



An
Coimisiún
Pleanála

Inspector's Report PL-501269-WW-26

Development	A new single storey detached house new vehicular and all associated site works
Location	Lands between Gussett Lane, and Harbour Court Housing Estate, Arklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2660115
Applicant(s)	Shane McBride
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Shane McBride
Observer(s)	Ellen Burke
Date of Site Inspection	24/08/2026
Inspector	David Freeland

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1.0 Site Location and Description

The appeal site has a stated area of 0.040 hectares. It is located on lands between Gussett Lane and Harbour Court Housing Estate, Arklow, approximately 650 metres to the south of Main Street. The site is a plot of ground between 3 Gussett Lane to the north and 22A Harbour Court to the south.

The site is within an established residential area. Gussett Lane, to the west, is a cul-de-sac with a mix of house types. Harbour Court, to the south and east, is an estate of single storey dwellings served by a cul-de-sac with a hammer head turning area at its northern end. Abbeyville lies to the west, Tinahask to the north and east and Abbey Park to the south west. The pattern of development in the vicinity is irregular, with dwellings of differing types, orientations and frontages.

The site does not have a vehicular access from a public road. The hammer head at the end of Harbour Court is approximately 18 metres from the eastern boundary. The northern and southern boundaries are block walls. The eastern boundary is onto an area of open space.

The site is undeveloped and laid out in grass. A concrete footway with public lighting crosses it entering from Gussett Lane and curving to the south east to meet the existing footpath at 22A Harbour Court. Within the immediate area, it is the only pedestrian connection between Gussett Lane and the lands to the east, and from there to Harbour Court, Tyndall's Lane and Tinahask Lower.

Immediately east of the site is a large area of grassed open space owned by Wicklow County Council.

2.0 Proposed Development

The proposed development comprises the following:

- A single storey detached house.
- Provision of a vehicular entrance from Harbour Court housing estate.
- A new hammer head/turning area from Harbour Court housing estate.
- A revised pedestrian footpath linking Gussett Lane to Harbour Court housing estate.

- Connections to existing services.
- All above with associated siteworks.

3.0 Planning Authority Decision

Decision

Wicklow County Council decided to refuse permission for one reason. The reason is set out in full as follows:

It is considered that the applicant has failed to adequately demonstrate that the proposed vehicular access across the public amenity open space and a pedestrian route, from a cul-de-sac portion of roadway to the site, would not detract from the layout, character and function of this open space, or that it would not set a precedent for similar haphazard development and would therefore, not seriously injure the amenities of property within the vicinity in the Harbour Court estate and Gusset Lane. The proposed development would contravene CPO 6.25 and undermine CPO 6.5, CPO 6.21, CPO 6.22, CPO 5.9, CPO 5.16, CPO 7.41, and CPO 7.47 and would therefore, be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

Planning Reports

There is one planning report on file, dated 10/04/2026. The report is summarised as follows:

- Zoning and Principle of Development: The site is zoned RE: Existing Residential under the Arklow and Environs Local Area Plan 2018-2024 and the principle of residential development is acceptable, subject to all other objectives being met.
- Flood Risk: The site is within Flood Zone C on the online flood mapping, although the Strategic Flood Risk Assessment for the Local Area Plan identifies a corner within Flood Zone B. A flood risk assessment would be required, which could be sought by way of further information.

- Design and Layout and impact upon open space: The dwelling would be visible from the street and would have an impact on the streetscape, but would not distort the scale and mass of the existing structures. The roof form and materials are in keeping. The smooth render could be conditioned. The overall design, scale and mass are generally acceptable. The layout within the site boundary appears to be incomplete, in that the vehicular and pedestrian accesses are outside the site boundary.

The site currently provides an open and clear pedestrian route and a right of way appears to exist across it. The local authority has, within the last ten years, created a curved footway with public lighting following the original desire line. The applicant proposes to redirect it into a narrow 1.8 metre wide footway between the existing 2 metre high wall to the north and a 1.2 metre high wall to the south, with planting inside the wall and no lighting apparently proposed.

The proposal to carry out works on lands outside the site, which are owned or have been taken in charge by the local authority and are used as part of the open space of the area, would contravene inter alia CPO 6.25. The vehicular access across public amenity open space and a pedestrian route would create an obtrusive feature which would detract from the layout, character and visual amenities of that open space. Consent to make a planning application does not mean that the local authority would agree to sell or provide the lands.

- Impact on Residential Amenity: The single storey dwelling would not have an overly negative impact by way of overbearance, overshadowing or overlooking. Increased enclosure is an issue, and the replacement of the existing footway by a 1.8 metre wide footway is poor from the point of view of an infill development, undermining CPO 6.5, CPO 6.21 and CPO 6.22, and of the quality of the public realm, undermining CPO 5.9 and CPO 5.16.
- Private Amenity Space: Private open space of approximately 45 sq m is acceptable against SPPR 2. No swept path analysis has been provided for the gated parking area. The proposed connections to public water and sewer and the disposal of surface water to soakaways are generally acceptable.

