



Inspector's Report

PL-500801-WW-26

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| Development | Construction of new 3 bedroom, 2 storey dwelling to the rear garden of existing dwelling and all associated site works. |
| Location | "Shenandoah", New Road, Greystones, Co. Wicklow |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 2560312 |
| Applicant(s) | William Fenelon |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission + Conditions |
| Type of Appeal | Third Party Normal Planning Appeal |
| Appellant(s) | Mount Haven Residents Association C/O Kathryn McCaw |
| 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 0.033ha and situated in the existing rear garden area of a property named “Shenandoah”, on New Road in the settlement of Greystones, Co. Wicklow. The character of the surrounding locality is primarily residential with established development on New Road comprising primarily detached houses of various styles on individual plots. Subsequent backland-type development has also occurred in the form of conventional semi-detached houses in Mount Haven and the more recently constructed Fairfield housing development which contains a mix of two storey dwellings and three storey duplexes. The lands pertaining the appeal site comprise a grassed lawn/garden and are lower than the roads and footpaths flanking the north and east of the site. The front (northern) boundary comprises a low level redbrick wall topped with metal railing which fronts a footpath and verge alongside an access from New Road serving the Mount Haven and Fairfield housing developments; the side (eastern) boundary comprises a stone wall which abuts the internal access road serving Fairfield; the western boundary is currently undefined as it is within the rear amenity space of the parent property, “Shenandoah”; and, the rear (southern) boundary is a block party wall approximately 2 metres high. There are no Protected Structures or National Monuments within or immediately adjoining the appeal site. The site is indicated as being within Flood Zone A & B.

2.0 Proposed Development

2.1. The subject development comprises:

- Subdivision of existing site.
- Construction of a new 3-bed, two storey dwelling (187sq.m) to the rear garden of existing dwelling.
- New vehicular entrance/driveway to proposed dwelling from Mount Haven Road.
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission for the development, subject to 11 no. conditions. I note that many of the conditions are generally standard in nature but are summarised as follows:

- Condition 1: Development carried out in accordance with plans and particulars.
- Condition 2: Payment of financial contribution.
- Condition 3: Occupation shall be for individual purchasers and not a corporate entity.
- Condition 4: Submit for written agreement, the design for the provision of the contoured garden swale as outlined in details submitted. This feature shall be sized to effectively manage rainwater storage and reduce flood risk. All hardstanding areas shall comprise of permeable paving.
- Condition 5: Surface water/Drainage specifications.
- Condition 6: Submit photographic evidence confirming the installation of a contoured rainwater swale.
- Condition 7: Existing street tree close to proposed entrance shall be retained. Where this tree fails it may be removed subject to the written agreement and replaced with a similar tree.
- Condition 8: Side-facing (west-southwest) elevation window shall be fitted with obscure glazing.
- Condition 9: Working/Construction Hours.
- Condition 10: Maintain existing public footpath across the proposed vehicle entrance and submit drawings detailing proposed changes to the public footpath and grass verge.
- Condition 11: Agreement with Uisce Eireann (Irish Water)

3.2. Planning Authority Reports

3.2.1. Planning Report(s)

- The first Planner's Report, dated 16th June 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 development as acceptable.
- In terms of flooding, the Planning Authority noted that the site is nearly entirely within both Flood Zones A and B. Further information required as the applicant did not submit a Justification Test.

- With respect to the location, design, scale and layout the Planning Authority noted the siting of the house to the rear of an existing dwelling and that it would be visible from the street consequently having impact on the streetscape and character of the area. That said, it was considered the infill dwelling would not distort the scale and mass of the existing structure(s). The design and finishes were noted to be in keeping with the existing dwelling but closer to the more contemporary Fairfield.
- In relation to residential amenity, the Planning Authority noted existing context as having a low density suburban form of detached dwellings but that the Fairfield estate has a higher density than the surrounding area. It was deemed the design provides little opportunity to increase overlooking and the design/orientation would not have a negative impact in terms of overbearance, enclosure or overshadowing.
- The Planning Authority noted that the private open space serving the existing dwelling would be reduced to approximately 150sq.m with the proposed private open space for the dwelling being 66sq.m. This was deemed to be acceptable with the minimum standard set out in the Compact Settlements Guidelines 2024.
- With respect to access and parking, the Planning Authority noted the partial loss of boundary wall to provide new entrance and the provision of 2 no. spaces on site. The concerns of the Municipal District Engineer were also noted in relation to sightlines and potential loss of a mature street tree. The Planning Authority make reference to an alternative access to the site from New Road (along the southern elevation of Shenandoah) which was raised in submission but not investigated by the applicant. Further information required in relation to the sightlines, tree and access.
- In terms of services, the Planning Authority noted the Municipal Engineer's concerns in relation to sewerage surcharging issues and surface water disposal. Further Information was required.
- No concerns raised in respect on Appropriate Assessment or Environmental Impact Assessment.

Further Information was sought in relation to 3 no. items which are summarised as follows:

1. Submit a Justification Test supported by Site Specific Flood Risk Assessment and details of any mitigation measures as appropriate. Include proposals to manage surface water drainage on site, having regard to the acute sensitivity of the site to flood risk.
2. Submit a revised Site Layout Plan showing the full available sightlines and the measured distances from the proposed access which is compliant with DMURS. Proposed access is in close proximity to a mature street tree on the access road and it is likely the works to provide the access would damage the tree roots. It is requested that this be addressed. Address the entrance width which is considered overly wide and may precipitate excessive speeds
3. Address concerns with the proposed foul sewer wastewater connection to the network. The manhole within Mounthaven that the current proposal is to connect to has been known to surcharge with waste water in the past and as such the connection as proposed could lead to a flooding of the proposed dwelling with sewage from the public sewer. Consideration should be given instead to making a connection into the public foul sewer line which runs parallel to the northern boundary of the site.

