



An
Coimisiún
Pleanála

Inspector's Report PL-500925-WX-26

Development

Permission for mixed use commercial and residential development which will consist of the following: (a) the demolition of no's. 40 and 41 Esmonde Street, which consist of 2 no. two storey existing semi-detached dwelling units, (b) the retaining of the existing archway which forms the access to the existing laneway to the eastern boundary of number 41 Esmonde Street, (c) the demolition of a two-storey detached dwellinghouse at Arklow Road, Gorey, (d) the construction of a three-storey structure with setback to the second floor which connects the Arklow Road and Esmonde Street sites, (e) the construction of 2 no. open plan retail and restaurant spaces to the ground floor at the Esmonde Street area of the structure, (f) the construction of a single open plan retail unit accessed from the Arklow Road area of the building, which will also include an open plan area for restaurant/cafe use, (g) 4 no. two-bedroom apartment units to the first

floor with own door access from Esmonde Street with ancillary works with lift access, (h) mixed retail, restaurant and cafe to the first floor accessed from the Arklow Road with a central staircase and lift shaft from the ground floor, including external terrace and outdoor partly covered dining area facing the north/north west, (i) 2 no. three-bedroom apartments to second floor level accessed from Esmonde Street, with ancillary roof garden spaces, (j) second floor set-back office spaces consisting of 3 no. individual office units, with roof terrace, staircase and lift access with service shaft, (k) external finishes consisting of blockwork arches and natural stone cill details, (l) minor works to the area within the site edged red to form a loading bay to the Arklow Road, to the outside of the main retail entrance, to facilitate goods deliveries, (m) the 'tie in' and connection of the access point to the front of the building at Esmonde Street to that which was granted under the Part 8 planning application for upgrade and improvement works to Esmonde Street, (n) connection to existing public utilities and services, (o) hard and soft landscaping works, (p) making good of adjoining properties

and the Esmonde Street laneway where so required.

Location Gorey Corporation Lands, Gorey, Co. Wexford

Planning Authority Wexford County Council

Planning Authority Reg. Ref. 20250699

Applicant Tom & Pat Redmond

Type of Application Permission

Planning Authority Decision Grant Permission

Type of Appeal Third Party

Appellant(s)
1. Diarmuid & Paula Bolger
2. Des & Lisa Carty

Observer(s) None

Date of Site Inspection 18th May 2026

Inspector Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.1473 ha. and is located in the centre of Gorey, Co. Wexford. The site is broadly 'L' shaped, with frontage to Esmonde Street (R742) to the south and Arklow Road (R4772) to the north.
- 1.2. The site accommodates a semi-detached building (i.e. No. 40 and 41 Esmonde Street) and a two storey detached dwelling on Arklow Road. The properties appear to be vacant.
- 1.3. The streetscape along Esmonde Street is characterised by traditional style, two storey commercial and residential properties on narrow plots. Levels along Esmonde Street fall from west to east and the roofs of the buildings along the street are stepped reflecting this.
- 1.4. A laneway framed by an arch, which is outside the red line boundary of the site, adjoins No. 41 Esmond Street to the west. On the opposite side, there is a gated laneway along the side of No. 40 Esmond Street, this is also outside the red line boundary of the site. Pay and display operates along Esmonde Street.
- 1.5. There are a number of dwellings of varying design idiom along both sides of the Arklow Road in the vicinity of the site. A recently constructed detached dormer style dwelling is situated to the immediate east of the Arklow Road part of the site. A c. 2 metre boundary wall forms the boundary separating the site from this property. The dwelling on the Arklow Road portion of the site is positioned forward of the recently constructed dwelling. There is a single storey dwelling on the adjoining site to the west.
- 1.6. There is a footpath and double yellow lines along Arklow Road to the front of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises a mixed use commercial and residential development which will consist of the following:

- demolition of No's. 40 and 41 Esmonde Street and a detached dwelling at Arklow Road (the total floor area of demolition is stated as 197 sqm)¹.
- construction of a three-storey 'L' shaped building, with set-back to the second floor²;

At Arklow Road (referred to as 'Block A') -

- o an open plan retail/restaurant/cafe unit (c. 320 sqm) at ground level;
- o retail/food/cafe use at first floor (c. 343 sqm), including external partially covered roof terrace (c. 105 sqm);
- o 3 no. individual office units at second floor level (c. 89 sqm, 85 sqm and 53 sqm), with roof terrace (93 sqm) enclosed by a glass railing.

At Esmonde Street (referred to as 'Block B') -

- o 2 no. open plan retail and restaurant spaces to the ground floor (c. 214 sqm and c.218 sqm);
- o 4 no. two-bedroom apartment units at first floor level with own door access;
- o 2 no. three-bedroom apartments at second floor level, with communal open space, bin and bicycle storage.

External finishes consist of brickwork arches, brick, extensive glazed portions and zinc standing seam.

