following objectives are considered relevant:

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

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

CPO 4.6 To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.

5.1.4. Chapter 6 relates to 'Housing' with Section 6.4 setting out a number of general housing objectives. The following housing objectives are considered to be relevant:

- CPO 6.1 New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.*
- CPO 6.2 The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited*
- CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.*
- CPO 6.4 All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).*
- CPO 6.5 To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:*
- Strengthening the character and urban fabric of the area;*
 - Reinforcing local identity and sense of place;*
 - Optimise the opportunities afforded by the historical and natural assets of a site / area;*
 - Providing a coherent, legible and permeable urban structure;*
 - Promoting an efficient use of land;*
 - Improving and enhancing the public realm;*
 - Conserving and respecting local heritage;*
 - Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;*
 - Promoting accessibility for all; and,*

- *Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.*

CPO 6.13 To require that new residential development represents an efficient use of land and achieves the densities as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH 2024) - Table 6.1. In promoting higher densities and more compact development, new development should demonstrate compliance with:

- *the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH 2024);*
- *Quality Housing for Sustainable Communities; Design Standards for New Apartments Guidelines for Planning Authorities;*
- *Design Manual for Urban Roads and Streets;*
- *and any subsequent Ministerial guidelines.*

CPO 6.14 To densify existing built-up areas subject to the adequate protection of existing residential amenities.

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

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 unserved, low density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

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

5.1.5. Chapter 8 relates to 'Built Heritage' and there are a number of Built Heritage Objectives in relation to Architectural Heritage and Record of Protected Structures:

CPO 8.10 To protect, conserve and manage the built heritage of Wicklow and to encourage sensitive and sustainable development to ensure its preservation for future generations.

CPO 8.11 To support the work of the National Inventory of Architectural Heritage (NIAH) in collecting data relating to the architectural heritage, including the historic gardens and designed landscapes of the County, and in the making of this information widely accessible to the public and property owners.

CPO 8.13 To ensure the protection of all structures, items and features contained in the Record of Protected Structures.

CPO 8.15 All development works on or at the sites of protected structures, including any site works necessary, shall be carried out using best heritage practice for the protection and preservation of those aspects or features of the structures / site that render it worthy of protection

5.1.6. Chapter 13 relates to 'Water Services' and contains objectives with respect to water supply, wastewater and storm/surface water infrastructure.

5.1.7. Chapter 17 relates to 'Natural Heritage & Biodiversity' and the following objectives are deemed relevant in relation to the subject development:

CPO 17.01 To protect, sustainably manage and enhance the natural heritage, biodiversity, geological heritage, landscape and environment of County Wicklow in recognition of its importance for nature conservation and biodiversity and as a non-renewable resource.

CPO 17.18 To promote the preservation of trees, groups of trees or woodlands in particular native tree species, and those trees associated with demesne planting, in the interest of the long-term sustainability of a stable ecosystem amenity or the environment generally, as set out in Schedule 17.05 and Maps 17.05 and 17.05A - H of this plan.

CPO 17.20 Development that requires the felling of mature trees of environmental and/or amenity value, even though they may not have a TPO in place, will be discouraged.

CPO 17.21 To strongly discourage the felling of mature trees to facilitate development and encourage tree surgery rather than felling if such is essential to enable development to proceed.

CPO 17.22 To require and ensure the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of the development management process, and require the planting of native broad leaved species, and species of local provenance in all new developments.

5.1.8. Volume 3 of the Development Plan contains a number of applicable appendices which are considered to be relevant. Appendix 1: 'Development and Design Standards' contains commentary on housing development with Section 3.1.6 relating to Infill/backlands development in existing housing areas. Appendix 4: 'Record of Protected Structures' indicates that Kilbride Hill (Ref. No. B26) is a 'Structure'.

5.2. Bray Municipal District Local Area Plan 2018 – 2024

5.2.1. It shall be noted that the Bray Municipal District Local Area Plan 2018 – 2024 (LAP) is no longer in force having expired in 2024. The Bray Municipal District Local Area Plan 2025 is indicated as being at the pre draft stage which ran from November to December

2024. For context, I note that the appeal site was zoned 'RE- Existing Residential' with an objective 'to protect, provide and improve residential amenities of existing residential areas'.

5.3. Relevant National or Regional Policy / Ministerial Guidelines

5.3.1. The following planning policy and guidance is relevant:

- *National Planning Framework - First Revision (2025)*
- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*
- *Development Management: Guidelines for Planning Authorities (2007).*
- *Design Manual for Urban Roads and Streets (DMURS) (2019).*
- *Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.*

5.4. Natural Heritage Designations

5.4.1. The appeal site is not located on or within any designated Natura 2000 sites, with the nearest designated sites set out as follows:

- Ballyman Glen SAC (Site Code: 000713) approx. 1.32km to the northwest;
- Knocksink Wood SAC (Site Code: 000725) approx. 2.41km to the northwest;
- Bray Head SAC (Site Code: 000714) approx. 2.7km to the southeast;
- Glen of the Downs SAC (Site Code: 000719) approx. 5.28km to the south;
- Wicklow Mountains SAC (Site Code: 002122) approx. 5.8km to the southwest;
- Rockabill to Dalkey Island SAC (Site Code: 003000) approx. 7km to the northeast;
- The Murrough SPA (Site Code: 004186) approx. 7.52km to the southeast;
- Wicklow Mountains SPA (Site Code: 004040) approx. 6.32km to the southwest;
- The Murrough SPA (Site Code: 004186) approx. 8.32km to the southeast;
- Carriggower Bog SAC (Site Code: 000761) approx. 9.24km to the southwest;
- Dalkey Islands SPA (Site Code: 004172) approx. 9.3km to the northeast;

5.4.2. The Dargle River Valley pNHA (Site Code: 001754); Ballyman Glen pNHA (Site Code: 000713); and, Great Sugar Loaf pNHA (Site Code: 001769); are located approximately 0.63km to southwest; 1.32km to the northwest; and 2km to the southwest respectively of the appeal site.

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 third party appeal was lodged on the behalf of Aodhan Murphy, Claire Stevenson, Fiona Coyle, Claire Tynan, Selahttin Bostanci, Michael McNamara, Yaswanth Kumar Pabbiseti, Diarmuid Loftus, Gavin Hughes, Edyta Yemets, Fatima Blair, Lisa Callaghan, John and Una Whelan and Ashton Wood Residents' Association. I note that the appellants are mostly individuals addressed in Thornbrook. I further note that the appeal contains a number of individual appendices from some of these individuals relating to the proposal. The grounds of appeal are summarised under the following general headings:

Site Setting and Development

- The site context and setting is outlined long with the nature of planning history on the site and the type of development proposed on the lands. Previous planning refusals on the overall lands is also referenced.

Contravention of Public Policy

- The founding permission Reg. Ref. 17/1085 (ABP Ref. 301577/18) clearly and unambiguously identified and defined the plot area and public open space serving the houses and included specific conditions.
- The current proposal would have to include a proposal to change the designated use from public open space to residential use.

- The Application Form does not deal with the issue of the change of use. There is no information given about the intended change of use from public open space to residential.
- The public notice makes no mention of the proposed change of use or the proposed material contravention of the conditions of the founding permission Ref. Reg. Ref. 17/1085 (ABP Ref. 301577/18). The application must be rejected for not having the proper public notice.
- Material omission to Question 17 of the Application Form. It is stated that the proposal would not consist of work to the curtilage of the Protected Structure. While the curtilage has not been scientifically measured, it is contended that it extends downslope from the parent house as far as the gate lodge and embraces the woodland of the application site.

Development Plan:

- The Development Plan aims to ensure all development will be appropriate for the character of the area.
- Tree felling occurred in a manner which runs contrary to the aim and objectives of the Council.
- Such activity conflicts with the purpose of open space retention/protection.
- An Bord Pleanála previously refused permission for houses having regard to the landscape context which is confined to two story houses.
- The disproportionate footprint of the proposal is at odds with the receiving environment and would materially contravene the Development Plan.

Trees:

- Concern is expressed over the inappropriate felling of trees. The founding permission clearly specified provision for tree retention and maintenance.
- The photos lodged with proposal reveal that tree clearance has been carried out that would materially contravene conditions of Reg. Ref. 17/1085 (ABP Ref. 301577/18).
- The applicant's claim that existing trees will not need to be removed is not supported by evidence as trees on site have been felled (photographs provided).

- The Further Information was based on a misunderstanding. It was the development scheme as a conventional suburban estate rather than development within the woodland curtilage of a protected structure.
- Item 2 of the Further Information request asserts that the lands were labelled as 'undevelopable' in previous applications and not considered open space. It appears to immediately take an opposite view stating those lands were referred to as incidental open space whilst adding that the subject lands do not take away from designated open space in the estate. This statement is not supported by evidence.
- The Development Plan discourages tree felling and requires the protection and enhancement of mature and semi-mature woodland. These features are intrinsic to the curtilage of the Protected Structure.
- Wicklow Co. Co. failed to identify the significance of lands for nature conservation related to woodland. This issue arises regarding bats and birds such as the woodpecker for which the woodlands of Wicklow form a premier habitat.
- The tree survey lodged with Reg. Ref. 17/1085 shows extensive tree coverage where the house is now proposed.
- It is understood the founding permission established the criteria for reduced density housing that would allow for retention of the surrounding wooded landscape and that these trees form the curtilage of the protected structure.

Drainage Problems:

- The applicant acknowledged that three houses on the lands had poor drainage in their rear gardens but that it had been resolved.
- There are sustained and ongoing problems with the estate drainage and there are concerns about potential difficulties that could follow a further house connected to the sewer system.
- This issue arises from foul and surface water. Thornbrook is on a south facing slope where surface water discharges out towards Herbert Road. The proposal would increase discharge and add to concerns over flooding. Permission should be refused and the land dedicated to serve for soakage in addition to ecological purposes.

7.1.2. In addition to the main appeal document, I note that a number of supplemental submissions have been included from appellants in the form of appendices. I note that the main issues raised are largely similar with the main appeal but are nevertheless set out as follows:

Incomplete Drainage Work and Misrepresentation

- Drainage works undertaken in 2025 were not completed to a reinstated or finished standard. Gardens remain muddy and waterlogged and the areas unusable.
- Representations that the works were completed and functioning satisfactorily does not reflect site condition and residents have not stated their satisfaction of the completion of works.