Appropriate Assessment is not required and environmental impact assessment is excluded at preliminary examination.

Other Technical Reports

An internal referral issued to the Municipal District Engineer on 20/02/2026. No report was received on this application. The planner's report notes 'Arklow MDE: Awaiting Response' and repeats the recommendations made on the previous application. The engineer's memorandum of 03/04/2025 on the file relates to Reg. Ref. 25/60227

3.2. Prescribed Bodies

Uisce Éireann: Report dated 21/03/2026 – Request Further Information: Pre Connection Enquiry (PCE) required.

3.3. Third Party Observations

Two submissions were received, both in support of the proposal, one of which is from the father of the applicant. They are summarised as follows:

- The proposal would extend the existing hammer head and provide additional turning space in an area which is tight for space, and the consent of the Council to include its land in the application was obtained.
- The scheme was prepared with professional input and the layout was designed so that the dwelling would not unduly overlook adjoining properties.
- Open spaces left vacant between estates can attract loitering and anti-social behaviour, and the development of the site for a family home would be of benefit.
- The current need for housing supports a grant of permission

4.0 Planning History

Subject site

P.A. Ref. 25/60227: Permission Refused for 1. New two storey detached house 2. New vehicular entrance from Harbour Court Housing Estate 3. New pedestrian

footpath linking existing footpath from Gussett Lane to Harbour Court Housing Estate

4. Connections to existing services 5. All above with associated siteworks.

The application was refused for the following reason:

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That application did not include a hammer head turning area. The consent relied on at that stage was a letter from Wicklow County Council dated 20/01/2025, in the same terms as the letter of 09/09/2025 submitted with the subject application.

The report of the Arklow Municipal District Engineer dated 03/04/2025 on that application raised no objection subject to conditions on the construction of the entrance, roadside drainage, the disposal of surface water within the site and the gradient of the driveway. It describes the adjoining road as the L-69046 Local Primary Route and does not deal with the arrangement at the Harbour Court cul-de-sac.

5.0 Policy Context

5.1. National Policy

The National Planning Framework, First Revision (April 2025)

The NPF supports compact growth and the consolidation of development within the existing built-up footprint of settlements. National Policy Objectives 7 and 9 set targets for the delivery of new homes within the built-up footprints of existing settlements, NPO 43 seeks to prioritise new homes at locations that can support

sustainable development, and NPO 45 supports increased residential density through measures including infill development. The proposed development is infill development within the built-up area and these objectives support it in principle.

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

Arklow is within the category of Key Towns and Large Towns being settlements of 5,000 or more persons, at section 3.3.3. The key priorities for the growth of those towns at section 3.3.3(i) include, at (d), to realise opportunities for adaptation and reuse of existing buildings and for incremental backland, brownfield and infill development.

Section 4.3(iii) provides that, in the case of a planning application, the site layout and design statement will need to show how the development proposal has evolved in response to the surrounding context.

Section 4.4(i) sets out key principles which are stated to apply in the preparation of local plans and in the consideration of individual planning applications, including:

- (a) New developments should, as appropriate, include a street network (including links through open spaces) that creates a permeable and legible urban environment, optimises movement for sustainable modes (walking, cycling and public transport) and is easy to navigate.
- (b) New developments should connect to the wider urban street and transport networks and improve connections between communities, to public transport, local services and local amenities such as shops, parks and schools, where possible.
- (c) Active travel should be prioritised through design measures that seek to calm traffic and create street networks that feel safe and comfortable for pedestrians and cyclists.

The same section states that the application of DMURS is key to ensure that strategic movements are catered for along desire lines and that all street networks offer route choice and maximise the number of safe and attractive walking and cycle routes between key destinations.

SPPR 2 sets minimum private open space standards for houses. The standard for a three bedroom house is 40 sq m. SPPR 3 provides that in intermediate and peripheral locations the maximum rate of car parking provision shall be 2 no. spaces per dwelling.

Quality Housing for Sustainable Communities (2007)

Table 5.1 sets a target gross floor area of 82 sq m for a three bedroom, five person, single storey house, with a minimum main living room area of 13 sq m, an aggregate living area of 34 sq m, an aggregate bedroom area of 32 sq m and storage of 5 sq m. Section 5.3.2 provides that a double bedroom should have an area of at least 11.4 sq m and a width of at least 2.8 metres, and that the recommended minimum unobstructed living room width for a three bedroom dwelling is 3.8 metres.