- The proposed development also includes;
 - o a loading bay on Arklow Road.
 - o 'tie in' and connection of the access point to the front of the building at Esmonde Street to that which was granted under the Part 8 planning application for upgrade and improvement works to Esmonde Street.
 - o connection to existing public utilities and services.

¹ The schedule of floor areas submitted with the planning application refers to the area of demolition works as 132 sqm. This is an error as the areas stated, i.e. 65 sqm, 83 sqm and 49 sqm, total 197sqm, as stated in the planning application form.

² The elevations were amended on foot of an FI request.

- hard and soft landscaping works.
- making good of adjoining properties and the Esmonde Street laneway, where so required.

2.2. The planning application was accompanied by the following;

- Design Appraisal and Urban Design Report.
- CGI's.
- Visual Impact Assessment (both in respect of the initial proposal and the revised scheme).

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to the decision of the Planning Authority to GRANT permission for the proposed development, the Planning Authority requested Further Information (FI).

3.1.1. Further Information was requested on 1st day of August 2025 as follows:

Item 1: submit revised plans for the Esmonde Street and Arklow Road elevations of the proposed development.

Item 2: submit details of the right-of-way along the laneway and confirm that no doors or windows will open outwards onto the laneway.

Item 3: submit surface water details.

Item 4: confirm compliance with the Design Standards for New Apartment Guidelines for Planning Authorities³.

Item 5: submit loading bay dimensions.

Item 6: submit a construction and waste management plan, to include noise and dust attenuation measures and the method of construction along the boundaries of the development and measures to secure boundaries. If piling is proposed, submit mitigation measures and proposals to protect adjoining buildings.

³ The FI request did not specify which version of the Apartment Guidelines.

3.1.2. Further information⁴ submitted on the 17th day of December 2025:

Item 1: the design of the proposal was revised and new plans, elevations and CGI's depicting same submitted.

Item 2: a letter from a solicitor was submitted stating that the previous owner of the site enjoyed use over the laneway in excess of 50 no. years. No openings are proposed onto the laneway.

Item 3: details of rainwater harvesting system provided.

Item 4: table included on revised drawings indicating compliance with Apartment Guidelines.

Item 5: loading bay dimensions provided.

Item 6: Construction and Waste Management Plan submitted.

3.2. Decision

3.2.1. Wexford County Council issued Notification of Decision to **GRANT** Permission on the 4th day of February 2026, subject to 17 no. conditions. The following conditions are of note (summarised below):

Condition no. 2:

Prior to the commencement of development revised plans shall be submitted for the written agreement of the PA omitting the second floor (office level) of Block A.

Reason: In the interests of visual amenity.

Condition no. 11:

The developer shall engage a suitably qualified archaeologist to monitor all site clearance works, topsoil stripping, and groundworks.

Reason: To ensure the continued preservation of places, sites, features or other objects of archaeological interest.

⁴ The FI was deemed significant and in accordance with Article 35 of the Planning and Development Regulations, 2001, as amended, public notices were readvertised.

3.3. Planning Authority Reports

3.3.1. Planning Report

3.3.2. The initial report of the Planning Officer (dated 29th of July 2025) recommended a refusal of permission on the grounds that the scale and massing of the proposed development would negatively impact the character of the area and the adjoining dwellings, and on the basis that the proposed development, would by virtue of its height and position, result in overshadowing, loss of light and privacy to adjoining dwellings. A request for FI was however subsequently issued. A supplementary report was prepared by the PA stating that, having regard to the scale of the proposal in the context of the previously proposed/refused 4 storey building on the site, the location of the site within the commercial area of Gorey, and to the existence of 3 storey buildings in the area, the applicant should be requested to submit revised plans for the proposal, and to address other issues (see FI request above at para. 3.1.1).

3.3.3. The second report of the Planning Officer notes the following;

- the applicant has addressed issues raised in request for FI.
- the principle of the proposed development is acceptable.
- the proposal would not adversely affect Gorey Town Centre Architectural Conservation Area (ACA), or the Coach House Inn (Protected Structure, RPS Ref. WCC0228).
- the need for economic investment in Gorey.
- the side elevation (north) of revised proposal is very dominant, lacks fenestration and fails to consider the recently constructed adjoining dwelling.
- the upper floor of the building should be omitted to mitigate overshadowing/loss of light of adjacent property.
- the right-of-way issue over the laneway is a civil issue.
- a levy in respect of the shortfall in car parking is recommended.

The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

3.3.4. Other Technical Reports

Housing Section – report notes that Part V has not been agreed.

Enforcement Section – report notes no open enforcement on the site.

Disability Access Officer – report notes requirement for Disability Access Certificate (DAC).

Roads Department – report recommends FI, including in respect of proposals for Esmonde Street public realm proposal; ownership/use of lane; SuDS; details of loading bay; details of footpaths; and signage.