3.2.2. Second Planning Report

- The second Planner's Report, dated 14th 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 Item No. 1 of the Request for Further Information, the applicant referred to a Site Specific Flood Risk Assessment for the adjacent Fairfield Park and noting that subject site is potentially located within Flood Zone B and provides a Development Management Justification Test. A Technical Note/ Report includes surface water management measures with hardstanding areas constructed with permeable paving with hardcore subbase, water butts and a swale feature in the garden to store water in the event of flooding.
- With regard to Item No. 2 of the Request for Further Information, the applicant revised the width/gate of the proposed entrance and relocated same to the west

allowing for 23 metre sightlines. The relocation reduces impacts on the existing trees. The Planning Authority was satisfied with the revisions.

- In relation to Item No. 3 of the Request for Further Information, the applicant revised the foul sewer connection and the Planning Authority deemed that this aspect of the proposal was acceptable.

3.2.3. Other Technical Reports

MD Engineer: Further information requested in relation to a number of items. The proposed access is in close proximity to a mature street tree and will require removal of the verge. It is likely that the works to provide the driveway access with damage roots to the tree and so the entrance location should be pushed eastwards slightly to avoid root damage. Sightlines as shown at 23m are inaccurate and is obviously to show that minimum sightlines for a 30km/hr zone as are available. In this instance of more concern and importance are the existing junctions either side of the proposed access, and in particular the distance to the entrance into the Fairfield development to the east, which is closer to the proposed development than the 23m shown. The full available sightlines should be shown and the measured distances shown. The proposed foul sewer wastewater connection is poorly designed as it is proposed to outfall to a manhole on the Uisce Éireann foul sewer network at 180 degrees in the opposite direction to the direction of flow in the main sewer line. A connection should be made into the public foul sewer line which runs parallel to the northern boundary of the site. The manhole in Mounthaven that the proposal is to connect to has been known to surcharge with wastewater and the connection as proposed could lead to a flooding of the proposed dwelling with sewage from the public sewer.

3.3. **Prescribed Bodies**

Uisce Éireann – No response received.

3.4. Third Party Observations

3.4.1. According to the Planning Authority, 13 no. third party observation were received at application stage. I note from review that many of the issues raised are similar to those made in the appeal. Nevertheless, the main issues of concern relating to the subject development were summarised in the Planner's Report as follows:

Residents of Mount Haven and Fairfield Estates are raising significant objections to a proposed new vehicular entrance and dwelling, citing numerous safety, environmental, and quality-of-life concerns. While generally not opposed to a new dwelling in the rear garden of "Shenandoah" on New Road, the core of their objections revolves around the proposed access point from Mount Haven Estate, arguing that an existing entrance from New Road could be safely adapted instead.

Key Concerns Regarding the Proposed New Entrance from Mount Haven Estate:

- **Traffic Safety and Congestion:**
 - Proximity to Existing Entrances: *The proposed new entrance is deemed dangerously close to both the main entrance from New Road into Mount Haven Estate and the existing entrance/exit of Fairfield Estate. This close proximity, particularly on an already narrow road, creates significant visibility issues and blind spots for drivers and pedestrians alike.*
 - Narrow Roadway: *The road leading into and out of Mount Haven from New Road is already narrow and experiences heavy traffic, especially since the addition of Fairfield Estate. Residents highlight that this road is ill-equipped to handle an additional vehicular entrance, which would create a hazardous bottleneck.*
 - Increased Accident Risk: *The combination of narrowness, blind spots, and multiple close-knit entrances is projected to significantly increase the risk of collisions for vehicles, cyclists, and pedestrians.*
- **Pedestrian Safety and Infrastructure:**
 - Risk to Vulnerable Pedestrians: *Residents express serious concerns for the safety of children walking to and from school, as well as older residents using mobility aids, due to increased traffic and the proposed loss of existing footpath sections. The current footpath is considered crucial for safe passage.*

- Loss of Footpath and Mature Trees: The construction of the new entrance would likely necessitate the removal of existing mature trees and portions of the footpath, negatively impacting both the aesthetic character of the estate and pedestrian safety.
- **Parking and Traffic Management:**
 - Lack of Visitor Parking: The proposed development appears to lack adequate provision for visitor parking. This oversight is expected to lead to dangerous overflow parking on Mount Haven Estate roads, further exacerbating congestion and creating additional blind spots.
- **Construction Disruption and Damage:**
 - Heavy Machinery on Narrow Roads: Residents anticipate significant disruption, noise, dust, and safety risks from heavy construction machinery operating on the narrow Mount Haven roads, especially near the blind corner and Fairfield Estate entrance.
 - Previous Negative Experience: Residents recall experiencing years of inconvenience, road damage, and disruption during the construction of Fairfield Estate and are aggrieved at the prospect of similar issues reoccurring.

Broader Objections and Planning Concerns

- Alternative Access: Objectors strongly advocate for the use of the existing entrance/exit from New Road for the proposed dwelling, asserting it could be easily and safely adapted. They question why an additional entrance wasn't sought through Fairfield Estate when the land was under the same ownership.
- Overdevelopment: Concerns are raised about the overdevelopment of the area, noting that Greystones has already reached its population target for 2028. Residents point to the recent increase in dwellings in Fairfield and on New Road, leading to increased traffic, noise, and strain on existing infrastructure (roads, water, sewage).
- Devaluation of Properties and Aesthetic Impact: The proposed development is feared to devalue existing properties in Mount Haven and negatively impact the estate's aesthetic and environmental character due to the removal of green spaces and mature trees.

