



An
Coimisiún
Pleanála

Inspector's Report

PL-501085-WW-26

Development

New 4 bedroom house. Connection to foul drain amendments to existing dividing boundaries @ No 6 & 7 dwellings and all associated site works.

Location

6 Kilcoole Road, Delgany, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2660042

Applicant(s)

Tony & Katie Doyle

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Planning Appeal

Appellant(s)

Tony & Katie Doyle

Observer(s)

None

Date of Site Inspection

01/06/26

Inspector

Donal Farrelly

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1.0 Site Location and Description

- 1.1. The backland development appeal site is located at 6 Kilcoole Road Delgany Co. Wicklow A63FC97. The site is located c1.7 km southwest of Greystones town centre. The proposed two storey dwelling has a floor area of 140m² and a total site area of 0.042ha. The site topography falls from east to west.
- 1.2. Residential properties surround the appeal site. The backland development site at no.7 was granted permission under planning reference no. 2561031 and is located immediately south of the appeal site. A two storey backland dwelling was also granted permission under planning reference no. 2660074 to the immediate north of the appeal site.
- 1.3. The site will be accessed by a shared driveway off the Kilcoole Road which will also serve the granted backland dwellings to the north and south of the appeal site.

2.0 Proposed Development

- 2.1. Planning permission is sought for 1 no. 4 bedroom 2 storey house. The house is located to the backland of the existing house no.6 Kilcoole Road.
- 2.2. A shared vehicular entrance is proposed to the backland dwelling of no. 6 which will also serve the backland house of no. 7 granted under planning reference 2561031 and the dwelling approved under planning reference no. 2660074.
- 2.3. The proposed dwelling will connect to foul mains and a surface water soakaway will be provided. The depth of the rear garden of the proposed dwelling is 10m, with a rear garden area of circa 170m². The rear garden depth of the existing house is circa 20m with a rear garden area of circa 150m².

3.0 Planning Authority Decision

3.1. Decision

Permission was refused by Decision Order dated 12/03/2026 for the following reason.

- 1. Having regard to*

- a) the scale and massing of the proposed dwelling, and*
- b) the presence of an unobscured first floor window on the eastern elevation resulting in the direct overlooking of the adjoining private rear amenity space of neighbouring dwellings to the east; and*
- c) the presence of first floor windows on the western elevation resulting overlooking of the habitable areas of the dwelling to the west,*

It is considered that the proposal would result in a development which would seriously injure the amenities of properties in the vicinity and would have an undue negative impact on the privacy and amenity of the dwellings to the east and west in terms of overlooking and overbearance. The development would therefore be contrary to the zoning objective of the area which seeks to “protect, provide and improve residential amenities of existing residential areas” as set out in Greystones – Delgany and Kilcoole Local Planning Framework 2026, would set an undesirable precedent for similar type development and would be contrary to Objective CPO 6.21 of the 2022-2028 Wicklow County Development Plan which seeks that house improvements, alterations and extensions and appropriate infill residential development in existing residential areas shall have regard to the protection of the residential amenities of houses in the immediate environs. The development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Report of Planner dated 11/03/2026 recommends a refusal of permission. This refusal was based on the scale and massing of the proposed dwelling, overlooking of adjacent properties, and overbearance.

3.2.1. Other Technical Reports

- The Municipal District Engineer requested further information regarding the shared access laneway/driveway surface water drainage, that the proposal is in compliance with s76 of the Roads Act 1993, and that the cobble threshold paving is permeable.

3.3. Prescribed Bodies

Irish Water. No objection subject to conditions.

3.4. Third Party Observations

None

4.0 Planning History

4.1. **Planning reference 103141.** two storey extension at side and single storey extension at rear. Granted Permission on 10/02/2011. Permission has been enacted.

Planning reference 2560526. - 2 no. new 4-bedroom, two storey detached houses to the rear of existing houses at No. 6 & No. 7 Kilcoole road. - New vehicular entrances to 2 no. proposed dwellings and existing No. 6 & 7 dwellings allowing for sufficient sight lines onto public road. - Connection of two dwellings to foul drain line and the provision of surface water soakaway to meet BRE Digest 365 standards for the new houses. - Amendments to existing dividing boundaries of No. 6 & 7 dwellings. Withdrawn on 24/11/25.

Planning reference 21784- (outline permission) two detached 4 bedroom dwellings to the rear of existing houses at No 6 and 7 Kilcoole Road. New vehicular entrance to proposed dwellings and existing No 6 and 7 dwellings allowing for sufficient sight lines onto public road. Connection of two dwellings to foul drain line and the provision of surface water soakaway to meet BRE Digest 365 standards for the new houses. Amendments to existing dividing boundaries of no 6 and 7 dwellings. Withdrawn on 08/03/22.