Environment Section – reports recommends FI regarding connection to public water mains and sewer.

Prescribed Bodies/Government Departments

None received.

3.4. **Third Party Observations**

The report of the Planning Officer refers to 5 no. observations having been received in relation to the planning application, and a further 5 no. observations which were received in relation to the FI submitted to the Planning Authority. The issues in the observations may be summarised as;

- impacts on adjacent residential development in vicinity (i.e. overbearance, overshadowing, loss of light, and loss of privacy). Use of communal open space will result in noise impacts and overlooking of adjacent residences.
- laneway is not in ownership of applicant/proposal encroaches onto same.
- the proposal is out of character with the area/concerns re. scale of proposal/visual impact.
- proposal will impact hedge along site boundary.
- loading bay creates a traffic hazard.
- FI submitted does not address requested changes (i.e. plans).
- procedural issues re. site notice.

4.0 Planning History

Appeal Site (relevant/recent)

PA. Ref. 20211068 & ABP. 311467-21 – Permission REFUSED for a four storey commercial mixed use development⁵.

Reasons for refusal (summarised):

1. The proposed development by reason of its scale, volume, massing and proximity to site boundaries, in particular its proximity to shared boundaries with no.'s 40 and 44 Esmonde Street, would have a negative impact on the character of the area and would seriously injure the amenities of adjoining properties by reason of visual obtrusion, overbearance and overlooking. Furthermore, the Board is not satisfied, in the absence of comprehensive studies of access to daylight and sunlight, that the proposed development would not adversely impact on neighbouring properties by reason of overshadowing and loss of light.
2. The proposal includes works to the Arklow Road in the vicinity of the site and the provision of a loading bay within the site boundary. The impact of the proposed works to Arklow Road are not assessed within the application and the turning movements onto the Arklow Road associated with the proposed loading bay would result in a pedestrian and traffic hazard. Furthermore, the Board considers that adequate provision for cycle parking and bin storage required to serve the development has not been demonstrated.
3. The proposed development includes works outside of the application site boundary on the existing private laneway adjacent to the site on Esmonde Street. The applicant has not demonstrated appropriate legal consent to carry out such works, which include cantilevered windows overhanging the laneway, and the development is considered premature on this basis.

In Vicinity (site to east of Block A)

PA. Ref. 20231224 - Permission GRANTED for the demolition of existing dwelling and for the construction of a single storey dwelling and all associated works.

⁵ This site did not include no. 40 Esmonde Street.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework⁶

The following National Policy Objectives (NPOs) are of relevance to the proposed development;

National Policy Objective 7: 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.

5.2. Ministerial Guidelines

5.2.1. Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing, Design Standards for New Apartments (2023)⁷.
- Sustainable Urban Housing, Design Standards for New Apartments (2020)⁸
- Guidelines for Planning Authorities Retail Planning, (2012).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (2010).
- Sustainable Residential Development in Urban Areas Guidelines, (2009)⁹.

⁶ First Revision 2025

⁷ As the planning application was lodged prior to the introduction of the 2025 Apartment Guidelines the 2023 Apartment Guidelines are relevant.

⁸ Section 3. 12, Volume 2 of (Development Management Manual) of the CDP states that in assessing proposals for multi-unit developments the Council will have regard to these Guidelines.

⁹ Section 3. 12, Volume 2 of (Development Management Manual) of the CDP states that in assessing proposals for multi-unit developments the Council will have regard to these Guidelines.

5.3. Development Plan

5.3.1. The Wexford County Development Plan 2022-2028 is the relevant development plan. The appeal site is not subject to any specific land-use zoning under the Wexford County Development Plan 2022-2028. Land-use zonings for Gorey are set out in the Gorey Town and Environs Local Area Plan 2017 – 2023 (as extended).

5.3.2. The provisions of the Wexford County Development Plan 2022-2028 relevant to this assessment are as follows;

Volume 1 'Written Statement':

Chapter 5 'Design and Place-Making in Towns and Villages'

- Objective TV 08 (character of towns and villages)
- Objective TV14 (ensure new buildings are of exceptional architectural quality)

Volume 2 'Development Management Manual':

- Section 3.12.3 (Apartment Standards & Design)
- Section 6.3.1 (Car Parking)
- Section 6.4.2 (Bicycle Facilities & Storage)

5.4. Local Area Plan

5.4.1. The Gorey Town and Environs Local Area Plan 2017 – 2023 (as extended)¹⁰ is the relevant LAP for the settlement of Gorey.

5.4.2. The site is subject to 2 separate land-use zoning objectives in the Gorey Town and Environs LAP 2017 – 2023 (as extended).