- Inappropriate Naming: Some residents object to the proposed dwelling being named "No. 1 Mount Haven Road," arguing it is a New Road property and that associating a smaller dwelling in a restricted space with Mount Haven would "lower its standing as an estate."
- Precedent for Urban Sprawl: There's concern that approving a "small dwelling into the relatively modest back garden of an existing house" could set a precedent for similar developments throughout the county, leading to undesirable urban sprawl and further strain on services.

4.0 Planning History

4.1. The following planning history is considered to be relevant:

Subject Site

W.C.C. Ref. 93682: Permission GRANTED for the dormer attic conversion, two dormer windows & new pitched roof. Applicants: Mr. & Mrs. W. Fenelon.

Neighbouring Site to the southeast

W.C.C. Ref. 23123: Permission GRANTED for revisions to boundary treatments to some areas along of the perimeter of the site granted under planning permission from An Bord Pleanála Ref. 304492-19; revision to boundary treatments between proposed residential units, internal public roads and open space areas granted under both planning permissions from An Bord Pleanála Ref. 304492-19 and An Bord Pleanála Ref. 314364-22; revisions to location, size and number of refuse and cycle storage facilities granted under An Bord Pleanála Ref. 314364-22; minor adjustments to public open space and car parking layout to accommodate disabled car parking spaces granted under both planning permissions from An Bord Pleanála Ref. 304492-19 and An Bord Pleanála Ref. 314364-22; all together with associated works including drainage, attenuation, landscaping, private and public open space areas. Applicant: Durkan Fairfield Developments Limited.

W.C.C. Ref. 22570: Permission GRANTED for a development consisting of change of house types (detached and semi detached units) and other site minor alterations to previously granted planning permission ref no. 18925/An Bord Pleanála ref. 304492-19 and planning permission no. 21/331 from Wicklow County Council, consisting of the new detached house type design including revised external finishes; new semi-

detached house type design including revised external finishes; minor alterations to footpaths, location of some internal boundaries and fences around dwellings and duplex units, including new wall and gate to unit 20 Fairfield; relocation and inclusion of refuse and bicycle storage areas. All together with associated works including drainage, landscaping, parking configuration, private and public open space areas. Applicant: Durkan Fairfield Developments Ltd.

The application was appealed to An Bord Pleanála (ABP Ref. ABP-314364-22) however the appeal was withdrawn.

W.C.C. Ref. 21331: Permission GRANTED for minor alterations to the external finishes of all residential units granted under planning permission ref no 18925/An Bord Pleanála Ref 304492-19. The alterations consist of replacing proposed stone cladding with selected brick finish in all residential units; replacing proposed zinc/metal cladding to bay window projections and canopies with selected pressed metal standing seam; proposed plaster reveals to windows and doors in selected elevations; reduction to external storage areas at first floor level in all duplex unit blocks; replacing 2.1m high zinc screens with 1.8m high obscure glazing panels in all duplex residential units to separate balconies and avoid overlooking; all together with associated works including drainage, landscaping, private and public open space areas. Applicant: William Fenelon.

ABP Ref. ABP-304492-19 (W.C.C. Ref. 18925): Permission GRANTED by An Bord Pleanála who upheld the decision of Wicklow County Council for residential scheme comprising 51 units as per the following: 8 no 2 bedroom terraced bungalows, 10 no 3 storey 4 bed semi detached dwellings with balconies to the rear, 24 no 2 storey 3 bed semi detached dwellings, 4 no 2 storey 3 bed terraced dwellings, 5 no 2 storey 4 bed detached dwellings, two separate vehicular and pedestrian accesses, one from New Road serving 8 units and another from Mount Haven estate serving the remaining 43 units, all together with associated works including drainage, landscaping, private and public open space areas. Applicant: William Fenelon.

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' and sets out the housing and settlement targets for Wicklow.

5.1.3. Chapter 4 relates to 'Settlement Strategy'. Greystones - Delgany is designated a Level 3 Self-Sustaining Growth 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 6.3 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 unserviced, low density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

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

5.1.6. Chapter 14 relates to 'Flood Risk Management' and the following objectives are deemed relevant in relation to the subject development:

CPO 14.08 The zoning of land that has been identified as being at a high or moderate probability of flooding (flood zones A or B) shall be in accordance with the requirements of the Flood Risk Management

Guidelines and in particular the 'Justification Test for Development Plans' (as set out in Section 4.23 and Box 4.1 of the Guidelines)

CPO 14.09 *Applications for new developments or significant alterations/extension to existing developments in an area at risk of flooding shall comply with the following:*

- *Follow the 'sequential approach' as set out in the Flood Risk Management Guidelines;*
- *An appropriately detailed flood risk / drainage impact assessment will be required with all planning applications, to ensure that the development itself is not at risk of flooding and the development does not increase the flood risk in the relevant catchment (both up and down stream of the application site), taking into account all sources of flooding;*
- *Restrict the types of development permitted in Flood Zone A and Flood Zone B to that which are 'appropriate' to each flood zone, as set out in Tables 3.1 and 3.2 of the Flood Risk Management Guidelines unless the 'plan making justification test' has been applied and passed;*
- *Where a site has been subject to and satisfied the 'Plan Making Justification Test' development will only be permitted where a proposal complies with the 'Justification Test for Development Management', as set out in Box 5.1 of the Guidelines.*
- *Flood Risk Assessments shall be in accordance with the requirements set out in the Guidelines and the SFRA.*

Where flood zone mapping does not indicate a risk of flooding but the Planning Authority is of the opinion that flood risk may arise or new information has come to light that may alter the flood designation of the land, an appropriate flood risk assessment will be required to be submitted by an applicant for planning permission and the sequential approach shall be applied as the 'Plan Making Justification Test' will not be satisfied.