4.2. Adjacent site to the south (no.7 Kilcoole Road)

Planning reference 2561031. - 1 no. new 4-bedroom, two storey detached house to the rear of existing house at No. 7 Kilcoole Road. - new vehicular entrances to 1 no. proposed dwelling and existing No. 6 & 7 dwellings allowing for sufficient sight lines onto public road. - connection of dwelling to foul drain line and the provision of surface water soakaway to meet BRE Digest 365 standards for the new house. - amendments to existing dividing boundaries of No. 6 & 7 dwellings. Permission granted

4.3. Adjacent site to the north

Planning reference 2660074. - 1 no. new 3-bedroom, two storey detached house to the rear of existing house at Elangeni, Kilcoole Road. - new vehicular entrances to

new dwelling and existing Elangeni dwelling allowing for sufficient sight lines onto public road. - connection of dwelling to foul drain line and the provision of surface water soakaway to meet BRE Digest 365 standards for the new house. - amendments to existing dividing boundaries of Elangeni and number No. 6 dwellings. Permission granted on 02/06/26.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The subject site is zoned 'RE Existing Residential' as per CDP Local Planning Frameworks (level 3 Greystones-Delgany & Kilcoole) (LPF). The LPF was subject to Variation No. 4 of the CDP which came into effect on 09/02/26. Revised housing targets were updated under the core strategy of Variation No. 5 which came into effect on 30/03/26
- 5.1.2. I consider the following objectives and policies to be most relevant to the appeal.
- 5.1.3. Chapter 4 Settlement Strategy
- 5.1.4. Greystones-Delgany is identified as a level 3 Self Sustaining Growth Town.
- 5.1.5. *CPO 4.1. To implement the County Wicklow Core Strategy and Settlement Strategy, having regard to the availability of services and infrastructure and in particular, to direct growth into key towns, self sustaining growth towns, self-sustaining towns and small towns.*
- 5.1.6. *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.*
- 5.1.7. *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.*

- 5.1.8. 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.*
- 5.1.9. CPO 4.13. *To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.*
- 5.1.10. Chapter 6 Housing
- 5.1.11. CPO 6.1. *New housing development shall be required to locate on suitably zoned or designated land in settlements....*
- 5.1.12. 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.*
- 5.1.13. 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).*
- 5.1.14. 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...*
- 5.1.15. CPO 6.14. *To densify existing built-up areas subject to the adequate protection of existing residential amenities.*
- 5.1.16. CPO 6.15. *Higher density proposals should be designed to a high standard, incorporate a mix of housing types and sizes and deliver compact urban forms that enhance the local built environment and contribute towards a sustainable mix of housing options. Proposals should provide an appropriate design response to the site, be designed to a high quality and afford adequate protection for residential amenity of neighbouring properties.*
- 5.1.17. 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.

5.1.18. 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.*

5.1.19. 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.*

5.1.20. Appendix 1 - Development and Design Standards

5.1.21. *Infill / backlands development in existing housing areas.* This includes standards regarding density, house design, location of windows, separation distances, vehicular access on backland and infill development sites.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

National Planning Framework (First Revision)

National Policy Objective 20. *In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*

National Policy Objective 45. *Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill*

development schemes, area or site-based regeneration, increased building height and more compact forms of development.

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

SPPR 1. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms¹⁶ at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

5.3. Natural Heritage Designations

Glen of the Downs SAC (00719) is located 1.6km west of the appeal site

The Murrough cSPA (004186) is located c1.7km east of the appeal site

Proposed Natural Heritage Areas

Glen of the Downs (00719) is located 1.6 km west of the appeal site.

6.0 EIA Screening

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

The first party appeal is summarised as follows.

Principle of Development

- 7.1.1. The development is modest in scale and smaller than the permitted backland development at no. 7 Kilcoole Road (25/61031). 25/61031 established the principle of backland development within the rear gardens. The issues regarding the refusal of the current application (scale and massing, overlooking) were also present and considered in the 25/61031 application. The current application adapts a similar approach to addressing these issues. The front and rear elevations have been coordinated with the dwelling permitted under 25/61031. The current proposal aligns with 25/61031.
- 7.1.2. Planning reference number 23689 (ACP LH27322479) demonstrates rear garden depths of c8m and instances of overlooking of neighbouring private amenity spaces. These separation distances are shorter than those within the appeal site, and the shorter distances are consistent with SPPR1 for suburban and infill sites. The proposed 10.5m separation distance from the eastern façade to the adjacent amenity space is therefore sufficient.
- 7.1.3. A separation distance of 10.6m between opposing windows was acceptable under the LRD application. The appeal site comprises a separation distance of 11m. The distance to the western boundary of the appeal site is greater and comprises rooflights rather than windows. The precedent under 23689 establishes that separation distances of this nature are acceptable.