The portion of the site which fronts onto Arklow Road (Block A) is zoned 'Central Business Area', the objective for which is '*to provide a mix of uses, primarily business, services, residential, civic and recreational*'. The LAP states that the objective for this zoning is the enhance the vitality and viability of this area through the development of

¹⁰ The Gorey Town & Environs LAP was made on the 10th day of April 2017, and having regard to Section 251 of the Planning and Development Act, 2000, as amended, would have expired on the 3rd day of June 2023. The LAP was subsequently extended by 3 years and will expire after the 3rd of June 2026.

under-utilised land and brownfield sites and by encouraging a mix of uses which make a town centre an attractive place to visit, shop and live in. The character of the area shall be protected and enhanced. It is an objective to encourage the full use of buildings and backlands. 'Office' and 'Restaurant' use classes are listed as permitted uses on lands zoned Central Business Area. Retail (convenience) and retail (comparison) uses are listed as uses which are "open for consideration" on lands zoned Central Business Area.

The portion of the site which fronts onto Esmonde Street (Block B) is zoned 'Retail Core' with an objective '*to provide for retail uses and to protect and strengthen the vitality and viability of the area*'. The LAP outlines that the retail core is the preferred location for retail development. Retail (convenience) and retail (comparison) are listed as uses which are "permitted in principle" under this zoning objective. 'Residential' and 'Restaurant' use classes are listed as "open for consideration".

The provisions of the LAP relevant to this assessment are as follows;

- Section 3.2.5 (Urban Grain)
- Section 8.7.1 (re. Plot Widths)
- Objective AH03 (re. Plot Widths)
- Page 93 (Building Styles & Materials)
- Map 9(A) and (B) (Recorded Monuments & Zone of Archaeological Potential)
- Map 11 (Land Use Zoning)
- Section 11.2 (Land Use Zoning Objectives)

5.5. Natural Heritage Designations

- Slaney River Valley SAC (Site Code: 000781) – c. 3km west of site.

5.6. EIA Screening

(See Form 1 and Form 2 attached to this report) Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood

of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Commission received 2 no. third party appeals against the decision of Wexford County Council to grant permission for the proposed development. The issues raised in each appeal can be summarised as follows:

Des & Lisa Carty

Background:

- The appellants' dwelling (permitted under PA. Ref. 20231224) is situated at a lower level compared to the development site, is separated by a shared boundary wall, and its main private amenity space adjoins the boundary.
- Whilst Condition no. 2 of the PA's decision omits a floor from the proposed building the proposal still entails a two storey structure on the shared boundary, and an accessible roof terrace overlooking the appellant's' garden.
- The appellants' contend that the enjoyment of their dwelling depends on the presence of open sky and separation along the side of the dwelling; the avoidance of overbearance; protection of outlook; and avoidance of overlooking from elevated areas.
- The appellants request that permission for the proposal is refused, or that the development is redesigned to provide an adequate separation distance along the northern boundary, and the removal of overlooking from elevated external areas.

Overbearance:

- The appellants' dwelling is c. 1.6 – 4.7 metres off the shared boundary. The proposed building is situated on the boundary. The height, proximity and wall length at this location will result in the proposal being perceived as dominant at the appellants' property. The reduction in height does not alleviate overbearing,

even at two storey the proximity and continuous wall length adversely affects the appellants' dwelling.

- The proposal fails to provide a reasonable set-back to the appellants' property which would allow for transition in terms of the scale of the buildings.

Loss of Light:

- The proposal will diminish the outlook from the appellants' property, affecting its amenity space and rooms. The appellants' property may retain sufficient light but still suffer a loss of amenity arising from a loss of outlook.
- The shadow analysis submitted is not a comprehensive daylight and sunlight assessment and is insufficient to address impact. The analysis does not include Vertical Sky Component (VSC) to analysis effects on windows; daylight distribution or No-Sky-Line assessment; overshadowing of the appellants' garden using recognised methodology; baseline versus proposed comparisons; identification of compliance benchmarks; or an assessment against BRE 'Site Layout Planning for Daylight and Sunlight, or equivalent.

Overlooking:

- The roof terrace will overlook the appellants' property, including habitable rooms. Screening provided does not address overlooking.

Diarmuid & Paula Bolger

Background:

- The appellants' dwelling is lower level relative to the proposed development and is separated from the proposal by shared boundary wall and a laneway. The rear of the appellants' property is comprised primarily of glass to provide light to living areas. The permitted development will result in a two storey blank wall 13 metres from the rear windows of the appellants' living areas. The appellants acknowledge that a two storey building at this location is reasonable and welcome the decision of the PA in respect of the removal of the third floor.

Overlooking:

- Whilst the obscure cantilevered window facing away from the appellants' property is welcome, concerns remain in relation to the proposed first floor terrace which

wraps around the side elevation of the Arklow Road elevation. The use of clear glass and curtain wall glazing will result in potential overlooking. ACP are requested to condition opaque glazing and to increase the height of the terrace wall to prevent overlooking.

6.2. Applicant Response

The applicant submitted a response in respect of the two appeal submissions.