CPO 14.10 To prohibit development in river flood plains or other areas known to provide natural attenuation for floodwaters except where the development can clearly be justified with the Flood Risk Management Guidelines 'Justification Test'.

CPO 14.12 Excessive hard surfacing shall not be permitted for new, or extensions to, residential or commercial developments and all applications will be required to show that sustainable drainage techniques have been employed in the design of the development.

CPO 14.15 To promote the use of green infrastructure, such as swales and wetlands, where feasible as landscape features in new development to provide storm / surface runoff storage and reduce pollutants, as well as habitat, recreation and aesthetic functions.

5.1.7. Volume 3 of the Development Plan contains Appendix 1: 'Development and Design Standards' which is considered to be relevant to the subject development in terms of Section 3.1.6 relating to Infill/backlands development in existing housing areas.

5.2. Greystones-Delgany & Kilcoole Local Planning Framework 2026

5.2.1. It shall be noted that when the application was assessed, the Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019 had expired and the Draft Greystones / Delgany & Kilcoole Local Planning Framework (LPF) 2025 was being prepared as part of a proposed to the Wicklow County Development Plan 2022 – 2028 (specifically Variation No. 4.) For context, I note that the appeal site was zoned 'RE- Existing Residential' with an objective *'to protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located'*. Residential development such as houses was a use generally appropriate for residential zoned lands-in the expired Greystones – Delgany Local Area Plan, 2013 – 2019.

5.2.2. The Greystones / Delgany & Kilcoole Local Planning Framework (LPF) / Variation No. 4 to the Wicklow County Development Plan 2022 - 2028 was adopted and came into effect on 9th February 2026. The subject site is zoned 'RE: Existing Residential' which has an objective *'to protect, provide and improve residential amenities of existing residential areas'*. The description for this zoning designation is *'to provide for house improvements, alterations and extensions and appropriate infill residential*

development in accordance with principles of good design and protection of existing residential amenity. 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; however new housing or other non community related uses will not normally be permitted'.

5.2.3. I note in relation to zoning for residential development that it is an aim of the LPF to focus new residential development into the existing serviced built envelope of the settlements and that 'Existing Residential' (RE) zones present significant housing opportunities through densification of the existing built up area, re-use of derelict or brownfield sites, infill and backland development. It is also stated that any development proposal for these areas, particular cognisance must be taken of the need to respect the existing built fabric and residential amenities enjoyed by existing residents. The following objective is deemed relevant in this regard:

GDK19 In areas zoned 'Existing Residential', house improvements, alterations and extensions and appropriate infill residential development (including that which comprises the replacement of existing lower density development with higher density 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 of the Wicklow County Development Plan). 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.

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:

- Bray Head SAC (Site Code: 000714) approx. 0.65km to the north;
- Glen of the Downs SAC (Site Code: 000719) approx. 3.07km to the west;
- The Murrough SPA (Site Code: 004186) approx. 2.36km to the southeast;
- The Murrough Wetlands SAC (Site Code: 002249) approx. 4.54km to the southeast;
- Ballyman Glen SAC (Site Code: 000713) approx. 7.2km to the northwest;
- Carriggower Bog SAC (Site Code: 000716) approx. 7.6km to the southwest;
- Knocksink Wood SAC (Site Code: 000725) approx. 8.08km to the northwest;
- Wicklow Mountains SPA (Site Code: 004040) approx. 8.9km to the west; and,
- Wicklow Mountains SAC (Site Code: 002122) approx. 9.25km to the west.

5.4.2. The Bray Head pNHA (Site Code: 000714); Glen Of The Downs pNHA (Site Code: 000719); and The Murrough pNHA (Site Code: 000703) are located approximately 0.66km to north; 3.06km to the southwest; and 3.72km 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 by Mount Haven Residents Association and the grounds of appeal are summarised as follows:

- **Concerns regarding ground levels and slope at the proposed entrance** – Revised plans indicate the site ground level will mostly be increased on the Fairfield Estate side of site. There is currently a 1 metre drop from the footpath to the current ground level at the proposed entrance. Given the distance and the slope at this entrance, there is a significant risk of not being able to make a controlled exit to the footpath and potential damage/injury to pedestrians (including children), cyclists and vehicles.
- **Traffic concerns** – Exit from Fairfield has effectively doubled if not tripled the number of vehicles using the narrow entrance/exit to New Road. Traffic currently exercises extreme caution owing to the existing unwieldy traffic flows and compromised sightlines. The proposed entrance would potentially create a further hazardous bottleneck, especially if/when cars are parked outside the proposed new dwelling. There is not enough space between Fairfield entrance/exit and new entrance/exit onto New Road to safely facilitate an entrance for the new dwelling.
- **Insufficient parking capacity will push visitor cars onto an already narrow road** – The proposal has limited parking space. The position of the new entrance will encourage visitors to park on the narrow road into Mount Haven. Any such parking will increase risk of accident. It is unlikely cars will be able to turn in the site and will have to reverse onto the main road which will be dangerous.
- **Impact on elderly and children walking past the entrance** – Elderly people use the entrance to Mount Haven for daily walks for mental and physical health along with children walking to school. These persons will be impacted during construction stage and when more cars use the road increasing congesting.
- **The proposed entrance is located at a blind spot with restricted visibility** – There is a short distance between the proposed entrance and existing tree on the entrance to Mount Haven. The line of sight for any driver existing property will be significantly hampered and increases likelihood of an accident due to blind spot.