5.2. Regional Policy

The Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

The RSES identifies Arklow as one of a network of county and market towns in the Core Region with a good level of local employment, services and amenities, with capacity for continued commensurate growth. RPO 9.10 provides that in planning for the creation of healthy and attractive places there is a need to provide alternatives to the car and to prioritise and promote cycling and walking in the design of streets and public spaces, and that local authorities shall have regard to the Design Manual for Urban Roads and Streets.

5.3. Development Plan

The operative statutory plan is the Wicklow County Development Plan 2022-2028, as varied. The planning authority assessed the application against the Arklow and Environs Local Area Plan 2018-2024. That plan has since been superseded. The Arklow Local Planning Framework 2026 was adopted as Variation No. 6 to the County Development Plan and came into effect on 06/07/2026. The site remains zoned RE: Existing Residential on Map No. 1 Land Use Zoning Arklow 2026.

Zoning

The objective for lands zoned RE: Existing Residential is *'To protect, provide and improve residential amenities of existing residential areas'*. The zone is described at section B:9.1 of the Local Planning Framework as follows:

'To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.'

Arklow Local Planning Framework 2026

- ARK 21: In areas zoned 'Existing Residential' house improvements, alterations and extensions and appropriate infill residential development (including that which comprises the replacement of existing lower density development with higher density development) in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see CPO 6.25 of the Wicklow County Development Plan).
- ARK 72: To support the enhancement of the town's existing laneways network and to progress as funding allows, the development of new and improved permeability linkages through the LPF area and identify other suitable permeability routes/ improvements within the settlement.
- ARK 73: To seek the delivery of new or enhanced pedestrian and cyclist through routes through OS1 lands and existing residential open spaces.' and 'To require that all new developments identify and deliver direct and safe new pedestrian and cyclist permeability routes to existing and proposed public transport nodes, active travel routes and where practical into the existing adjoining built up areas.

Section A3.2 sets out the objectives of the Local Transport Plan for Arklow. Objective 4 is 'Maximise and enhance connectivity and permeability by removing barriers to walking and cycling and addressing traffic issues within the town.' Objective 5 is 'Support the 15-minute-town concept within Arklow through the delivery of a

permeable and connected walking and cycling network so that a range of facilities and services are available in short walking and cycling distances from home.' The key measures of the Plan include 'Formalising existing permeability links and introducing new permeability links to maximise accessibility and connectivity.'

Section B:8.1.1 states that within the existing built-up area 'there can also be barriers to pedestrian and cyclist movement that discourage active travel', and that the active travel network for Arklow includes 'small permeability improvements to facilitate walking and cycling within the existing built-up area'.

Section B:8.2 records that Wicklow County Council, with the Office of Public Works, has invested €57 million in the Arklow Flood Relief Scheme, comprising flood defences on the banks of the Avoca River, works to the Nineteen Arches Bridge, new public realm at River Walk and South Quay and river dredging.

Wicklow County Development Plan 2022-2028

CPO 5.9: 'To facilitate and support well-designed development that will contribute to regeneration and renewal, consolidation of the built environment and include interventions in the public realm and the provision of amenities.'

CPO 5.16: 'To actively pursue and implement environmental and public realm improvements and provision of amenities that create more attractive places and encourage healthier lifestyles for all ages and abilities.'

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'. The principles relevant here are 'Providing a coherent, legible and permeable urban structure', 'Promoting an efficient use of land', 'Improving and enhancing the public realm' and 'Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic'.

CPO 6.7: 'The design and layout of new residential and mixed-use development shall deliver highly permeable, well connected streets which facilitate active street frontage in accordance with best practice set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DEHLG May 2009) and the Design Manual Urban Roads and Streets (DTTS & DECLG 2013).'

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).'

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.'

CPO 6.25: 'In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development. Such lands will be retained as open space for the use of residents and new housing or other non-community related uses will not normally be permitted.' CPO 7.47 is in the same terms.

CPO 7.41: 'The redevelopment for alternative uses of open space and recreational lands whether owned by private recreational clubs or publicly owned, will normally be resisted by the Planning Authority unless suitable and improved alternative recreational facilities can be provided in a convenient location.'

CPO 12.13: 'To facilitate the development of pedestrian and cycle linkages through and between new and existing developments to improve permeability and provide shorter, more direct routes to schools, public transport, local services and amenities while ensuring that personal safety, particularly at night time, is of the utmost priority.'

CPO 14.09 requires applications for new development in an area at risk of flooding to follow the sequential approach and to be accompanied by a flood risk or drainage impact assessment. It also provides that 'Where flood zone mapping does not indicate a risk of flooding but the Planning Authority is of the opinion that flood risk may arise or new information has come to light that may alter the flood designation of the land, an appropriate flood risk assessment will be required to be submitted by an applicant for planning permission'.