Regarding the appeal from Des & Lisa Carty:

- The appellants do not object to the principle of the proposed development.
- The proposal has been significantly reduced, by condition no. 2 and also in the context of the previously proposed building on the site, which was refused.
- The applicant has proven that the appellants' dwelling and amenity area will receive adequate daylight/sunlight in compliance with BRE standards. Condition no. 2 also omits the second floor. Any further reduction would be contrary to the policies for town centre development.
- The applicant is amenable to setting the first floor level of Block A off the shared boundary.

Regarding the appeal from Diarmuid & Paula Bolger:

- The appellants do not object to the principle of the proposed development.
- The appellants' concerns regarding light/overshadowing are unfounded as the majority of the proposal is to the north and north-east.
- The wrap around terrace does not wrap around the building and there is a solid wall proposed to the south-west of the terrace preventing overlooking.
- Condition no. 2 reduces the size of the plastered wall facing the appellants' property.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeals, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Impact on Residential Amenity
- Design/Visual Integration (New Issue)
- Water Framework Directive
- Screening for Appropriate Assessment
- Issues Arising

The proposal was amended at FI stage and the PA's grant of permission is based on this revised proposal. I have based my assessment on this amended proposal, submitted to the PA on the 17th day of December 2025.

7.2. Impact on Residential Amenity

7.2.1. The appellants raise concerns in respect of the impact of the proposed development on residential amenity. The issues raised in the appeals concern the potential for overlooking, overbearance, and overshadowing/loss of light as a result of the proposal. I will address these issues in turn.

7.2.2. Overlooking:

7.2.3. (Block A) No side elevational drawings of Block A have been provided. From reviewing the floor plans I note that no windows are proposed on the side elevations, save for a recessed area at second floor level on the north-west elevation serving office unit 3. No overlooking arises from this area noting its design. A partially enclosed area is indicated at first floor level serving the café. One of the appellants raises the potential for overlooking to arise from this area. From reviewing the plans submitted I note that this area is enclosed on both sides by solid wall and therefore overlooking does not arise. A roof terrace is proposed at second floor level. A glass rail is indicated around this area. Views of the recently constructed dwelling to the east on Arklow Road would

be possible from the edge of this area. In the event of a grant of permission I recommend that this section of glazed railing comprises 1.8 metre high obscure glazing. Having regard to the foregoing and subject to this suggested planning condition I do not consider that any overlooking of adjacent property would arise from Block A.

- 7.2.4. (Block B) I note that the first floor windows serving the apartments in Block B face into a recess and are also deflected, consequently no overlooking arises from this area. Windows at second floor level serving the apartments in Block B are set back from the edge of the block. A communal area of open space is proposed at roof level serving Block B. This area is set in from the edge of the block and screening is indicated in the form of a privacy fence and hedging. A parapet is indicated around the walkway at second floor level. The height of the parapet would not completely eliminate overlooking, noting its height of 1.1 metres relative to the FFL of the second floor. On balance, noting that the walkway on either side of Block B would be restricted to the residents of a single apartment unit, and used for accessing amenity space to the front of block, this element of the proposal would not in my opinion result in significant overlooking of adjacent property.
- 7.2.5. In summation, I do not consider that the proposed development would result in significant overlooking of adjacent property, subject to a condition requiring the provision of obscure glazing along the side of the roof terrace at second floor level at Block A.
- 7.2.6. Overbearance: concerns are raised in one of the appeal submissions in respect of overbearance on the recently constructed dwelling to the north-east of the proposal. As noted above, no side elevations of Block A have been submitted with the planning application/appeal. The floor plans and the visuals however allow for an assessment of potential impacts on adjoining property. Based on the Arklow Road elevation, and the annotated floor levels on same, I note that the proposal entails a blank rendered wall flush with the appellants' site boundary extending for c. 40 metres, ranging in height ranging from c. 8 metres (i.e. from the front wall of the appellants' dwelling to the boundary with Arklow Road) to c. 12 metres (i.e. from the front wall of the appellants' dwelling into the appellants' rear garden). At the closest point the side wall

of Block A would be c. 1.3 metres from the side wall of the appellant's dwelling, extending to 4.4 metres at the rear wall of the appellants' dwelling. I note that there are window openings facing this boundary. The PA omitted the upper floor (office accommodation) of Block A, which would reduce the height of the wall along the boundary with the appellants' site to c. 8 metres. I am not satisfied that the omission of the upper floor of Block A would alleviate the overbearing on the appellants' property. In my view, the proposed development, specifically Block A, would have a significant overbearing effect on the appellants' property, including its front garden, internal accommodation and the setting of the property. Whilst I acknowledge the town centre location and applicable zoning of the appeal site, I consider that the design of the proposal fails to have regard to the site's location adjoining a dwelling. Whilst I note that applicants' willingness, as outlined in their response to the appeals, to set Block A in off the shared boundary, I note that no details of this have been provided and it is unclear how this affects the Arklow Road elevation. I agree with the appellants that the proposal would be dominant, and in my opinion the proposal should be refused on this basis.