- **Alternative Access locations** – The Technical Note refers to discussions with Municipal District Engineers regarding several alternative access locations and it was agreed that the preferred option was is to locate the access into Mount Haven. Factually, there are alternative locations and the entrance into Mount Haven is only the ‘preferred option’. If an additional access was required, it should have been part of Fairfield as land is in same ownership. A safer option exists with an established entrance from New Road into Shenandoah and the proposal can be accommodated at this location without danger.
- **Draining and Flooding concerns** – Nearby drains overflow after very heavy rainfall. The situation will get worse and any overflows pose a health risk for anyone living in the proposed new dwelling. Public drains between Fairfield and Mount Haven were overflowing after recent rain and new housing will contribute to this. The garden swale is not sufficient to manage heavy rainfall and prevent flooding.
- **Over-development in immediate area** – 82 no. dwellings have been built on lands adjoining the site on lands owned by the applicant. This development was already a significant increase in the original number of homes granted permission. The residents of Mount Haven should not be subjected to further disruption.
- **Overdevelopment in local area and in Greystones generally** – In 2023 Wicklow County Council confirmed that Greystones reached its population target for 2028 and housing targets had been reached. Housing has been refused locally on this basis. Other than the 82 no. units in Fairfield, another 4 new houses have been built between Rathdown Road to Monterey Road which are congesting the area and causing disturbance off New Road particularly during school times. More cars will increase danger at New Road Junction.
- **Environmental Impact – loss of trees and footpath alterations** – The new entrance threatens trees and the footpath which contribute to the character, safety and pedestrian friendliness of the area. The removal of the tree and footpath is detrimental both environmentally and aesthetically.
- **Conditions** – Condition No. 3 refers to ‘first occupation shall be by individual purchaser’. It is submitted that any further occupier should also be an individual purchaser as otherwise the property could be sold shortly after purchase to avoid adhering to this condition. Condition No. 8 requires the fitting of obscure glazing to

avoid overlooking. It is submitted that the fixed glazing will not prevent overlooking as occupants could still see out.

7.2. Applicant Response

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

- The proposal is an infill development on zoned and serviced lands and the principle is established in local through to national policy.
- The site history for the development at Fairfield was deemed to have an appropriate form and density.
- The Planning Authority's assessment considered the proposal represented an acceptable form of infill development and concerns regarding access, flooding and tree retention were addressed at Further Information stage.
- The application of housing targets/limits is not applicable having regard to Chapter 3 of the Development Plan.
- The reference to the character of the area relates to development that occurred prior to national planning guidance and Development Plan objectives along with the completion of the Fairfield development.
- Environmental concerns were addressed at Further Information stage with the access also being redesigned. The appellant concerns are based on supposition and are not substantiated.
- The visual amenity presented by the trees are not typical of the area.
- The purpose of Condition No. 3 (Occupancy) is to prevent the purchase by a corporate entity and is not considered necessary to amend.
- Condition No. 8 refers to potential impact of adjoining dwellings and the appellant claims that it is possible to see through obscure glazing without any supporting argument. No clear vision or incidence of overlooking is possible and in any case the window relates to a stairwell and not a habitable room.

7.2.2. A Technical Note is also submitted with the applicant's response and is summarised as follows:

- No objective or factual information presented to support the opinions outlined in the appeal regard the safety of the entrance/access/traffic concerns.

- The driveway will be designed to have a longitudinal fall in the region of 5% which is within reasonable gradient limits
- Car parking (2 no. spaces) is provided in accordance with the Development Plan. The driveway is sufficiently long for catering for 2 no. further parking spaces for visitors so it is unlikely that there will be parking on the road. The road is of sufficient width to accommodate cars in the unlikely event that parking is required.
- Traffic volumes generated by a single dwelling are in the region of one trip in the peak hour and while the appeal suggests the traffic volumes are high, the subject location is a cul-de-sac and baseline traffic volumes would be regarded as low.
- Alternative access locations were considered and discussed with the Planning Authority and it was agreed that the entrance shown on planning application drawings would be most appropriate as it complies with the visibility standards outlined in DMURS.
- The entrance is a standard design and construction work required to deliver the dwelling and associated entrance will be subject to construction safety standards.
- In terms of flooding/drainage concerns, a site specific flood risk assessment was conducted which concluded that the location is not subject to coastal flooding or pluvial flooding but is located in Flood Zone B for Fluvial Flooding.
- The finished floor level has been set to ensure the house will not be susceptible to flooding and all surface water will be contained on site and subject to SuDS measures.

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.
- Access, Traffic & Transportation
- Drainage
- Other Issues
- Appropriate Assessment (Screening).

8.1. Principle of Development

8.1.1. The proposed development is located in an established residential area of Greystones. As part of the works, the existing property comprising a bungalow fronting onto New Road is to be subdivided to accommodate a new house. The proposed dwelling is two-storey and has a stated floor area of 187sq.m and contains 3 no. en-suite bedrooms. The form is relatively simple with a contemporary design. The house will have two skillion or lean-to roofs forming a ridge height indicated as 8.663 metres. The primary front elevation 9 metres in length and the depth is 11.25 metres with the dwelling orientated on a north-south axis. The dwelling will be served by new vehicular access onto the internal road serving the established Mount Havan and Fairfield housing developments.