Section 6.3.7 of Chapter 6 states that 'New housing development should be designed to respect its setting and provide for a strong connection with the character of the existing settlement. Particular attention should be paid to boundaries, public

space and planting in order to achieve good quality. Permeability should inform the layout and design.'

Section 3.1.6 of Appendix 1, Development and Design Standards, sets standards for infill and backland development in existing housing areas. Those relevant here are that 'Gable walls abutting public areas (e.g. footpaths, car parking areas and open spaces) will not be permitted' and that 'Cognisance will be required to be taken of the potential of adjacent rear / side plots to be developed in a similar manner and separation between site boundaries, location of windows etc must not prejudice development options on the adjacent plot'.

Appendix 1 also states that 'New developments will be required to place a high emphasis on permeability and legibility of access routes. A permeable layout is one that is well connected and offers a choice of direct routes to all local destinations, thereby encouraging walking and cycling, facilitating public transport penetration and generating higher levels of pedestrian activity, casual social interaction, informal supervision and thus security.

5.4. Natural Heritage Designations

The site is not located within or adjacent to any European site or (proposed) Natural Heritage Area. The closest Natural Heritage Areas include; Arklow Town Marsh pNHA (Site Code: 001931) – 500m to the north; Arklow Rock-Askintinny pNHA (Site Code: 001745) – 1.9km to the south; Arklow Sand Dunes pNHA (Site Code: 001746) – 2km to the north-east; and Avoca River Valley pNHA (Site Code: 001748) – 3.1km to the north-west. The closest European Sites include: Buckroney-Brittias Dunes and Fen SAC (Site Code: 000729) – 5.45km to the north; and Kilpatrick Sandhills SAC (Site Code: 001742) – 6.25km to the south.

5.5. 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). The proposed development is of a CLASS specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended) but is sub-threshold being a Class 10(b)(i) 'Construction of more than 500 dwelling units'. 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.

5.6. Water Framework Directive

An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.

The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS). These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best practice construction management,.

The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was received by An Coimisiun Pleanala on 30/04/2026. The grounds are summarised as follows:

- The reason for refusal on the previous application was fundamentally flawed. Consent had been obtained from Wicklow County Council for the inclusion of the portion of open space in the application. The purpose of the present application was to agree an appropriate means of access to the infill site without inconveniencing the public or residents beyond what could reasonably be expected in an urban area.
- The house type has been redesigned as a single storey dwelling similar to the house permitted in the side garden of 22 Harbour Court under Reg. Ref. 01/610105. The right of way footpath from Gussett Lane has been revised,

the existing hammer head is retained and a new hammer head is proposed outside the site to serve the dwelling and to enhance the area for residents.

- CPO 6.25 has been significantly misinterpreted. The hammer head was proposed, rather than a right of way, so that the open space would remain to the benefit and use of the residents and the wider community. The functionality and use of the 225 sq m of land would be greatly enhanced by additional vehicle turning space. The absence of objections from local residents, who have pointed to the lack of space in the area, evidences the merit of the solution.
- The open space does not provide any benefit to the public and has been noted as an area in which anti-social behaviour can occur. Static surveillance would discourage such behaviour and loitering.
- The 0.8842 hectares of green space in front of the site, of which the 225 sq m is a small part, was conveyed by Mr Paschal Bermingham and his family in 2013 at no cost, and was at no point attached to the adjoining estate or any other public land. That gift should not now preclude him from gaining access to a site which he owns.
- The Compact Settlements Guidelines 2024 set priorities for compact growth which include realising opportunities for infill and backland development.
- CPO 5.9, CPO 6.5, CPO 6.21, CPO 6.22, CPO 6.25, CPO 7.41 and CPO 7.47 of the Development Plan support the application.
- The location, design, scale and layout have been acknowledged by the planning department as agreeable and appropriate. The application is anything but haphazard in nature.
- The site is the only site available for development in the vicinity or the wider area, which negates the suggestion that permission would set a precedent.
- The scheme would provide needed space to residents by keeping the public open space in their use in a more practical and social manner while giving access to an infill site. The dwelling would be a first home for a young local family. In the context of the need for housing, and of Project Ireland 2040

seeking up to 50% of new urban housing on infill sites, the Commission is asked to facilitate the development of the site.

6.2. Planning Authority Response

No response to the appeal from the planning authority is on file.

6.3. Observations

One observation was received from the occupant/owner of no. 1 Gusset Lane. The observation is summarised as follows:

Land ownership and registration

- Claims ownership of part of the site; her land is unregistered and relevant folio is said to register it wrongly to another party.
- Old cottages on the lands were demolished without her consent; asks ACP to check historical archives and demolition orders.

Notification and consultation

- Prescribed bodies and adjoining landowners, including herself, were not notified.
- No prior consultation by the applicant or landowner.