7.2.7. Overshadowing/loss of light: concerns are raised in one of the appeal submissions in respect of overshadowing and loss of light on the recently constructed dwelling to the north-east of the proposal. As noted above, at para. 7.2.6, the proposal entails a blank rendered wall flush with the appellants' site boundary extending for c. 40 metres, ranging in height ranging from c. 8 metres to c. 12 metres, or 8 metres if the upper level of Block A is omitted as per Condition no. 2 of the PA's grant of permission. I note that the existing site boundary between the appeal site and the appellants' property is formed by a c. 2 metre high block wall. The applicant has submitted a series of drawings modelling shadow impact on the adjoining area, including the appellants' property. The drawings do not indicate the existing situation and therefore it is not possible to determine the full extent of overshadowing arising from the proposal. That being said, I note significant overshadowing of the appellants' property, including the rear garden on the 21st of March at 5pm and on the 21st of June at 5pm. Given the path of the sun and the current nature and extent of structures on the appeal site I am not satisfied that applicant has satisfactorily demonstrated that significant overshadowing of the property to the north-east would not occur as a result of the proposed development, in particular Block A. Furthermore, as no updated shadow

analysis has been prepared to reflect the omission of the upper floor of Block A I cannot determine the extent to which overshadowing would be reduced. In the event that the Commission are minded to grant permission for the proposal a more comprehensive shadow analysis could be sought from the applicant, and on this basis I do not recommend that permission is refused on the basis of overshadowing.

- 7.2.8. An appeal submission also raises concerns regarding overshadowing of their property, which is west of the site. I do not consider that properties to the west/south-west of the proposal would be likely to experience significant effects as a result of overshadowing/loss of light given the orientation of the proposal relative to these properties.

7.3. Design & Visual Integration (New Issue)

- 7.3.1. The proposal comprises the significant redevelopment of an urban site, through the insertion of a modern part 2/part 3 storey block into the streetscape of Esmonde Street and Arklow Road.
- 7.3.2. Esmonde Street: The streetscape along Esmonde Street is characterised by traditional style two storey buildings on narrow plots. Levels along Esmonde Street fall from west to east with the profile of roof along the street reflecting this. The Gorey and Environs LAP recognises that Esmonde Street features some very small plots, and that this urban grain reflects the very modest scale of domestic architecture on this nineteenth century, secondary street. Additionally, Objective AH03 of the LAP seeks to ‘retain and reinforce the existing street layouts, historic building lines and traditional plot widths which derive from the town’s historical development (except in circumstances where there is a reason of justifiable public interest)’. The proposal provides for an amalgamation of two plots (no. 40 and 41 Esmonde Street) and the openings and fenestration in the Esmonde Street elevation are large and share no similarity with the other buildings along Esmonde Street. The material finishes are also not consistent with the buildings in the vicinity. The upper floor of Block B, whilst set back, would in my view remain a prevalent feature when viewed from Esmonde Street. The CDP notes that contemporary styles should be compatible with existing building styles and

the character and quality of the streetscape, that careful consideration should be given to articulating larger buildings and roof forms in the town centre, and that materials in new development should reflect local and regional materials and finishes. In my opinion, the proposal, as it relates to Esmonde Street, would be incongruous with the existing streetscape, in particular having regard to the scale and massing of the Block B, in particular noting the width of the block, comprising the amalgamation of two plots, the pattern of fenestration and openings in the front façade and its material finishes, and as such would be detrimental to the distinctive character of this area. I recommend that permission is refused on the basis. This is a **new issue** and the Commission may wish to seek the views of the parties concerned. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

7.3.3. Regarding height, the LAP notes that building heights within Gorey generally range from 2 to 4 storeys. The LAP provides, at Section 3.6, that in the town centre building scale should reflect an established range of building height, and that opportunities for increased building height will be considered where they make a clear contribution to the legibility and character of the town. I have no objection in principle to a three storey building at this location where such a proposal contributes to the character of the area. The height of the first floor (parapet) exceeds the ridge height of the neighbouring buildings on either side. In my view this degree of divergence could be more readily absorbed within the streetscape in a single plot redevelopment, however the width of the block coupled with its height in my view renders the proposal incongruous with the adjoining buildings.

7.3.4. Arklow Road: Regarding the proposal onto Arklow Road, noting the variation in building typology, degree of set-back of adjacent properties from the road, absence of a coherent streetscape, and consistency in building height, I consider that there is greater scope for the proposal's assimilation. I however consider that the extent and blank nature of the side/north-eastern elevation of Block A would be incongruous at this location and would fail to provide for a satisfactory level of integration at an importance entrance point to the town. I recommend that permission is refused on the basis. This is a **new issue** and the Commission may wish to seek the views of the

parties concerned. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

7.4. Water Framework Directive (WFD)

- 7.4.1. 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. 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 proposed development is considered to be compliant with the requirements of Article 4.