8.1.2. I am satisfied that the proposal represents an infill development given its siting and location in an established residential area. It is my opinion that a proposal for a new dwelling on this sub-divided site 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 am of the view 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. Moreover, the appeal site is located on 'RE- Existing Residential' zoned lands under the current Greystones / Delgany & Kilcoole Local Planning Framework (LPF) which has an objective 'to protect, provide and improve residential amenities of existing residential areas' and also seeks to provide for appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity (Objective GDK19). I therefore consider the principle for a new

dwelling to be acceptable – subject to compliance with other parameters set out in the Development Plan and these matters will be assessed in the following sections.

8.2. **Access, Traffic & Transportation**

- 8.2.1. A primary concern raised in the grounds of the appeal relates to the proposed access arrangement and traffic concerns arising from the subject development. In essence, it is claimed that that the gradient/slope of the site and the ground level presents a risk of drivers being unable to make a controlled exit to the footpath which could result in potential damage/injury to pedestrians (including children), cyclists and vehicles. Elderly people and children who use the access road will be impacted during the construction stage of the development and as a result of more vehicles on the road. The appeal also raises traffic concerns from the number of vehicles utilising the access to and from New Road and that the proposed entrance would potentially create a further hazardous bottleneck. It is further claimed that the development has limited parking and the development will encourage visitor parking on the narrow road serving Mount Haven which will increase traffic hazard and risk of accident especially if/when cars are parked outside the proposed new dwelling. The appeal also claims that it is unlikely that cars will be able to turn within the site and would need to reverse onto the public road. The appeal further claims the sightlines from the proposed entrance are constrained and have restricted visibility due to the short distances and existing tree which increase the likelihood of an accident. It is further claimed that there are alternative access locations to serve the proposal, specifically referencing an established entrance from New Road via “Shenandoah” which is claimed to be safer.
- 8.2.2. In response to the appeal, the applicant has provided a Technical Note prepared by a Chartered Engineer which states that no objective or factual information has been presented to support the appeal in terms of the safety of the entrance or traffic impacts. It is contended that the fall of the driveway is within gradient limits; that car parking is provided in accordance with the Development Plan and that public road is sufficiently wide to accommodate cars if required for parking. The Technical Note also claims that the traffic generated from a single dwelling equates to one trip in the peak hour and the traffic volumes at this location are regarded as being low. In addition, it is stated alternative access locations were considered and discussed with the Planning Authority but agreed that the entrance, as shown on planning drawings, would be most

appropriate as it complies with the visibility standards outlined in DMURS. It is claimed that the entrance is a standard design and construction work required to deliver the dwelling and associated entrance will be subject to construction safety standards.

- 8.2.3. In my assessment of the proposed development, I note that the dwelling is to be served by a new vehicular entrance from the internal access road serving the Mount Haven and Fairfield housing estates. In my opinion, the location of the access to serve the proposed dwelling is reasonable and practical as it would allow the dwelling to connect to an existing road serving two housing developments and would allow greater independence from the parent property. I acknowledge that other potential access/entrance points could be provided such as the one referenced in the appeal from New Road via the side of "Shenandoah" however, in my view this would further reduce the curtilage of the parent property and associated amenity space along with providing a considerable driveway for an infill dwelling to the rear. Therefore, I consider that the location of the entrance onto the internal access road serving Mount Haven and Fairfield to be appropriate for the subject development.
- 8.2.4. In terms of sightlines, I note the Planning Authority had no objection to the location of the revised entrance as amended at Further Information stage. The entrance has a width of approximately 3 metres and is set back 2.8 metres from the road edge. The sightlines are demonstrated as being 23 metres in both directions and it is acknowledged by the applicant that the road junction of Fairfield is just less than 22 metres from the proposed entrance. In my opinion, the sightlines are appropriate for the design speed of the access road serving Mount Haven and Fairfield. I do not consider that the entrance to serve the proposed dwelling would create a traffic hazard as it is my view that the access road serving Mount Haven and Fairfield has relatively limited/confined vehicular use and I would regard this location as being a low speed environment on account of the access road splitting to the east of the site between Fairfield and Mount Haven. In addition, cars exiting from Fairfield are required to stop at this junction which would result in lower speeds and there is also a relatively short approach to and from the junction with New Road. Therefore, I am of the view that the sightlines are appropriate for the subject site at this urban location.
- 8.2.5. The proposal will also provide 2 no. designated on-curtilage parking spaces to serve the dwelling which aligns with the standards of the Development Plan and would be

appropriate to serve the dwelling. I note that autotrack modelling was conducted for the originally submitted proposal but same was not provided for the altered entrance and site layout at Further Information stage. Notwithstanding, I am satisfied that there is sufficient space for cars to enter, exit and manoeuvre within the site without giving rise to a traffic hazard. I have formed this view on the basis of the internal turnabout being similar to the initially proposed vehicular arrangement. It is my opinion that the development one infill dwelling would not result in significant additional traffic which may exacerbate the existing situation on the surrounding road network.

8.2.6. In relation to concerns regarding construction works and associated construction-related traffic and pedestrian safety impacts in the area, I am of the view that these matters would be considered by the applicant/developer as part of normal best practice construction measures. It is my opinion that appropriate safety measures would be implemented and that same would be limited to the construction phase of development. Notwithstanding, if the Commission is minded to grant permission it could consider attaching a condition requiring the submission of a Construction and Environmental Management Plan (CEMP) which would contain details to traffic management for the construction and associated disturbances to neighbouring residences. In conclusion on access, traffic and transportation, I am satisfied that the proposed development would not give rise to any road safety concerns by way of creation of a traffic hazard.