Loss of Open Space and Arboricultural Deficiencies

- Residents relied on the grant of permission which preserved areas as public open space a woodland buffer.
- References are made to Arboricultural matters however, no comprehensive Arboricultural impact assessment by a consulting arborist has been conducted.

Planning Assessment Implications

- In circumstances where drainage works remains visibly incomplete and where representations of completion are unsupported by certification or verification, such representations should be afforded limited weight, and the Commission should attached weight to the site conditions and original planning framework which preserved open space as part of the drainage and amenity of the estate.

Sewage Issues

- Sewage is backing up to the drains in the side passage of a residence, and a hose is required to manually flush waste which is a health hazard and has not been rectified with the builder.

Residential Amenity Impacts

- Loss of privacy and overlooking (on No. 8 Thornbrook) as a result of the height, siting and window placement of the proposed dwelling; loss of natural lighting and overshadowing which will impact on internal living conditions and useability of outdoor space.

Increased Flood Risk

- The introduction of a further dwelling with roof area and hard surfaces will increase surface run-off and compromise the already saturated ground conditions. The cumulative drainage impacts have not been assessed.

Increased Road and Traffic Safety Concerns

- Development will result in additional traffic into a quiet residential area. The local road network is limited in capacity and was not designed to accommodate increased volumes of traffic.
- Additional vehicles associated with the dwelling would increase congestion, noise and disturbance; pose risks to pedestrians and children; and reduce the overall safety and amenity of the area.

Impact on Wildlife and Biodiversity

- The site and surrounding area support local wildlife typical of semi-rural residential environments such as birds, mammals and natural vegetation habitat. Disturbances from the works, increased human activity, vehicular movement and lighting will contribute to habitat loss and disturbance of local biodiversity.
- The cumulative environmental impact of incremental residential development in this area has not been evaluated, and ecological considerations have not been addressed.

Failure to consider 3rd Party Considerations

- Wicklow County Council did not address substantive concerns raised in original submissions. Material planning considerations appear to have been given insufficient weight.

7.2. Applicant Response

7.2.1. A response has been received on behalf of the applicant and is summarised as follows:

Loss of Trees and Open Space

- Matter addressed at Further Information stage and deemed acceptable to the Planning Authority with Condition No. 6 requiring that the recommendations of the Arboricultural Assessment be carried out along with landscaping/tree planted carried out.

- The tree removed from site was damaged during a storm and its retention would have been impossible as such there is no contravention of Reg. Ref. 17/1085.
- Several other trees were identified as being dangerous by an arborist and were removed. No unnecessary tree felling occurred.
- None of the existing trees will be removed to construct the new dwelling.
- The area identified as 'undevelopable' was originally excluded from use for residential housing due to extensive tree coverage is not open space.
- The lands are zoned for residential development and the proposal for a dwelling complies with the zoning objective.

Contravention of Planning Policy

- The appeal does not state a particular Development Plan policy or objective or any other specific policy which the development would contravene.
- It is not considered that one dwelling will affect the curtilage of the Protected Structure or contravene the Development Plan given the distance of the development from Kilbride Hill House and the existence of the new housing development.
- No change of use is proposed.

Drainage

- Matter addressed at Further Information stage and deemed acceptable to the Planning Authority.
- The Engineering Report proposed measures such as water butts for re-use and two infiltration beds wrapped in geotextile designed to store run-off from the roof before slowly recharging groundwater or over-flowing to the public sewer during extreme events.
- Storage has been calculated to allow for climate change.
- Drainage design includes permeable paving to enhance the visual character and manage on-site flood risk.
- Condition No. 7 requires drainage measures to be carried out in accordance with the submitted particulars.

7.3. Planning Authority Response

- None.

7.4. **Observations**

- None.

8.0 **Assessment**

Having examined the application details and other associated documentation on file, the third party appeal, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I consider the main issues in this third party appeal can be addressed under the following headings:

- Principle of Development
- Contravention of Planning Policy
- Drainage
- Loss of Trees and Open Space
- Other Issues
- Appropriate Assessment (Screening)

8.1. **Principle of Development**

8.1.1. The proposed development is located in the recently developed Thornbrook housing estate in a residential area of Bray. The proposed dwelling will be sited on a plot of currently undeveloped land in the southwestern extent of the Thornbrook housing estate adjacent to a turnabout area and a cul-de-sac currently serving 3 no. dwellings. Given the surrounding pattern of development and siting of the proposed dwelling, I am satisfied the proposal represents an infill development in a residential area. It is my opinion that a new dwelling on this plot of land would comply with the overarching objectives of the Development Plan in terms of compact growth within existing settlements (CPO 4.2); increased densities and infill schemes (CPO 4.3); and, Infill Development (CPO 6.16 and CPO 6.21). Additionally, I am of the view the proposed dwelling would not be out of character with the pattern of development in this area and I consider the dwelling would represent an acceptable form of infill development in accordance with Section 3.1.6 of Appendix 1 of the Development Plan in respect of standards for infill development.