7.5. Screening for Appropriate Assessment

- 7.5.1. I have considered the proposed development at Gorey Corporation Lands, Gorey, Co. Wexford in light of the requirements S177U of the Planning and Development Act, 2000, as amended. The closest European Site to the subject site Slaney River Valley SAC (Site Code: 000781) c. 3 km west of the subject site. The proposed development comprises permission for the demolition of 3 no. dwellings and the construction of a mixed use development.
- 7.5.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is based on the following;
- The distance from nearest European Site and absence of connectivity between the development site and European Site(s).
 - The nature and scale of the proposed development.

7.5.3. I conclude that 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 (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required.

7.6. Issues Arising

7.6.1. Apartment Guidelines – the applicant has provided a schedule of accommodation on the floor plans submitted with the planning application/appeal indicating compliance with the Apartment Guidelines¹¹. I note that, in relation to internal room areas and storage, the proposed apartments accord with the requirements of the Sustainable Urban Housing, Design Standards for New Apartments, 2020, as required by the Wexford CDP, and also complies with the standards in the 2023 iteration of the Apartment Guidelines.

7.6.2. Section 3.12.3 (Apartment Standards and Design), Volume 2 of the CDP requires *‘all apartments, including the new concept ‘Built to Rent’ and ‘Shared Living’ residential accommodation, must comply with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2020), in particular, the Specific Planning Policy Requirements (SPPR) set out therein’*. As addressed above, internal room areas and storage comply with the requirements of the Sustainable Urban Housing, Design Standards for New Apartments, 2020. Apartment no’s. 3 and 4 are not served with private amenity space. The Apartment Guidelines provide that on infill sites up to 0.25 ha private open space requirements may be relaxed in part or whole on a case by case basis, subject to overall design. Given the site area concerned I consider that, in principle, this dispensation applies to the proposal. Having regard to the floor areas of the units concerned, which exceed the minimum requirements in the Guidelines, I consider that the proposal is acceptable in this regard and complies with the Apartment Guidelines. I do not consider that a material contravention arises in respect of this element of Section 3.12.3 (Apartment Standards and Design), Volume 2 of the CDP in light of the wording of the CDP, which

¹¹ The drawings submitted do not indicate which version of the Apartment Guidelines are referred to. I note that the standards set out in Appendix 1 of both the 2020 and 2023 Apartment Guidelines are the same.

requires that proposal must comply with, the Guidelines which in turn provide certain flexibilities.

7.6.3. The latter part of Section 3.12.3 of the CDP states, *‘Appendix 1 of the Guidelines sets out the following standards for apartments which must be complied with’*. Appendix 1 of the 2020 Apartment Guidelines sets out the requirement for private amenity space for apartments (i.e. 7 sqm for 2 bedroom units). As noted above, Apartments 3 and 4 have no private amenity space. In my opinion this is a **material contravention** of Section 3.12.3, Vol 2, of the CDP given that the CDP specifically refers to part of the Guidelines, requiring compliance with same. I note that the Commission may grant permission for the proposal on the basis of Section 37 (2) (a) of the Planning and Development Act, 2000, as amended. In this instance, the infill nature of the site and flexibility in the Guidelines for such schemes, which extends the provision of private amenity space, and the provision of internal accommodation within Apartment 3 and 4 in excess of the minimum standards in the Apartment Guidelines, could be relied upon in justifying a material contravention of the CDP.

7.6.4. Car Parking – Table 6.7 of the CDP sets out car parking requirements for various forms of development. I note that in town centre locations there is no car parking requirement for apartments. Car parking for retail uses and office use is based on floor area (i.e. 1 space per 100 sqm in both cases). Based on the information in the planning application form the commercial element of the proposal (i.e. office and retail uses) account for 1,619 sqm, therefore 16 no. car parking spaces are required in accordance with the CDP. The proposal provides no car parking. The CDP provides that where no car parking is proposed it may consider the payment of a financial contribution towards the provision of car parking nearby. Condition no. 6 of the PA’s Notification of Decision to Grant Permission includes a contribution towards car parking (set out in Appendix 1 of the Planning Officer’s report as €7,000). The CDP also makes allowances for proposals which entail replacement buildings, as is the case in the current proposal. The PA’s decision is based on the previous development contribution scheme, i.e. Wexford County Development Contribution 2018, which provided a levy of €500 per space. The current Wexford County Development Contribution 2026 – 2029 is the basis for calculating development contributions under this appeal. This scheme provides for the payment for €1,000 per car parking space where a shortfall arises.

