



An
Coimisiún
Pleanála

Inspector's Report PL-501234-WW-26

Development	Install new window to front external wall and second new window to rear external wall to first floor level storage rooms, new rooflights and all associated site works.
Location	Ballinahinch, Ashford, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2660109
Applicant(s)	Sam Pop Buia
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	First Party Planning Appeal
Appellant(s)	Sam Pop Buia
Observer(s)	Roberta Kelly
Date of Site Inspection	16/06/26
Inspector	Donal Farrelly

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	3
4.0 Planning Authority Decision	3
4.1. Decision	3
4.2. Planning Authority Reports	4
4.3. Prescribed Bodies	4
4.4. Third Party observation letter to the planning authority	4
5.0 Planning History.....	4
6.0 Policy Context.....	5
7.0 EIA Screening.....	7
8.0 The Appeal	7
8.1. Grounds of Appeal	7
8.2. Planning Authority Response	8
8.3. Observations.....	8
9.0 Assessment	9
10.0 AA Screening.....	12
11.0 Water Framework Directive	13
12.0 Recommendation	13
13.0 Reasons and Considerations.....	13
Appendix 1: Form 1 EIA Pre-Screening	15

1.0 Introduction

- 1.1. I consider this a first party appeal against condition no. 2 of the permission reference no. **2660109**. The previous application sought to install 2 no. windows in the roof storage area. There is also a 3rd party observer on the file. The third party observer is the owner of the adjacent property no. 5 Ballinahinch Terrace which is located to the front of the appeal site. I consider that the submission can be dealt with under s139 of the Planning and Development Act 2000 (as amended) (PDA).

2.0 Site Location and Description

- 2.1. The existing single storey dwelling (appeal site) known as Elienai is located on a backland site at Ballinahinch, Ashford, Co. Wicklow.
- 2.2. The existing dwelling contains windows only on the ground floor of the property, with no existing windows on the first floor. The current application seeks the provision of first floor windows and skylights for the storage rooms. The storage spaces were granted under a previous planning application reference no. **2560646**.
- 2.3. A laneway provides access to the property from Ballinahinch Terrace. The site is predominantly surrounded by residential dwellings with an agricultural field, which has an extant permission for 17 no. dwellings and a carers apartment, located to the east of the appeal site.

3.0 Proposed Development

- 3.1. The proposed development is for the provision of one no. front facing first floor window, one no. rear facing window, and 8 no. skylights for the existing first floor storage rooms.

4.0 Planning Authority Decision

4.1. Decision

Permission was granted by Decision Order dated 01/04/2026 subject to the following conditions.

4.1.1. Conditions

2. The proposed first floor windows in the eastern/front and western/rear elevations shall be omitted.

REASON: In order to protect the amenity and future development potential of the adjoining properties.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The planners report recommended further information to clarify the need for the roof lights and windows for a storage area, and to address potential overlooking of the residential properties to the west. The addendum to the Planners Report completed by the SEP dated 30/03/26 outlines no objection subject to the first floor front and rear windows being omitted.

4.2.2. Other Technical Reports

- Chief fire officer response outlines that all works to comply with Appendix D of Technical Guidance Document Part B, Volume 2, Fire Safety, Dwelling Houses (2017).

4.3. Prescribed Bodies

None

4.4. Third Party observation letter to the planning authority

Submission to the PA from Roberta Kelly is similar to the third party observation as summarised under section 8.3 of this report.

5.0 Planning History

Planning Reference no. 2560646. Retention of single storey rear flat roof extension to dwelling and all associated site works. This included the conversion of the attic space to storage space but no windows were included.

Planning Reference no. 22509/ABP-314214-22. single storey dwelling, connection to existing services including a pumped sewerage system and all associated ancillary site works and services. Permission granted by ABP 17/11/23 to Sheila Clarke.

Planning Reference no. 21932. single storey dwelling, connection to existing services including a pumped sewerage system and all associated ancillary site works and services. Refused permission

Planning Reference no. 191118. dwelling, storage shed, connection to existing services including a pumped sewerage system and all associated ancillary site works and services. Refused permission

Lands to the rear

Planning reference no. 24/60193. 1) Erection of 16 Number Semi Detached Dwellings, 2) 1 Number Detached Dwelling incorporating Carers Apartment Accommodation, 3) Proposed Estate Access Road, 4) Public Open Space, 5) Proposed upgraded Vehicular & Pedestrian Access, 6) Road Improvement Works to Ballinahinch Road (R763) incorporating increasing width of Carriageway, provision of New Cycleway & New Footway connecting to Existing Upgraded Carriageway, Cycleway & Footway to the East of the Site and All Ancillary Works

6.0 Policy Context

5.1 Development Plan

Ashford Town Plan is identified as a level 5 settlement within the Wicklow County Development Plan 2022-2028 (CDP). The subject site is zoned 'RE Existing Residential' as per the Ashford Town Plan.

I consider the following objectives and policies to be most relevant to the appeal.

Chapter 6 Housing

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.

Appendix 1 Development and Design Standards

3.1.3 Privacy

A separation of 22m will normally be required above ground level between opposing windows serving private living areas (particularly bedrooms and living rooms).