8.1.2. I also acknowledge that the appeal site is located on lands which were most recently zoned 'RE- Existing Residential' under the Bray Municipal District Local Area Plan 2018 – 2024 (now expired) which has an objective 'to protect, provide and improve residential amenities of existing residential areas'. I therefore consider that the proposed development of a dwelling would be in accordance with the to the stated objectives of the Planning Authority, as set out in the Development Plan in relation to housing and the design standards insofar as they relate to infill development and that the principle for a new dwelling to be acceptable – subject to compliance with other parameters set out in the Development Plan.

8.2. **Contravention of Planning Policy**

8.2.1. The grounds of appeal claim the proposed development would contravene the parent permission, Reg. Ref. 17/1085 (ABP Ref. 301577/18) in terms of the plot area, public open space and specific conditions. It is also claimed that the proposal should have included wording for the change the designated use from public open space to residential use and that the public notices and Application Form have made material omissions to this effect. It is also claimed that Question 17 of the Application Form made a material omission in relation to works in the curtilage of the Protected Structure (Kilbride Hill House). The appeal further states that the Development Plan aims to ensure all development will be appropriate for the character of the area and that tree felling occurred in a manner which is contrary to the aims and objectives of Wicklow County Council. Additionally, it is contended in the appeal that the development conflicts with the purpose of open space retention/protection. The appeal also claims that the disproportionate footprint of the proposed dwelling is at odds with the receiving environment and would materially contravene the Development Plan. It is also argued in the appeal that An Bord Pleanála previously refused permission for houses in Thornbrook having regard to the landscape context which is confined to two storey houses.

8.2.2. The applicant's response to the appeal states that the appellant does not specify any particular Development Plan policy or objective or any other specific policy which the development would contravene and that there are only vague statements regarding the contravention of planning policy. It is the opinion of the applicant that the proposed dwelling would not affect the curtilage of the Protected Structure or contravene the

Development Plan on account of the distance of the development from Kilbride Hill House and given that a housing development has been constructed on the lands. It is also contended that no change of use is proposed as the site is on lands zoned 'RE-Existing Residential' and complies with extensive local through to national policy for housing.

- 8.2.3. In considering the claim that reference to Kilbride Hill House, a Protected Structure (RPS Ref. No. 26) was omitted, I note that the appellants have accepted that the curtilage of the Protected Structure is not strictly defined. Having inspected available Ordnance Survey maps and having reviewed the planning history of the subject lands, I acknowledge that previous planning applications referenced the site location as Kilbride Hill House and I would accept that the site of the subject development belonged to the historic curtilage of Kilbride Hill House. Notwithstanding, given the comprehensive recent development that has occurred on the subject lands within the Thornbrook housing estate, I am of the view that the former historic curtilage has been irrevocably changed as a result of the modern works and that the proposed new dwelling can be read in the setting and context of the new housing estate rather than lands previously associated with Kilbride Hill House. I also note that the Planning Authority validated the planning application based on the particulars submitted. Having examined Article 18 of the Planning and Development Regulations 2001 (as amended), I am satisfied that the location/address provided is clear and acceptable for the subject development.
- 8.2.4. I do not consider the subject development would impact on the integrity of the curtilage of Kilbride Hill House which is a Protected Structure (RPS Ref. No. 26). I have formed this view on the basis of the location of the proposed development in the southwest corner of the Thornbrook housing estate whereby the subject dwelling would be one of the furthest houses from the Protected Structure and the new dwelling would be screened from Kilbride Hill House by neighbouring houses to the north and east in Thornbrook. To this end, I do not consider the proposed development would impact on the curtilage of the Protected Structure or any associated policy objectives of the Development Plan in terms of built heritage or architectural heritage.
- 8.2.5. In considering the procedural matters surrounding the appellants' claim that the statutory notices and associated planning particulars should have included reference

to a change of use from public open space to residential use, I am of the view that there was no such requirement or obligation on the applicant to do so. I have reviewed previous planning applications on the subject lands, namely the parent permission, Reg. Ref. 17/1085 (approved by An Bord Pleanála under Ref. ABP-301577-18), and subsequent applications Reg. Ref. 21/1405 (Split Decision by Wicklow County Council) and refused under Reg. Ref. 22/694 (ABP Ref. ABP-314579-22). I am of the view the dedicated areas of public open space were clearly illustrated on the various Landscaping and Site Layout drawings and were distinct from the parcel of lands pertaining the proposed development which is indicated as 'Tree Areas' under Reg. Ref. 17/1085 and 'Undevelopable Areas' under Reg. Refs. 21/1405 and 22/694 respectively. It is my opinion that the subject site did not, at any stage, form part of the dedicated public open space for the Thornbrook housing estate. I consider that the position of distinguishing the tree covered areas from the public open space areas was set out by the applicant in a reasonable and transparent manner and this rationale was accepted by the Planning Authority. I do not consider that the subject development would result in the loss of open space or be at odds with any development management standard for open space provision/retention and set out in the Development Plan.