Application documentation

- Landowner's letter of consent ambiguous as to vested interest; address given inconsistently as 'Harbour Court' and 'Gusset Lane'.
- Submitted mapping is said to include her lands and to omit an existing adjoining dwelling.

Rights of way and boundaries

- Rights of way across the site not shown on the submitted drawings; no clear boundary definition and a boundary dispute asserted.
- A Council footpath and public lighting into Harbour Court are said to cross her land.

Infrastructure and drainage

- Foul: a mains sewer serving Harbour Court crosses the area, with no manholes or access points and insufficient separation for emergency repair.
- Surface water: no disposal details given; the back field acts as winter run-off, with flooding history in Old Chapel Ground.

Amenity and access

- Construction and ongoing noise, and parking shortage in Old Chapel Ground, Gusset Lane and the rear lanes of Abbeyville.

Seeks clarity on whether the Gusset Lane frontage is a wall only or could later become a rear entrance.

7.0 **Assessment**

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

- Principle of Development and Zoning
- Extent of the Application Site
- Public Open Space, Pedestrian Permeability and Placemaking
- Design, Layout and Residential Amenity
- Dwelling Standards and Private Open Space
- Access and Car Parking
- Site Services, Surface Water and Flood Risk

7.2. **Principle of Development and Zoning**

7.2.1. The site is zoned RE: Existing Residential. The objective is to protect, provide and improve residential amenities of existing residential areas and the zone provides for appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity.

- 7.2.2. The planning authority accepted the principle of an infill dwelling on the site and I agree. The site is within the built-up area of Arklow, on serviced lands, approximately 650 metres from the town centre. National policy at NPO 7, NPO 9 and NPO 45 and section 3.3.3(i)(d) of the Compact Settlements Guidelines support infill development of this kind. CPO 6.22 of the Development Plan requires small scale infill development in existing residential areas to be at a density that respects the established character of the area, and a single dwelling on a plot of this size in this location does so.
- 7.2.3. The zoning description and CPO 6.21 indicate that infill housing is normally permitted on RE lands, but not on lands which are open space. Whether the appeal site and the Council land to the east are open space of that kind is addressed under section 7.4 below.

7.3. Extent of the Application Site

- 7.3.1. The application boundary is shown on the two submitted site layout plans. The proposed boundary will be formed along a new 1.5m wide public footpath to the east. The new vehicular entrance and the new hammer head turning area are outside the application site, as is the proposed 1.5m footpath. It is understood that those lands are owned by Wicklow County Council.
- 7.3.2. An observation on the appeal has been received from the occupant of No. 1 Gussett Lane and is summarised at section 6.3 above. The matters raised relate to the extent of the application site and a claim to ownership of part of the site, a suggestion that the submitted mapping includes lands in the observer's ownership and asserts that rights of way across the site are not shown on the drawings and that the boundaries are not clearly defined.
- 7.3.3. Article 22(2)(g) of the Planning and Development Regulations 2001, as amended, requires an applicant who is not the owner of the land to submit the written consent of the owner to the making of the application. Section 34(13) of the Planning and Development Act 2000, as amended, provides that a person is not entitled solely by reason of a permission to carry out any development. Section 5.13 of the Development Management Guidelines for Planning Authorities (2007) provides that permission should be refused on this basis only where it is clear that the applicant does not have a sufficient legal interest. The purpose of the requirement is to prevent

applications by persons with no interest in the land and therefore no prospect of being able to carry out the development.

- 7.3.4. The applicant has the consent of the owner of the appeal site and the consent of Wicklow County Council to include its lands in the application. The Council's letter of 09/09/2025 is headed 'Subject to contract/Contract Denied - Subject to Lease/Lease Denied'. It states that the Council 'has no objection to the inclusion of lands in the registered ownership of Wicklow County Council shown in red on the attached map, in a planning application'. It goes on to say that 'This does not imply an intention to dispose of these lands or allow access through these lands. Any disposal, by way of lease or otherwise or provision of access etc., would be subject to negotiations and agreement with the Council and the consent and approval of the Elected Members of Wicklow County Council.' It ends by stating that it is issued only to allow a planning application to be made and is without prejudice to how that application is decided.
- 7.3.5. On the basis of the information provided, I am satisfied that the applicant has sufficient interest to submit the application relating to the appeal site and those indicated outside the redline boundary. In this regard, while the letter of consent has been provided, the site location map and site layout plans has not delineated these areas, of which, I consider should have been addressed at validation stages of the original application. Notwithstanding, I do not consider that this precludes a grant of permission should the Commission consider it appropriate.