8.3. **Drainage**

8.3.1. The grounds of appeal claims that nearby drains in the locality overflow after very heavy rainfall and that the situation will be worsened from the proposed new dwelling and overflows pose a health risk for anyone living in the subject development. It is stated in the appeal that the proposed garden swale is not sufficient to manage heavy rainfall and prevent flooding. The applicant's response to the appeal informs that a Site Specific Flood Risk Assessment was conducted which concluded that the site is not subject to coastal or fluvial flooding but is located in Flood Zone B for fluvial flooding and to address same, the finished floor level has been designed to ensure the proposed dwelling is not be susceptible to flooding and that surface water will be contained on site and subject to SuDS measures.

8.3.2. In my assessment of the proposal, I note that the dwelling is to connect to existing foul sewer and surface water drainage. I acknowledge that the applicant sought to address that concerns of the Planning Authority in relation to flooding and drainage. The applicant outlined a number of measures such as the construction of culverts in the vicinity for conveyance of flood water and the setting of the finished floor level of the dwelling above 1.0% AEP and inclusive of climate change. I also note that the applicant proposes the installation of waterbutts and permeable paving at areas of hardstanding to retain surface water along with the contouring of the garden to provide a swale feature for use as a water store in the event of flooding. Having regard to the information on file, I am satisfied that the proposed development could connect to existing services without constraining the existing network. Moreover, I am satisfied that the proposed drainage measures would be an acceptable way to manage surface water from the dwelling and would control drainage within the confines of the appeal site and prevent surface water runoff to the public road or other properties. Additionally, I note that Conditions Nos. 4, 5, and 6 of the Planning Authority's decision to grant permission relate to surface water run-off and collection along with details of the garden swale for rainwater collection. I consider these conditions to be appropriate, and I recommend that should the Commission be minded granting permission that similar condition(s) can be attached to address surface water collection and disposal be in accordance with the requirements of the Local Authority who are responsible for such services.

8.4. **Other Issues**

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

Environmental Impact

8.4.2. The appeal states that the development will threaten trees and the footpath which contribute to the character, safety and pedestrian friendliness of the area. It is claimed that the removal of the tree and footpath would be detrimental from both an environmental and aesthetical perspective. The applicant's response to the appeal states that environmental concerns were addressed at Further Information stage and that the access was also redesigned. It is the applicant's contention that the concerns raised by the appellant are based on supposition and not substantiated.

- 8.4.3. I note that there is an established maple tree in the verge area between the appeal site and the internal road serving Mount Haven and Fairfield. The proposed vehicular entrance was revised on foot of a Request for Further Information whereby concern was raised in respect to the close proximity of the entrance to a mature street tree on the Mount Haven access road and it was deemed likely the works to for the driveway access would damage tree roots. The relocation of the access to the west has sought to best avoid the existing tree and the applicant also proposed the installation of root protection measures to protect the tree. From my review of the submitted particulars, I accept that the existing street tree is located in close proximity to the proposed works of the entrance/driveway. That said, I would consider that a minimum clearance of between 2.5 metres from the surface of a medium tree trunk and 3.5 metres from the surface of a large tree trunk to the edge of the works to be appropriate. In my view, it is not certain as to how the development would interact with the root zone of the tree and it would not be possible to know the quantity of roots present until excavation occurs. However, there are measures available to mitigate damage to the tree which include hand digging or use of an air spade in the root area, provision of root bridges in the event of major roots being identified, installation of a cellular root system to enable root growth below the driveway area; and post-construction tree care. It is my opinion that tree protection measures would be employed for any such development.
- 8.4.4. Therefore, having considered the proposed development and contents of the appeal, I consider that the proposed vehicular entrance and associated works to the footpath would provide for sufficient clearance from the existing street tree to the front of the appeal site. As a further point, I note that Condition No. 7 of the Planning Authority's decision to grant permission requires that this tree be retained and where it fails it may be removed and replaced. I consider this condition to be reasonable and should the Commission be minded to grant permission for the subject development, a suitably worded condition could be attached.

Overlooking

- 8.4.5. The grounds of appeal make reference to Condition No. 8 of the Planning Authority's decision to grant permission which relates to obscure glazing of a long window on the side (west-southwest) elevation. It is claimed in the appeal that the fixed glazing will not prevent overlooking as the occupants would still be able to see out of this

window. The applicant's response to the appeal states that the appellant has not provided a supporting argument that it is possible to see out of this window and further states that no clear vision or incidence of overlooking is possible as the window relates to a stairwell and not a habitable room.

8.4.6. In consideration of this matter, I acknowledge that the elongated window on the side (west-southwest) elevation is approximately 12.6 metres from the rear elevation of the primary residence at "Shenandoah". However, this window serves the stairwell of the proposed dwelling as a means of providing natural light and does not serve any rooms in the residence. As such, I am of the view that the provision of an obscured window to a non-habitable rooms is appropriate in this instance and would address any concerns in terms of perceived or actual overlooking from the subject dwelling to the neighbouring residence ("Shenandoah"). I consider that the condition of the Planning Authority in relation to obscured glazing is both reasonable and appropriate and should the Commission be minded to grant permission, a similar condition can be attached. In the interests of completeness of assessment, I do not consider that there are any concerns in terms of overlooking with other dwellings in the vicinity on account of the orientation/siting of the dwelling, separation distances and established boundary treatments.