8.2.6. In relation to the appellants' claim regarding the nature of the development, I have already indicated my satisfaction that the principle of development is acceptable. The proposed dwelling is two-storey with a stated floor area of 95.5sq.m and contains a hall, W/C, living room and kitchen/dining area at ground floor level and 3 no. bedrooms and a bathroom at first floor level. The design is relatively simple and contemporary which broadly matches the existing dwellings in the Thornbrook housing estate in terms of form, style and material finishes. It is my opinion that the proposed dwelling would represent an appropriate form of infill development that would be in accordance with the parameters set out in Section 3.1.6 of Appendix 1 of the Development Plan insofar as it relates to standards for infill development.

8.2.7. To further address the appellants' claim that there is material contraventions associated with the proposed development, I acknowledge the response of the applicant who claim that the appellants have been vague and have not indicated any specific policy or objective which has been breached. In my consideration of the development, I refer to important national planning policy revisions that have been

introduced in recent times. The National Planning Framework was revised in 2025 having considered Census 2022 and ESRI projections and National Policy Objective 7 seeks to 'deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth'. Given the appeal site is located in a recently developed housing estate on lands zoned 'RE-Existing Residential' under the now expired Bray Municipal District Local Area Plan 2018 – 2024, I do not consider that it would be unreasonable for the subject lands should be developed for residential purposes and that this development would comply with a national planning policy objective in terms housing delivery within the built-up envelope of an urban settlement.

8.2.8. I also consider that the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) is relevant as it seeks to encourage infill development and provide increased densities on suitable zoned lands. Bray which is situated in the metropolitan area for Dublin City and according to Section 3.3.1: Cities and Metropolitan (MASP) Areas, the strategy is to support consolidation and intensification within and close to the existing built-up footprint of the city and suburbs area and metropolitan towns. The key priorities for city and metropolitan growth in order of priority are to: (a) strengthen city, town and village centres, (b) protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality, (c) realise opportunities for adaptation, reuse and intensification of existing buildings and for incremental brownfield and infill development, (d) deliver brownfield and infill development at scale at suitable strategic and sustainable development locations within the existing built up footprint of the city and suburbs area or metropolitan towns, (e) deliver sustainable and compact urban extension at scale at suitable strategic and sustainable development locations that are close to the existing built-up footprint of the city and suburbs area or a metropolitan town and served by existing or proposed high-capacity public transport, and (f) deliver sequential and sustainable urban extension at suitable locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the city and suburbs area or a metropolitan town. Having regard to these guidelines, it is my opinion, that infill development and increased density is supported and so the proposal for an additional house within the built-up area of Bray would be acceptable.

8.2.9. Overall, I do not consider that the proposal of a dwelling on the appeal site within the Thornbrook housing estate materially contravenes any specific policy or objective the Development Plan or associated public policies as claimed in the appeal. It is my opinion that the proposed development is acceptable on this residentially zoned infill site and would comply with local through to national planning policy in terms of compact development.

8.3. **Drainage**

8.3.1. The grounds of appeal raise a number of concerns in relation to existing site drainage issues in Thornbrook. It is indicated that drainage issues were acknowledged by the applicant but despite claiming to be resolved, they have not been rectified and gardens of dwellings are waterlogged. It is contended that the development of a further dwelling would contribute to further problems if connected to the services network. It is also claimed that the proposal would increase discharge from the roof and hardstanding areas that would add to concerns over local flooding. The appeal states that permission should be refused as the dwelling would be on lands dedicated to serve for soakage purposes. An appendix submitted with the appeal states that there is a specific issue of sewage backing up at the side passage of a residence which is a health hazard that was not rectified by the builder.

8.3.2. The applicant's response to the appeal states that the matter of drainage was addressed at Further Information stage and deemed acceptable to the Planning Authority with Condition No. 7 of the decision to grant relating to drainage measures. The appeal response also states that drainage measures include provision of water butts for re-use of water, permeable paving and the provision of two infiltration beds designed to store run-off from the roof of the dwelling before slowly recharging groundwater or over-flowing to the public sewer network in extreme events.

8.3.3. In assessing the subject development, I note that Question 20 of the submitted Application Form states that the Proposed Wastewater Management/Treatment is via an existing connection to the public sewer and that Surface Water Disposal is via Public Sewer/Drain. I acknowledge the initial assessment of the Planning Authority raised concern in relation to the surface water drainage within the rear amenity spaces of the existing dwellings which appear to have insufficient capacity to successfully manage prolonged rainfall events and that confirmation was to be provided that the proposal

would not result in similar issues. I am of the view that the dwelling could connect to existing services without constraining the network. Additionally, I do not consider that the parcel of land relating to the subject development is pertinent to the overall drainage of the Thornbrook housing estate as the foul and storm sewers do not traverse the site and there are no indicated drainage/SuDS features on the site. With this in mind, I am satisfied that the proposal to install a soakaway on the site to manage surface water drainage from the dwelling would be acceptable and that ground infiltration would be acceptable to manage surface water arising from the new dwelling and would control drainage within the confines of the appeal site. I am of the view the proposed storm water drainage measures are adequately sized to prevent surface water run-off onto roads or other properties. Furthermore, I am of the view that Condition No. 7 of the Planning Authority's decision which relates to surface and foul water collection and discharge is appropriate and I recommend that should the Commission be minded granting permission that a similar condition be attached that surface/foul water collection and disposal be in accordance with the requirements of the Local Authority who are responsible for such services.