- 7.1.4. The previous application (25/60526) was for 2 no. houses at the rear of no's 6 and 7 Kilcoole Road. The application was withdrawn due to scale and massing, overlooking and overbearance.

Overlooking

- 7.1.5. There will be no direct overlooking of adjoining private spaces with any potential interaction being limited and appropriate separation distances provided.
- 7.1.6. SPPR1 of the 2024 Guidelines notes a 16m separation distance which would provide c8m for each opposing residential dwelling. The appeal site proposes circa 10m to the neighbouring amenity areas from the front and rear elevations, which is in accordance with SPPR1.
- 7.1.7. There will be no overlooking of the appeal site first floor windows on the western elevation habitable areas of the adjacent dwelling at no. 57 Delgany Park. The rear extension of no. 57 extends along the full length of the shared western boundary. Any overlooking is limited to the side elevation of the single storey dwelling rather than the private amenity areas and there is also established boundary treatments. The first-floor bedroom windows of the appeal dwelling are 11m from the façade of the single storey dwelling, 10m to the property boundary, and 12-13m from the skylight. Views from these windows are outlined in the Overlooking Assessment submitted.
- 7.1.8. Views into the skylights at no. 57 are limited due to the angle of view and therefore are confirmed mainly to roof level elements. Rooflights should not be considered directly opposing windows as they have a restricted outward view, are angled upward, and are set at a high level in the roof plane. SPPR1 does not state separation distances for opposing ground floor windows, and distances below 16m can be considered in certain circumstances. The development does not give rise to an overlooking impact on the privacy or the residential amenity of the adjoining property to the west.
- 7.1.9. There are no undue overlooking or overbearing impacts on adjacent properties. An overshadowing assessment submitted to the PA confirms that there is no unacceptable overshadowing of adjacent properties.

7.1.10. On the first floor obscure glazing will be fitted to a bathroom and hallway on the eastern elevation. The bedroom window faces the shared lane to provide passive surveillance rather than overlooking of private amenity spaces of properties to the east. The line of sight is directed towards the access road serving the proposed development, which is confirmed in the overlooking assessment submitted to the PA. Minor oblique views from upper floor windows are typical in urban areas and do not result in detrimental impacts to residential amenities.

Design

7.1.11. The development is in accordance with Objective CPO 6.21. The design is contemporary which enhances the character of the area.

7.1.12. The design is stepped to reflect site topography and to ensure that the development is not of a singular bulky form. On the western elevation the first-floor bedrooms overlook the rear garden space of the proposed dwelling with a depth of 10m.

7.1.13. In the current application the massing has been reduced, with the ridge height lowered from 9m to 7.8m and the gross floor area reduced from 151m² to 140m². External and internal private amenity spaces of adjacent properties are not significantly overlooked.

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

8.1. Having examined the planning application details and all other documentation on file, including the submission received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development and zoning
- Scale and Massing

- Residential amenity
- Other Matters

Principle of development and zoning

8.2. The appeal site is zoned 'RE Existing Residential' which provides for appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity.

8.3. I note under planning reference no. 2561031 a two storey dwelling of 278m² to the south of the appeal site was granted permission on a backland site to the rear of no. 7 (no. 7B). The two storey dwelling permitted under 2660074 on the backland site to the north of the appeal site is 142m² (Elangeni B House). These dwellings have not yet been constructed. The appeal dwelling is 140m² (no. 6B). I am satisfied that the proposed dwelling size is in line with the adjacent backland dwellings permitted to the north and south of the appeal site.

8.4. I note the development of the adjacent backland sites and the emerging pattern of backland development in the area on large rear garden plots. I consider the appeal site a consolidation of backland development previously granted by the PA. I also note that the appeal dwelling exceeds minimum floor standards. Therefore, on this basis I consider the development to be acceptable in principal and in accordance with CPO 6.21 and Appendix 1 of the CDP.

Scale and massing

8.5. I note the reason for refusal regarding design and massing, and the appellant's submission regarding this.

8.6. The site area is 1065m² and the proposed two storey house is 140m². The rear garden area is circa 170m² and the private area to the front of the house is circa 105m² which has sufficient room for the parking of two cars. The rear garden depth of the existing house is circa 20m with a rear garden area of circa 150m². I am of the opinion that the rear amenity spaces for the existing and proposed dwellings is acceptable. I consider that the appeal site size is appropriate for the proposed dwelling.