However, this rule shall be applied flexibly: the careful positioning and detailed design of opposing windows can prevent invasion of privacy even with short back-to-back distances. Windows serving halls and landings do not require the same degree of privacy as say balconies and living rooms;

The degree of ‘overlooking’ afforded by different window types shall be considered appropriately; for example, an angled roof light will not have the same impact as a traditional ‘flat’ window on the same elevation;

5.2 National/Regional Plans/Policies

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

SPPR 1. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms 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.

5.4 Natural Heritage Designations

The Murrough cSPA (004186) is located c3.5km to the east of the appeal site.

The Murrough Wetlands SAC is located c3.5km to the east of the appeal site.

Proposed Natural Heritage Areas

Devil's Glen (000718) is located c1.6km to the west of the appeal site.

The Murrough (000730) is located c3.5km to the east of the appeal site.

7.0 EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

8.0 The Appeal

8.1. Grounds of Appeal

The grounds of appeal are specific to the removal of Condition no 2 of the permission reference no. **2660109** and is summarised as follows;

- The first floor rooms will be used for storage and the appellant wants to maximise sunlight to these rooms. There is no material impact arising and the window openings are minor.

Front Window

- The window facing the rear of no. 5 Ballinahinch Terrace is set back 26m from the rear boundary and this is sufficient to satisfy the 2024 Compact Settlement Guidelines (2024 Guidelines). An updated site plan submitted as part of the appeal shows setback dimensions. There are two sheds and a tree to the rear of no. 5 which will provide screening. The appellant does not consider that there is any material risk of overlooking of no 5A.

Rear Window

- The first floor rear facing window is set back 7.79m from the rear boundary. Any new residential dwelling backing onto the appeal site would be set back 8.21m to satisfy the 16m separation requirement as per the 2024 Guidelines which the appellant deems reasonable. The appellant does not agree that the window should be omitted. There is a rear hedge which would also act as a screen to prevent overlooking. The views to the rear would also be partly obscured by the rear extension.
- Rooms are for storage purposes and would not be used as habitable spaces.

8.2. Planning Authority Response

None

8.3. Observations

Third party observation letter from Roberta Kelly

- The owner of no. 5 Ballinahinch Terrace has submitted a third party letter with photographs.
- They have no objection to the rooflights, but object to the front facing first floor window.
- There is no screening provided by the rear shed and tree as outlined in the first party appeal.
- The first floor window was previously installed at the end of the construction phase but subsequently removed. This provided views into rooms at no. 5 and the rear garden.
- The photo submitted by first party appellant is from ground level only.
- A new window will result in a loss of privacy from overlooking and will impact on the residential amenity of no. 5. The window will provide a direct line of sight into the rear first floor rooms of no.5, and result in overlooking of the rear garden.
- The window is not proportionate for storage and there are concerns about the future use of this room.

- First floor front facing window should be refused. If it is to be granted it should be reduced in size, be of obscure glazing and be fixed shut.

9.0 **Assessment**

- 9.1. This appeal only concerns condition no. 2 to remove windows in the front and rear elevations. I am satisfied that this can be dealt with under s139 of the PDA as I consider the grant of planning permission is regarding the provision of daylight to storage areas and is acceptable in principle. I note that the observer is only concerned with the front facing window.
- 9.2. Having examined the planning application details and all other documentation on file, including the submissions 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:
- Planning history
 - First floor front window
 - First floor rear window
- 9.3. **Planning history**
- 9.4. The existing dwelling was approved under **planning reference no. 22509/ABP-314214-22** for a single storey residential unit. The first floor attic conversion to storage was approved under **planning reference no. 2560646** and also did not include any above ground floor windows or roof lights. The current permission (**planning reference no. 2660109**) includes the addition of front and rear facing windows and 8 no. roof skylights. The grant of permission **2660109** requires the removal of both the front and rear first floor windows under condition no. 2, which is the subject of this appeal.
- 9.5. The conversion of the attic space to storage is acceptable in principle and I consider that the attic space will be well lit by the rooflights which were not omitted by way of condition no. 2. I consider the issue being the front and rear first floor windows which I will assess below.