The proposal entails the demolition of 3 no. dwellings. The area of demolition is 197 sqm. In my opinion it is reasonable to reduce the area on which the car parking shortfall levy is calculated on by this amount. Based on a commercial floor area of area of 1,619, less the area of demolition works (i.e. 197 sqm) the relevant floor area is 1422 sqm. which results in a requirement for 14 no. car parking spaces. Should the Commission be minded to grant permission for the proposal I recommend that a planning condition is attached requiring the payment of a contribution in lieu of car parking (€14,000, i.e. 14 no. car parking spaces @ €1,000 per space).

7.6.5. Bicycle Parking – Table 6-10 of the CDP sets out bicycle parking standards for various forms of development. Bicycle parking requirements for apartments are based on the number of bedspaces. The requirement for bicycle parking for offices is based on employee number, with the requirement for retail being based on the number of tills/check-outs. The proposal provides 10 no. bicycle parking spaces for the 6 no. apartments. The proposal comprises 24 no. bedspaces and therefore based on the CDP standards¹² the proposal requires 36 no. secure bicycle spaces (i.e. 24 no. for the apartments, plus 1 space for every 2 no. units). In the event of a grant of permission I recommend that additional bicycle parking is provided within the scheme, i.e. 16 no. additional spaces. These additional spaces could be provided at roof level, alongside the existing bicycle spaces.

7.6.6. Archaeology – the site is located within the Recorded Monuments and Zone of Archaeological Potential (see Map 9(A) and (B) of Gorey and Environs LAP. I note that Condition no. 11 of the PA's Notification of Decision to Grant Permission required archaeological monitoring of works at the site. In the event of a grant of permission I recommend that a planning condition is similarly attached requiring archaeological monitoring.

7.6.7. Loading Bay – a parallel loading bay is proposed to the front of Block A (along Arklow Road). Based on the proposed site layout drawing this bay appears to comprise part of the footpath. The provision of the loading bay within the footpath would obstruct pedestrians using the footpath, who would be required to walk on the road when the

¹² This standard reflects the requirements for bicycle parking in the 2020 Apartment Guidelines, i.e. the version of the Apartment Guidelines referred to in the CDP.

loading bay is in use. In my opinion this would create a traffic hazard for pedestrians, and in particular more vulnerable cohorts, for example elderly people, the visually impaired, and people using wheelchairs and pushing prams. In the event of a grant of permission I recommended that the loading bay is omitted. Goods deliveries could be catered for using existing parking spaces/loading bays within the town.

8.0 Recommendation

Having regard to the above it is recommended that permission should be refused for the reasons set out below.

9.0. Reasons and Considerations

1. Having regard to the established built form and character of Esmonde Street, it is considered that the proposed development, by reason of its form, design, scale and massing, including the proposal to amalgamate no's. 40 and 41 Esmonde Street within a street where plot widths are predominantly narrow, would be out of character with the pattern of development in the vicinity, and would constitute a visually discordant feature that would be detrimental to the distinctive character of this area. In addition, the extent and blank nature of the side/north-eastern elevation of Block A would fail to provide for a satisfactory level of integration on the Arklow Road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, specifically Block A, would be significantly overbearing on the adjoining residence to the east, and therefore, seriously injure the amenities of this adjacent property. The proposal would be contrary to the proper planning and sustainable development of the area.

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ian Campbell
Senior Planning Inspector

22nd May 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála	PL-500925-WX-26		
Case Reference			
Proposed Development Summary	Permission for demolition of structures and mixed use development (see para 2.0 of Inspector's report for details).		
Development Address	Gorey Corporation Lands, Gorey, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Sch. 5, Class 10, (b), (i) Part 2, Sch. 5, Class 10, (b) (iv)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	<p>Class 10, (b), (v) (threshold is 500 dwelling units) – proposed development comprises 6 no. apartments.</p> <p>Class 10, (b), (iv) (threshold is 2 Ha.) – site area is c. 0.15 ha.</p>	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 22nd May 2026

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	PL-500925-WX-26
Proposed Development Summary	Permission for demolition of structures and mixed use development (see para 2.0 of Inspector's report for details).
Development Address	Gorey Corporation Lands, Gorey, Co. Wexford
<p>The Commission carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<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>The proposed development comprises the demolition of structures on the site and the construction of a mixed use development. The site is located on a brownfield site within an urban area.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>

<p>Location of development</p> <p>(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>The development is located in an urban area on a brownfield site. The site is not proximate to any European Sites, with the closest, Slaney River Valley SAC (Site Code: 000781) c. 3 km from the site. Following screening for Appropriate Assessment, it has been ascertained 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.</p> <p>There are no Protected Structures within or adjoining the site.</p> <p>The site is not at risk of flooding.</p> <p>Given the scale and nature of development there will be no significant environmental effects arising.</p>

<p>Types and characteristics of potential impacts (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>During the construction phase noise, dust and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p>
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Conclusion

Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)