8.3.4. I note the matters raised in the appeal relating to surface water drainage issues in the rear gardens/amenity spaces of existing dwellings in the Thornbrook housing estate along with a claim of issues relating to foul drainage for one particular dwelling. I acknowledge that the applicant has indicated that these issues have been resolved but this not accepted by the appellants. Nevertheless, the development before the Commission relates to a single dwelling on an undeveloped parcel of land in the Thornbrook housing estate and it is my view that as-constructed drainage issues which may relate to other dwellings in the wider housing estate is not a matter for consideration by the Commission.

8.4. **Loss of Trees and Open Space**

8.4.1. The grounds of appeal express concern in relation to the inappropriate felling of trees which were to be retained and maintained under previous planning permission and that clearance of trees materially contravenes the conditions of Reg. Ref. 17/1085 (ABP Ref. 301577/18). The appeal also informs that the Tree Survey lodged with Reg. Ref. 17/1085 shows extensive tree coverage in the area where the house is now proposed. Additionally, the appellants state that the Development Plan discourages tree felling

and requires the protection and enhancement of mature and semi-mature woodland. The appeal claims that evidence of tree removal does not support the applicant's statement that trees will not need to be removed to carry out the development. The grounds of appeal also refer to the labelling of the subject site as being 'undevelopable' in previous planning applications. It is further claimed that the parent permission had established a criterion for reduced residential density to allow for the surrounding wooded area to be retained and that these trees form the curtilage of Kilbride Hill House, a Protected Structure.

8.4.2. The applicant's appeal response claims that the matter of tree removal and open space was addressed at Further Information stage and the response was deemed acceptable to the Planning Authority. Condition No. 6 of the decision to grant permission requires that the recommendations of the Arboricultural Assessment be carried out along with landscaping/tree planting carried out. It is the contention of the applicant that a tree was removed from the subject site as a result of storm damage with photographic evidence submitted to verify the condition of the tree. Given this tree could not be retained it does not constitute a contravention of the previous planning permission (Reg. Ref. 17/1085). It is also claimed by the applicant that several other trees were identified as being dangerous by an arborist and were subsequently removed. The applicant opines that no unnecessary tree felling occurred and that no trees will be removed to enable the construction of the proposed dwelling. In relation to the comments on the status of the subject site, the applicant states that this area was identified as 'undevelopable' on previous drawings/particulars as it was deemed to be inappropriate for housing due to tree coverage. It is argued that the area was not identified as open space for the Thornbrook scheme and that the lands are zoned for residential development according to the Bray Municipal District Local Area Plan 2018 – 2024 and therefore a proposal for a dwelling complies with the zoning objective.

8.4.3. In my consideration of the matter of trees, I have had regard to the site history namely Reg. Ref. 17/1085 (ABP Ref. 301577/18) which is the parent permission for the Thornbrook housing development. I note that Condition No. 24 of Wicklow County Council's decision specified that all trees within and on the boundaries of the site shall be retained with the exception of trees identified for removal in the Tree Impact Assessment and those agreed with the Planning Authority to be dead/dying or dangerous. This application was subsequently subject to a First Party and Third Party

appeal to An Bord Pleanála who upheld the decision to grant permission. I note Condition No. 17 of the Board's Order required the lodgement of a cash deposit/bond to secure the protection of trees on the site and to make good any damage caused during the construction period along with an agreement to apply such security for the satisfactory protection of any trees on site or their replacement of trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species.

8.4.4. Having regard to the contents of the appeal file, I acknowledge that the tree (Tree No. 328) on the appeal site was damaged during a storm and subsequently removed in the interest of public safety. Photographic evidence submitted corroborates the damage to this tree and I accept that this tree could not be retained or replaced. In addition, the appeal file states that other trees removed on the site were taken down and removed for safety reasons. I note that the Planning Authority accepted the rationale put forward by the applicant on this matter and in my view, I do not consider that trees have been deliberately felled in order to facilitate the proposed development on this limited site. In addition, I also consider that an Arborist Report or stated condition of trees from a number of years in the past cannot be relied upon to confirm the subsequent condition/status of a tree which may well have deteriorated or become unsafe in the intervening period of time. In this regard, I do not consider that there has been a breach of planning conditions relating to tree retention/tree protection having regard to the wording of Condition No. 17 of ABP Ref. 301577/18.

8.4.5. In considering the proposal before the Commission, I note that the proposed dwelling is stated as being constructed outside of the tree/root protection area of existing trees. I further note that an Arboricultural Assessment, Tree Survey/Constraints Plan and Tree Protection Plan was submitted in response to a request for Further Information which states that it is not anticipated that any of the surrounding trees will need to be removed to facilitate these works but that some pruning may be required. I am satisfied that the proposed development does not seek to remove any further trees and I consider that should the Commission be minded to grant permission that a condition can be attached requiring the applicant to comply with the recommendations of the arborist. As no trees are to be removed as part of this development, I do not consider that the subject development would be at odds with any policies or objectives in the Development Plan relating to tree protection. Moreover, in the interests of absolute

clarity, I note that a Landscape Drawing refers to 'Trees to be removed' however, having reviewed the contents of the appeal file and having carried out an inspection of the site, I am satisfied that trees detailed on the Landscape drawing are consistent with trees previously indicated for removal under the parent permission and are not present on the site.