7.4. Public Open Space, Pedestrian Permeability and Placemaking

- 7.4.1. This is the main planning issue in the appeal. Two separate pieces of ground are impacted, the appeal site itself which is understood to be in private ownership and the Council land to the east into which the proposed hammer head extends.
- 7.4.2. Open Space Status
- 7.4.3. The Council's reason for refusal relies principally on CPO 6.25 and CPO 7.47. Those objectives provide that, in existing residential areas, areas of open space 'permitted, designated or dedicated solely to the use of the residents' are to be retained as open space and that new housing on them will not normally be permitted. Both objectives depend on the land having been permitted, designated or dedicated as open space for residents. The designated status of these lands is not clear. It is understood that the appeal site is privately owned, is zoned RE and has not been designated or

permitted as open space under any grant of permission. The Council land to the east is also zoned RE. It was transferred to Arklow Town Council in 2013. The site visit demonstrate that trees had been planted including apple trees. However, it is unclear as to whether it is a designated open space by WCC or what the Council intentions are for the lands. On the information available to me I am not satisfied that either piece of ground clearly falls within CPO 6.25 or CPO 7.47, and I do not conclude my recommendation based on those objectives.

7.4.4. Pedestrian Route from Gusset Lane to Harbour Court

- 7.4.5. The appeal site is not a vacant plot with a road frontage. It is a piece of ground of which a footpath runs through. Based on the information before me, it is understood that within the last ten years the local authority laid a curved, lit footway across it which follows the desire line between Gussett Lane and Harbour Court. It is the only pedestrian connection from Gussett Lane into the open space to the east and on to Harbour Court, Tyndall's Lane and Tinahask Lower. It crosses an open, grassed and overlooked space and can be seen along its full length.
- 7.4.6. The applicant is proposing a footpath 1,800mm wide along the northern boundary of the site. On one side is the existing boundary wall of 3 Gussett Lane indicated on the drawings as 2,180mm high. On the other is a new wall 1,200mm high, with a planted strip and then the side of the new house behind it. In this regard, section 7.6 outlines concerns relating to the height of this boundary wall to ensure adequate privacy for future occupants and require a boundary of 1.8m-2m. No lighting is shown. Beyond the eastern boundary the route continues as a footpath 1,500mm wide on the Council land. The connection is retained, but the walk between the two estates becomes a narrow passage between two houses instead of a path across an open space.
- 7.4.7. Policy ARK 73 of the Arklow Local Planning Framework 2026 seeks new or enhanced pedestrian through routes across existing residential open spaces and requires new development to deliver permeability routes that are 'direct and safe'. Policy ARK 72 supports the enhancement of the town's laneways and permeability linkages. Objectives 4 and 5 of the Local Transport Plan seek to remove barriers to walking and cycling within the town, and section B:8.1.1 of the Framework states that such barriers exist within the built-up area. The emphasis of the plan for routes of

this kind is therefore enhancement. What is proposed is a reduction in the quality of an existing pedestrian connection.

- 7.4.8. I do not consider that the proposed route is safe as intended under the Plan. CPO 12.13 seeks pedestrian linkages which give shorter, more direct routes 'while ensuring that personal safety, particularly at night time, is of the utmost priority'. A footpath 1,800mm wide, walled on one side to over 2 metres and on the other to 1.2 (or potentially 1.8m) metres with planting behind it, unlit, and with no aspect other than the side of a house, does not meet that requirement.
- 7.4.9. The fourth ground of appeal says that the open space attracts anti-social behaviour and that a house on the site would provide surveillance which would discourage it. I do not accept that. Appendix 1 of the Development Plan states that a permeable layout offers a choice of direct routes and generates 'higher levels of pedestrian activity, casual social interaction, informal supervision and thus security'. Safety in the public realm comes from activity and from being overlooked. The existing route is open, lit and visible from the houses around it. The proposed route is enclosed, unlit and screened by planting. The only windows facing it are two bedroom windows and an ensuite window, set behind a wall and a planted strip. That is not real surveillance. In my view the proposal would reduce, not increase, the passive surveillance of the connection and would make it less attractive to use after dark.
- 7.4.10. The scheme also does little for either of the site's two frontages. The house presents a new blank wall 1,800mm high to Gussett Lane along the whole of its rear garden, and a 1,200mm wall with planting to the retained footpath. Section 6.3.7 of Chapter 6 of the Development Plan requires particular attention to be paid to boundaries, public space and planting, and states that permeability should inform layout and design. CPO 6.5 requires new development to provide a coherent, legible and permeable urban structure and to improve the public realm. CPO 6.7 requires layouts to deliver permeable, well connected streets with active frontage. Section 3.1.6 of Appendix 1 provides that gable walls abutting public areas such as footpaths and open spaces will not be permitted. Gussett Lane would benefit from frontage rather than a further length of blank wall, and the retained footpath is addressed by a boundary wall rather than by the house. Sections 4.3 and 4.4(i) of the Compact Settlements Guidelines suggest similar.