Overdevelopment

8.4.7. The appeal claims that the proposed development would result in the overdevelopment of the immediate area having regard to the recent development of Fairfield and that the proposed development would cause further disruption to the residents of the Mount Haven estate. It is further claimed that the proposal would result in the overdevelopment of the settlement of Greystones in general and has made reference to population targets being met in the settlement. The applicant's response to the appeal refers to the nature of the infill development on zoned and serviced lands and also makes reference to residential development targets. The applicant also considers that housing targets and limits are not applicable having regard to Chapter 3 of the Development Plan which states that there shall be no quantitative restrictions inferred on infill sites.

8.4.8. In considering the matter of overdevelopment, I note that the appellants have not acknowledged or referenced important national planning policy revisions that have

been introduced in recent times and which have also resulted in the Variation of the Development Plan. In this regard, I note that the National Planning Framework was revised in 2025 having considered Census 2022 and ESRI projections. To this end, 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'. With this in mind, I re-state that the appeal site is zoned for residential development and is within an established residential area in the settlement of Greystones. Therefore, I consider that the provision of a new dwelling on the subject site would comply with a national planning policy objective in terms housing delivery within the built-up envelope of an urban settlement.

8.4.9. I consider the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) is also relevant as it seeks to encourage infill development and to provide increased densities on suitable zoned lands. The subject site in Greystones 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 Greystones would be acceptable.

- 8.4.10. Chapter 3: 'Core Strategy' of the Wicklow County Development Plan 2022-2028 (as varied) includes a principle for compact growth and it states in relation to Levels 1-5 of the Settlement Hierarchy (Greystones - Delgany is designated a Level 3 Self-Sustaining Growth Town within the metropolitan area) that *'there shall be no quantitative restriction inferred from this Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites'*. Taking the above into account, it is my view that the proposed infill development is not constrained by housing targets/projections for County Wicklow and that a house can be delivered on the subject site.
- 8.4.11. Overall, it is my opinion that the proposed dwelling is acceptable on this residentially zoned infill site and would comply with local through to national planning policy in terms of compact development. I do not consider that the provision of one additional house at this location would result in the overdevelopment of the area or the settlement of Greystones.

Occupancy Condition

- 8.4.12. The appellant refers to Condition No. 3 of the Planning Authority's decision to grant permission which relates to the occupancy of the dwelling and submits that any further occupier should also be an individual purchaser as it is claimed that otherwise the property could be sold after purchase to avoid adherence with the condition. The applicant's response to the appeal states that the purpose of this condition is to prevent the purchase of the dwelling by a corporate entity and therefore is not considered necessary to amend. In my consideration of this matter, I acknowledge that the basis of the condition, which is generally standard in nature, is to restrict new housing development to use by particular persons in order to ensure a supply of housing along with adequate choice in the interests of common good. I am satisfied that such a condition is appropriate and should the Commission be minded to grant permission a similarly worded condition could be attached.

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 the subdivision of existing site, construction of a 3-bed two storey dwelling, new vehicular entrance/driveway and associated site works. 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 0.65km from the nearest designated site which is the Bray Head Special Area of Conservation (Site Code: 000714). 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 proposed development, 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 “RE- Existing Residential’ zoning objective for the subject site as set out in the Greystones / Delgany & Kilcoole Local Planning Framework (LPF), 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 the conditions set out below, the proposed dwelling would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be prejudicial to public health or the environment and would be acceptable in terms of pedestrian and 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 24th April 2025 and as amended by Further Information received on 25th November 2025, 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. The glazing to the entire elongated window on the side (west-southwest) elevation shall be fitted with obscure glazing. This glazing shall be manufactured opaque or frosted glass and shall be permanently maintained. For the interests of clarity, the application of a translucent film to the surface of clear glass does not satisfy the requirements of this condition.

Reason: In the interest of residential amenity.

4. 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.

5. The existing street tree in proximity to the proposed entrance shall be retained. Where this tree dies, is removed or becomes seriously damaged or diseased within a period of five years from the completion of the development, it shall be replaced within the next planting season with another tree of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity and integrating the development into the landscape.

6. Any damage to the adjoining public footpath/roadway as a result of the development shall be made good at the developer's expense to the satisfaction of the Area Engineer.

Reason: To avoid a traffic hazard and to protect public property.

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. 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.

9. 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.

10. 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.

11. 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

21st May 2026

Appendix 1: Form 1 EIA Pre-Screening

| | |
|---|---|
| Case Reference | PL-500801-WW-26 |
| Proposed Development Summary | Construction of new 3 bedroom, 2 storey dwelling to the rear garden of existing dwelling and all associated site works. |
| Development Address | “Shenandoah” New Road, Greystones, Co. Wicklow |
| 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

| | |
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| Case Reference | PL-500801-WW-26 |
| Proposed Development Summary | Construction of new 3 bedroom, 2 storey dwelling to the rear garden of existing dwelling and all associated site works. |
| Development Address | “Shenandoah” New Road , Greystones , Co. Wicklow |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith. | |
| 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). | Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposal seeks permission for the construction of 1 no. house in an urban settlement. The size of the development would not be described as exceptional in the context of the existing environment. 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. |
| 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). | Briefly comment on the location of the development, having regard to the criteria listed The proposed development is situated within the settlement boundary of a town. There are no significant environmental sensitivities in the vicinity – potential impacts on Natura 2000 sites is addressed under Appropriate Assessment (Screening). |

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| <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> |
| <p>Conclusion</p> | |
| <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)