8.4.6. I have already outlined my considerations in relation to the status of the site and that the lands are not part of the dedicated open space in Section 8.1. To this end, I am satisfied that the annotation relating to 'undevelopable' areas was set out in the context of the tree coverage as distinct for the public open space to serve the Thornbrook scheme. In my view, the principle of residential development on the subject site is therefore acceptable.

8.5. **Other Issues**

8.5.1. Having regard to the grounds of appeal, I shall also consider the following matters raised in the sub-headings below:

Impact on Residential Amenity

8.5.2. One of the appendices submitted with the appeal raises concerns in relation to impacts on residential amenity of No. 8 Thornbrook particularly in relation to loss of privacy, overlooking, loss of light and overshadowing impacts from the proposed dwelling. It is claimed that the dwelling would impact on internal living conditions and the useability of the outdoor space.

8.5.3. In considering the privacy and overlooking concerns, I note that the appellants have not specified where impacts from overlooking or loss of privacy would arise other than referring to the height, siting and window placements of the proposed house which is alleged to directly overlook No. 8 Thornbrook. From my review of the proposal in the context of No. 8 Thornbrook, I note that the proposed dwelling is located to the southwest of the appellants' property. The proposed dwelling is essentially on a north-south axis facing No. 7 Thornbrook whilst No. 8 Thornbrook is on a east-west axis. The front elevation of the proposed house contains 2 no. upper floor windows serving bedrooms and there is one window at upper floor level on the east facing elevation serving a W/C and is to be opaqued. The front elevation of the proposed dwelling is over 20 metres from the rear corner of No. 8 Thornbrook and is not directly opposing and windows. I refer to Section 3.1.3: 'Privacy' of Appendix 1: Development & Design

Standards of the Development Plan which provides commentary on overlooking/separation distances and notes that a separation distance of 22 metres will normally be required between opposing windows serving private living areas (particularly bedrooms and living rooms). It is further noted that this rule shall be applied flexibly: the careful positioning and detailed design of opposing windows can prevent invasion of privacy even with short back-to-back distances. I further note that SPPR 1 (Separation Distances) of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) informs that it is a specific planning policy requirement of the Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. Furthermore, I also note that SPPR 1 also states that there shall be no specified minimum separation distance to the front of houses in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. Having regard to layout of the proposed dwelling fronting the turnabout area and cul-de-sac road within the development and the separation distance between the proposed dwelling and No. 8 Thornbrook, I do not consider that there will be any overlooking or diminishment of privacy. In my view, the layout and design of the dwelling is acceptable and sufficiently set back from No. 8 Thornbrook.

8.5.5. In terms of overshadowing and loss of light, I note the appellants have not submitted any Sunlight/Daylight/Shadow Assessment in respect of the subject development which demonstrates impacts on the property of No. 8 Thornbrook and so, in the absence of such assessments/studies, I must form my opinion on same. Having reviewed the subject development and carried out a site inspection, I do not consider that any significant shadowing impacts or loss of light arise from the subject development. I have formed this view on the basis of the siting of the proposed two storey dwelling to the southwest of No. 8 Thornbrook and the associated separation distance between the properties. I also consider that the existing mature trees in the immediate vicinity contribute significantly to the current shading/lighting environment of the area. As such, I consider that the proposed dwelling would not impact on natural daylight and sunlight to penetrate the property at No. 8 Thornbrook and that any potential changes in shadowing arising from the proposed development would be

minimal and confined largely to the front and side curtilage of the subject site where shadows would be cast over/across the internal road. Additionally, it is also my opinion that any potential changes in the shadow effect or lighting would be minimal from that of the existing built environment and I would consider it to be reasonable on account of the limited nature of the development (i.e. a new house located within a recently developed housing estate). On this basis, I consider the proposed development to be acceptable, and I am of the view the proposed dwelling would represent an appropriate form of infill development that would be in accordance with Section 3.1.6 of Appendix 1 of the Development Plan insofar as it relates to standards for infill development.

Traffic

8.5.6. Traffic safety concerns have been raised in an appendix of the submitted appeal. It is contended that the local road network has a limited capacity and was not designed to accommodate increased traffic volumes. It is also claimed that the additional vehicles from the proposed dwelling would increase traffic congestion, noise, risks to pedestrians/children and reduce safety and amenity in the quiet residential area. In considering this matter, I note that the proposed development is to be served by a new access from the internal road serving the Thornbrook housing estate. The proposed dwelling is located in the southwestern periphery of the housing development and sited adjacent to a vehicle turnabout area and small cul-de-sac serving three other dwellings. According to the submitted drawings, 2 no. on-curtilage car parking spaces are proposed to serve the dwelling which is in accordance with the standards of the Development Plan. From review of the appeal file, I note that no concerns were raised by the Planning Authority in relation to roads, access or parking. In my view, there is no evidence to support the appellants claims in relation to the design capacity of the local road network or that increased traffic volumes could not be accommodated. I do not consider that the addition of one new dwelling at the end of a cul-de-sac within an existing housing estate would result in traffic congestion or result in significant additional vehicle movements/exceptional traffic volumes when considered in the context of this housing estate and the immediate surrounding suburban area within the settlement boundary of Bray. In addition, I do consider that there would be any traffic hazards or safety implications for pedestrians or children arising from the development of a dwelling in this area of the housing estate. Therefore, I am satisfied that the

proposed development will not give rise to road safety concerns by way of creation of a traffic hazard.