8.7. I consider the 7.8m roof ridge height to be proportionate and lower than the adjacent dwellings approved to the north and south of the appeal site as outlined on Drawing

No: P204 Proposed Plans, Elevations & Sections submitted to the PA. The site at the front of the existing dwelling falls from 37.56 to 37.10 at the front of the appeal dwelling. I note the ridge height of the existing dwelling is 45.03 and the appeal dwelling is 44.45. I consider that the site conditions and design further reduces the potential for visual impact. In the context of this it will not look visually disproportionate.

8.8. Having regard to the site area and the proposed house size and scale I am satisfied that the proposed development is proportionate for the site, would protect existing visual amenity, and would be in accordance with Objective 6.21 and Appendix 1 of the CDP. I will consider scale and massing on the impact on residential amenity under the next section below.

8.9. I therefore recommend to the Commission that the previous reason for refusal regarding massing and design be overturned.

Residential amenity

8.10. I note the reason for refusal regarding the impact on residential amenity of neighbouring properties to the east and west of the appeal site, and I note the appellant's submission regarding this.

Eastern Elevation

8.11. The proposed first floor front (eastern) elevation of the dwelling contains 3 no. windows. One of the windows is for a bathroom and the other is for a hallway, with obscure glazing proposed for both of these windows. The third window is for bedroom no. 3. The bedroom window directly overlooks the shared vehicular access laneway to Plots 6B, 7B, and Elangeni B House.

8.12. I note the reason for refusal regarding the overlooking of bedroom no. 3 on the rear private amenity spaces of no.6 to the east and Elangeni to the north east of the appeal site.

8.13. I note the details provided by the appellant which includes rationale regarding the design of the window for bedroom no 3.

8.14. The separation distance between the first floor window of bedroom no. 3 and the rear elevation of house no. 6 is c25m. The separation distance between bedroom no. 3 and the rear elevation of Elangeni is c26m. SPPR 1 of the 2024 outlines that a

minimum separation distance of 16m be maintained between directly opposing first floor habitable windows. I therefore consider that the window of bedroom no. 3 is adequately set back from the rear windows of both house no. 6 and Elangeni.

8.15. The distance from bedroom no. 3 to the rear boundary line of Elangeni is c12m, and c13m to no.6. I am satisfied that these separation distances are appropriate considering the backland nature of the development on zoned residential land. I consider the amenity area of the side facing dwelling to the north permitted under 2660074 to be located to the rear and is therefore not impacted by the window of bedroom no. 3. Having regard to the above I am satisfied that the design of the eastern elevation is acceptable and is in accordance with the 2024 Guidelines and CDP and will not impact on the amenity of adjacent residential dwellings.

8.16. I therefore recommend to the Commission that the previous reason for refusal regarding overlooking from the eastern elevation of the proposed dwelling be overturned.

Western elevation

8.17. I note the reason for refusal regarding the western elevation first floor windows of the appeal dwelling and associated overlooking of the adjacent habitable areas of No. 57 Delgany Park. I have also reviewed the appellant's submission and rationale regarding the proposed design.

8.18. The separation distance from the rear first floor windows of bedroom no's. 1 and 2 of the appeal dwelling to the western boundary line is 10m, and c11m to the rear building line of No. 57. The appellant argues that there is no private amenity space along the eastern boundary of No. 57. The appellant also outlines that No. 57 is a bungalow with only the upper portions of the ground floor windows visible due to screening from the existing boundary treatment. They also outline that views towards the sky windows from the appeal dwelling are limited due to the angled nature of these roof windows.

8.19. I have reviewed the overlooking assessment submitted to the PA and the floor plans for no 57 approved under planning reference no. 138541. I note that the windows on the eastern elevation of No. 57 are for a kitchen, ensuite, and bedroom. The overlooking report includes a photograph of the eastern elevation of no. 57 which also shows a boundary timber fence and vegetation. I observed during my site

visit that the bungalow is positioned lower than the appeal site behind the existing timber boundary fence due to site topography.

8.20. SPPR1 of the 2024 Guidelines states a minimum 16m setback from opposing windows at above ground levels only. It does not state a separation distance between first floor and ground floor levels. In this instance the assessment involves the separation distance being between the first floor bedrooms of the appeal dwelling and the single storey eastern elevation of No 57. Having regard to this the 2024 guidelines do not apply in terms of opposing first floor windows.