- 7.4.11. Having regard to the proposed hammer head, the proposal converts approximately 225 sq m of grassed open space in Council ownership to a vehicular turning area. The appeal describes this as an enhancement of the land and as the provision of needed space for residents. I do not accept that. Grass used for amenity would become tarmac used by cars, and although the larger hammer head would be available to everyone it is proposed so that one new house can be reached by car. CPO 7.41 provides that the redevelopment for alternative uses of open space and recreational lands, whether privately or publicly owned, will normally be resisted unless suitable and improved alternative recreational facilities can be provided in a convenient location. That objective relates to how the land is used, not on how it is zoned or designated, and it applies here. No alternative provision of any kind is proposed.
- 7.4.12. The Council land to the east is a substantial area of RE zoned land and the Harbour Court hammer head is the obvious point of vehicular access into it. The proposal takes that hammer head and the ground beside it to serve a single house, and at the same time removes the pedestrian link running west from those lands to Gussett Lane. Section 3.1.6 of Appendix 1 requires account to be taken of the potential of adjoining plots to be developed in a similar way and provides that a proposal must not prejudice development options on the adjacent plot. CPO 6.5 requires new development to promote an efficient use of land. While the intention of the Council lands is unclear, the Development Plan requires that proposals be assessed in the context of wider lands, of which in this instance, I do not consider has been done.
- 7.4.13. I have considered the matters put forward in support of the scheme. The design of the house is acceptable and the principle of infill development is acceptable. National and plan policy supports infill development. However, I do not consider that these objectives intend to be achieved at the cost of an existing pedestrian route and an area of public open space.
- 7.4.14. The proposed development would remove an existing lit and overlooked pedestrian through route and replace it with a narrower, enclosed and unlit route without active frontage; it would reduce rather than improve the passive surveillance and personal safety of that connection; it would present a blank wall to Gussett Lane; and it would take approximately 225 sq m of public open space for vehicular use to serve a single house, with nothing provided in its place. I consider that it is contrary to the

Development Plan, Arklow Local Planning Framework and the and to sections 4.3 and 4.4 of the Compact Settlements Guidelines. I therefore recommend that permission is refused.

7.5. Design, Layout and Residential Amenity

- 7.5.1. The design of the house was not objected to by Council nor included as part of the reason for refusal.
- 7.5.2. The house is single storey, with ridge levels of 9.00m and 7.97m. It will sit between a two storey house at 3 Gussett Lane with a ridge level of 11.21 and a single storey house at 22A Harbour Court with a ridge level of 7.15, so the ridge heights are graded between the two. The surrounding area contains single storey, two storey and dormer dwellings of various types, and the site is not on a primary road. Having regard to the scale, height and design of the house and to the character of the area, it would not have an adverse effect on the streetscape or on the visual amenities of the area. The proposed smooth render differs from the finishes of nearby houses and could be dealt with by condition.
- 7.5.3. The house is single storey with no upper floor windows and is aligned with the houses to north and south. It would not give rise to overlooking, overshadowing or overbearance and would not seriously injure the residential amenities of property in the vicinity. The planning authority raised increased enclosure. Having regard to the existing pattern of development and the boundary walls already in place, the enclosure of adjoining property is acceptable. The enclosure which does concern me is that of the pedestrian route, dealt with at section 7.4 above.

7.6. Dwelling Standards and Private Open Space

- 7.6.1. The proposed 3-bedroom house has a gross floor area of 122.28 sq m. Against the target gross floor area of 82 sq m for a three bedroom, five person, single storey house in Table 5.1 of Quality Housing for Sustainable Communities, the house is well in excess.
- 7.6.2. I have assessed the plans against the room sizes and aggregate floor areas in Table 5.1 and section 5.3.2 of those guidelines. The aggregate living and bedroom areas and the storage provision are met and, apart from two minor shortfalls in the width of the living room and the area of the second bedroom, the individual room standards

are also met. In a house of this size those shortfalls do not affect the standard of accommodation, and I am satisfied that the house would provide a good standard of residential amenity for its occupants.

- 7.6.3. The private open space is the rear garden, which is 6.0 metres deep and approximately 45 sq m in area. That exceeds the 40 sq m required for a three bedroom house under SPPR 2 of the Compact Settlements Guidelines. The quantum of private open space is adequate. The rear garden is enclosed by a wall 1,800mm high and 1.2m wall to the side adjoining the revised pedestrian route (with hedging inset). To ensure adequate levels of privacy, I consider that this area of open space to the west of the dwelling should be fully bounded by appropriate screening to a height of 1.8m – 2m. However, in providing this boundary, will result in the creation of a narrow and enclosed pedestrian route with subsequent impacts upon the quality of the route as outlined under section 7.4 above.