9.6. First floor front window

- 9.7. I note planning condition no.2 which states that the front window shall be removed. I note the third party observation regarding the separation distance of the front window of the appeal dwelling from habitable first floor windows and the rear garden of no.5 Ballinahinch Terrace, and also the impact on the private amenity area of said property. The proposed use of the rooms is for storage and I note the provision of a number of skylights.
- 9.8. I note that the PA planners report outlines that the front facing window may be acceptable if it is demonstrated that it will not impact on the privacy, amenity and overlooking of the properties to the west.
- 9.9. I note the site plan submitted as part of the first party appeal. This outlines a separation distance of 41.15m between the proposed first floor window of the appeal dwelling and the rear elevation of no. 5 Ballinahinch Terrace. The appeal dwelling is set back 23.56m from the rear boundary of no. 5 Ballinahinch Terrace. I also note the concerns raised by the third party regarding the setback distance of the appeal dwelling and impact on residential amenity and privacy of no.5 as a result of overlooking.
- 9.10. The setback distance between the appeal dwelling and the rear boundary of no. 6 Ballinahinch Terrace is c10m. The separation distance from the appeal site to the rear boundary of no. 5A Ballinahinch Terrace is c18m. The separation distance from the front elevation of the appeal dwelling to the rear elevations of no. 6 is 31m and to no.5A is c34m.
- 9.11. Policy SPPR1 Separation Distance of the 2024 Guidelines outlines a minimum 16m separation distance from above ground level opposing habitable room windows serving the rear or side of houses or apartments. However, as this is backland development with no public road separating the buildings I consider that it is the equivalent of two dwellings with rear facing windows.
- 9.12. Having reviewed the submissions received and the planning report of the PA I am satisfied that the proposed first floor front facing window exceeds the 16m separation distance set out within the 2024 Guidelines with respect to opposite facing first floor habitable windows and also exceeds the 22m setback requirement of s3.1.3 Privacy Appendix 1 Development and Design Standards of the CDP.

- 9.13. Having regard to the third party request for obscure glazing, a smaller window and that it is fixed shut. I am satisfied that the 16m separation distance is achieved between the opposing first floor windows as per the 2024 Guidelines and I do not consider this request necessary in this instance.
- 9.14. I also consider that the rear boundaries of no. 5, 5A, and 6 Ballinahinch Terrace are set back an appropriate distance from the front elevation of the appeal dwelling and I am satisfied that there will be no adverse impact on the residential amenity of the adjacent properties. As this is a backland site there will be a degree of overlooking of neighbouring properties, however, on balance I consider this to be acceptable and reasonable in this established residential area. I also consider the front facing skylights to be acceptable and will not result in overlooking of adjacent properties.
- 9.15. I recommend to the Commission that the element of the condition regarding the omission of the first floor front facing window be removed.
- 9.16. **First floor rear window**
- 9.17. I note planning condition no.2 which states that the rear window shall be removed. I note the rationale provided in the addendum to the Planners report that expresses concerns regarding the future development of the zoned lands to the rear and that the applicant would need to demonstrate how the appeal site will not impact on these lands.
- 9.18. I have reviewed the appeal submission. The appellant has outlined that the setback to the rear boundary is 7.79m and that any new residential development to the rear would need to be set back 8.21m to satisfy the 16m minimum requirement as per the 2024 Guidelines and that they consider this reasonable. They also advise that the rear hedge would provide additional screening.
- 9.19. I have reviewed the extant outline permission planning reference no. 24/60193 known as the Old Rectory. This permission is located on the land directly behind the appeal site. On review of the approved site layout plan the rear plot area of the appeal site overlooks the internal road and front garden area of the houses in the north of the Old Rectory site. I am of the opinion that it is appropriate to consider the layout of the Old Rectory site as this constitutes an extant permission.

- 9.20. The setback from the rear first floor elevation of the appeal site to the property boundary is 7.79m. The setback from the rear boundary of the appeal site to the southwest corner of dwelling no. 8 in the Old Rectory is c8m. As no elevation details are provided of the extant outline permission for the Old Rectory it is not clear where the first floor front windows of plot no. 8 will be positioned.
- 9.21. However, notwithstanding this I am satisfied that an appropriate separation distance is achieved between the rear elevation of the appeal dwelling and the front windows of plot no.8 of the Old Rectory site to the rear. I also consider the rear facing skylights to be acceptable and will not result in overlooking of adjacent properties.
- 9.22. Having regard to the above I am satisfied that the appellant has demonstrated an appropriate separation distance between the appeal site and plot no.8 of the extant permission for the lands to the rear.
- 9.23. I recommend to the Commission that the element of the condition regarding the omission of the first floor rear facing window be removed.

10.0 AA Screening

- 10.1. 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 Ballinahinch, Ashford, Co. Wicklow approximately 3.5km east of the The Murrough Wetlands SAC.

The permission is for the installation of first floor windows to the front and rear elevations of the existing dwelling. The existing dwelling connects to the foul mains.

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.

11.0 Water Framework Directive

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

The existing development connects to the foul mains.

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.

12.0 Recommendation

- 12.1. I recommend to the Commission that condition no. 2 of the planning permission be removed for the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to:

- the provisions of the Wicklow County Development Plan 2022-2028, including s3.1.3 Privacy Appendix 1 Development and Design Standards with respect to privacy of adjoining dwellings which requires a separation distance of 22m and this distance is exceeded in the current case,
- the provisions of the 2024 Compact Settlement Guidelines regarding the minimum 16m separation distances from adjacent residential properties and the future residential development to the east which are satisfied in the current case,

It is considered that the privacy of property in the vicinity and development potential of the site to the rear will not be affected by the proposed development and therefore the removal of condition no. 2 is considered acceptable as it is not considered necessary to protect the amenities of adjacent properties.

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

06/08/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501234-WW-26
Proposed Development Summary	The appellant is appealing condition no. 2 of the extant permission. This is regarding the provision of first floor front and rear elevation windows to serve first floor storage rooms.
Development Address	Ballinahinch, Ashford, 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.	
☐ 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. 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:** _____