8.21. I have however assessed the appeal site considering the site constraints and location on zoned residential land. Having regard to this, the site topography and boundary treatment, and single storey nature of No. 57 I consider that the separation distance between the appeal site and no. 57 to be acceptable in this instance.

8.22. However, notwithstanding the above I have also assessed the c10m boundary separation distance in terms of impact on adjacent residential amenity and privacy of no. 57. On review of the plans and overlooking report I consider that the amenity area of No. 57 is located within the south garden of said property and not along the eastern passageway. I am therefore satisfied that any overlooking from the appeal site will not have an adverse impact on the residential amenity of No. 57. Although there is rear access to no. 57 through a side passageway, I do not consider this area to constitute useable amenity space.

8.23. Having regard to the above I recommend to the Commission that the previous reason for refusal regarding the impact on habitable areas of the dwelling to the west be overturned.

Other matters

8.24. The shared laneway will provide access to the appeal site and the permitted backland houses of no. 6B and the Elangeni B House. I note that planning conditions were attached regarding the completion of this laneway prior to the commencement of construction of house no. 6B and prior to the occupation of Elangeni B House. The grant of permission for Elangeni House B (2660074) includes access to all three of the backland properties.

8.25. I am satisfied that in the event of a grant of permission that a pre occupation condition be attached to the appeal site. This will ensure that the shared laneway is delivered prior to the occupation of any three of the backland houses.

9.0 AA Screening

I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located at 6 Kilcoole Road, Delgany, Co. Wicklow approximately 1.6km east of the Glen of the Downs SAC.

The permission is for a 1 no. 4 bedroom 2 storey house. A new vehicular entrance is proposed to the backland dwelling of no. 6 which will also serve the backland house of no. 7. The proposed dwelling will connect to foul mains and a surface water soakaway will be provided.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The minor works and scale of the development
- Location and distance from nearest European site and lack of hydrological connections

I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

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, together with

relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.

The proposed development will connect to the existing foul mains and a surface water soakaway will be provided on site.

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.

The development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

I recommend to the Commission that planning permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- the provisions of the Wicklow County Development Plan 2022-2028, including Objectives CPO 6.21 and 6.22 with respect to backland development on zoned residential land,
- the nature, scale, and location of the development on a suburban backland site,
- the measures to ensure traffic safety regarding a shared entrance,

It is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of visual and residential amenity, and would be acceptable in terms of road safety. Therefore, the

development would be in accordance with the proper planning and sustainable development of the area.

13.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access laneway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

3. Details of the materials, colours, and textures of all the external finishes to the proposed building and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and orderly development.

4. The first floor eastern elevation bathroom and hallway windows shall be of obscure glazing.

Reason: In the interest of residential amenity.

5. No occupation of the dwelling shall take place until the shared access road, as detailed in the Proposed Site Plan (DWG No: P2.03), has been completed to final finish.

REASON: In the interest of orderly development, road safety and to ensure that appropriate access is available to the site prior to the commencement of works.

6. The landscaping scheme shown within the Studio Glasu report, as submitted to the planning authority on the 23/01/26 shall be carried out within the first planting season following substantial completion of external construction works.

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

Reason: In the interest of residential and visual amenity.

7. 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.

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

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: in the interest of visual and residential amenity.

9. Site development and building works shall be carried out only between the

hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. 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, as amended. The contribution shall be paid prior to 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 to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.”

Donal Farrelly
Planning Inspector

09/07/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501085-WW-26
Proposed Development Summary	Planning permission is sought for 1 no. 4 bedroom 2 storey house. The house is located to the backland of the existing house no.6 Kilcoole Road. A vehicular entrance is proposed to the backland dwelling of no. 6 which will also serve the backland houses of no. 7 and Elangeni B House. The proposed dwelling will connect to foul mains and surface water soakaway will be provided.
Development Address	6 Kilcoole Road, Delgany, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold.	Class 10 (b)(i) Construction of more than 500 dwelling units. The proposal is for 1 no dwelling.

Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501085-WW-26
Proposed Development Summary	Planning permission is sought for 1 no. 4 bedroom 2 storey house. The house is located to the backland of the existing house no.6 Kilcoole Road. A vehicular entrance is proposed to the backland dwelling of no. 6 which will also serve the backland houses of no. 7 and Elangeni B House. The proposed dwelling will connect to foul mains and surface water soakaway will be provided.
Development Address	6 Kilcoole Road, Delgany, 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).	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to	The development is situated in a suburban area. The development is removed from sensitive natural habitats

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).	and designated sites and landscapes of identified significance in the County Development Plan.
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).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	

There is no real likelihood of significant effects on the environment.	EIA is not required. 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.
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Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)