Wildlife and Ecology

8.5.7. The appeal claims that the Planning Authority failed to identify the significance of lands for nature conservation related to woodland and that this issue arises in respect of bats and birds for which the woodlands of Wicklow form a premier habitat. It is also claimed in an appendix of the appeal that the subject site and surrounding area supports local wildlife which is typical of semi-rural residential environments such as birds, mammals and natural vegetation and that disturbances arising from construction works, increased human activity, vehicular movements and lighting would contribute to habitat loss and disturbance of local biodiversity. It is contended that the cumulative environmental impact of incremental residential development in this area has not been evaluated and ecological considerations have not been addressed.

8.5.8. In terms of impacts on wildlife and ecology, I note that the subject site consists of a parcel of undeveloped lands within the Thornbrook housing estate in the settlement of Bray. I accept there are established mature trees in this estate and surrounding area and I am of the view that such established trees and vegetation network would support limited foraging for mammals and limited nesting and roosting for birds. I would also acknowledge that it is also possible for bats to potentially commute and forage in the wider area. Notwithstanding, I note that the applicant is not proposing to remove any trees as part of the development. Moreover, having regard to the subject development which is to be sited with the existing Thornbrook estate which contains approximately 30 no. dwellings and on the basis of the lands being zoned for residential development in the most recent Local Area Plan, I do not consider that it would be unreasonable for these lands to be developed for such a purpose. Therefore, I am of the view that the appeal site is not especially sensitive in terms of biodiversity or ecology value given the site context in a housing estate and within a settlement boundary. I do not consider that the proposed development would result in adverse impacts/loss to wildlife.

9.0 Appropriate Assessment (Screening)

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The proposed development seeks to construct a new two-storey detached, 3-bed dwelling, boundary walls/ fences, dish

existing footpath for new driveway, connections to existing services and all associated site works and services. The appeal site is located in an urban area and is not located within or immediately adjoining any designated Natura 2000 sites.

9.2. The subject site is approximately 1.32km from the nearest designated site which is the Ballyman Glen SAC (Site Code: 000713). 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 small scale and nature of the development;
- The location of the site on serviced lands in an urban area and distance from nearest European site and lack of connections.
- Taking into account the screening determination by the Planning Authority

9.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site is in a serviced urban area and is to connect to the existing sewer network. There are no water courses in the immediate vicinity of the appeal site which is situated within a mature and established urban area

10.2. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale and location of the proposal it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the

subject development is considered to be compliant with the requirements of Article 4 of the Water Framework Directive.

11.0 Recommendation

11.1. I recommend that permission is GRANTED for the development in accordance with the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2022-2028 (as varied) and the overall scale, design and height of the proposal, it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of adjacent residents or property in the vicinity, would not be prejudicial to public health or the environment and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 27th May 2025 and as amended by Further Information received on 12th January 2026, 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. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. The first occupation of any residential unit shall be by individual purchasers and shall not be by a corporate entity.

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

3. Details of the materials, colours and textures of all the finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

4. (a) The recommendations set out in the Arboricultural particulars date received on 12th January 2026, shall be carried out in full, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

(b) Prior to the occupation of the dwelling hereby permitted all boundary treatments shall be constructed as detailed on the submitted plans and particulars, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

(c) The landscaping for the dwelling shall be carried out within the first planting season following substantial completion of construction works, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

Reason: In the interest of visual amenity and biodiversity.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network and include any specific requirements if appropriate.

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

6. All drainage arrangements, including any attenuation/collection and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall

submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health and surface water management.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity.

8. Site development and building works shall be carried out only between the hours of 0700hrs to 1800hrs Mondays to Fridays inclusive, between 0800hrs to 1400hrs on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the Planning Authority.

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

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

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

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.

Matthew O Connor

Planning Inspector

22nd May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500799-WW-26
Proposed Development Summary	Two storey detached, three bedroom dwelling boundary walls/ fences, dish existing footpath for new driveway, connections to existing services, associated site works and services
Development Address	6A Thornbrook, Herbert Road, Bray
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b)(i)(iv) - Infrastructure Projects
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of 1 no. dwelling.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <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

Case Reference	PL-500799-WW-26
Proposed Development Summary	Two storey detached, three bedroom dwelling boundary walls/ fences, dish existing footpath for new driveway, connections to existing services, associated site works and services
Development Address	6A Thornbrook, Herbert Road, Bray
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The proposal seeks permission for the construction of 1 no. house in an urban settlement.</p> <p>The size of the development would not be described as exceptional in the context of the existing environment.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The proposed development is situated in a residential area and within the settlement boundary of a town.</p> <p>There are no significant environmental sensitivities in the vicinity – potential impacts on Natura 2000 sites is addressed under Appropriate Assessment (Screening).</p>

<p>Types and characteristics of potential impacts</p> <p>(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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the limited nature and scale of the proposed development (i.e. 1 no. infill dwelling on residential zoned lands), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)