7.7. Access and Car Parking

- 7.7.1. Two car parking spaces are proposed to the front (east) of the dwelling being approximately 15 metres by 6 metres. The space will allow for the maximum of 2 spaces per dwelling under SPPR 3 of the Compact Settlements Guidelines and is appropriate for a three bedroom house at this location.
- 7.7.2. No swept path analysis was submitted. Having regard to the size of the driveway, and to the dimensions of the enlarged hammer head, I am satisfied that vehicles could enter, leave and turn satisfactorily. For a single house I do not consider that further detail was required.

7.8. Site Services, Surface Water and Flood Risk

- 7.8.1. Water supply and foul drainage are by connection to the public mains. Uisce Éireann sought further information because no Pre-Connection Enquiry had been carried out, and the planning authority did not pursue it. It would have been better if the Pre-Connection Enquiry had been completed before the application was made. The site is within the built-up area of Arklow and adjoins the existing public networks, and a connection agreement could be dealt with by condition before development began.

- 7.8.2. Surface water is to be disposed of within the site by two soakaways designed in accordance with BRE Digest 365. That is acceptable and the detailed design could be dealt with by condition.
- 7.8.3. On flood risk, the planning authority recorded the site as being within Flood Zone C on the online flood mapping and noted that the Strategic Flood Risk Assessment for the 2018 Local Area Plan showed a corner of the site within Flood Zone B. It also recorded that the larger open space to the east coincides with Flood Zone B and that a culverted stream runs to the west. No flood risk assessment was submitted.
- 7.8.4. I have examined Map No. 4A, Flood Risk - Present Day, and Map No. 4B of the Arklow Local Planning Framework 2026 which are more recent than the Local Area Plan assessment relied on by the planning authority. The large extents of the site do not appear to be located within Flood Zone A or B although the eastern boundary would appear to adjoin the boundary of both A & B extending across the entire open space under the ownership of WCC.
- 7.8.5. CPO 14.09 provides that where flood zone mapping does not show a risk of flooding, but the planning authority is of the opinion that flood risk may arise, a flood risk assessment will be required. The planning authority took that view by reference to the hammer head and the boundary treatments and their possible effect on flood flows and surface water. Given my recommendation for refuse for other substantive reasons I do not consider that needs to be resolved.

7.9. Conclusion

- 7.9.1. The principle of an infill house on this site is acceptable and the design of the house is acceptable. The objection is not to the house but to the impact upon the amenities of the area. The scheme would remove an existing lit and overlooked pedestrian route between two residential areas and replace it with a narrow, enclosed and unlit passage without frontage, and would take 225 sq m of public open space for vehicular use to serve a single house. That is contrary to the permeability, public realm and placemaking objectives of the operative plan and to the Compact Settlements Guidelines.
- 7.9.2. I recommend that permission be refused

8.0 AA Screening

I have considered the proposal for the an infill dwelling to Gusset Lane and all associated siteworks in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site comprises an area of open space within an established residential area to south-east Arklow.

The closest Natura 2000 site to the subject site includes

- Buckroney-Brittas Dunes and Fen SAC (Site Code: 000729) – 5.45km to the north;
- Kilpatrick Sandhills SAC (Site Code: 001742) – 6.25km to the south;
- Slaney River Valley SAC (Site Code: 000781) – 13.1km to the south-west.

Apart from the underlying groundwater, there are no water features within the zone of influence of the development that would provide a hydrological connection to any Natura 2000 sites. The appeal site is not suitable as an ex-situ habitat.

The proposed development comprises a single storey infill dwelling to include additional turning area to serve Harbour Court housing estate, pedestrian footpath from Gussett Lane to Harbour Court. The development will be serviced by existing connections to Uisce Eireann networks. No concerns about impacts on Natura 2000 sites were raised in this case. The planning authority determined that the development, individually or in combination with other plans and projects, would not have a significant effect on any European Sites.

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:

- Relatively small scale and nature of the proposed development.
- The distance between the appeal site and the nearest European site and the lack of connections;
- The screening determination by the planning authority.

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

9.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

The appeal site is crossed by a lit pedestrian route which was laid by the local authority along the desire line between Gussett Lane and Harbour Court and is the only pedestrian connection between Gussett Lane and the lands to the east. The proposed development would replace it with a footpath 1.8 metres in width, enclosed by boundary walls of approximately 2.18 metres and 1.2 metres in height, unlit and without active frontage, and would present a blank boundary wall 1.8 metres in height to Gussett Lane. It would also convert approximately 225 square metres of open space in the ownership of Wicklow County Council to vehicular use serving a single dwelling with no alternative provision and would take the principal point of vehicular access into a wider landholding in public ownership.

The result would be a pedestrian connection of reduced quality, passive surveillance and personal safety, and a poor standard of placemaking. The proposed development would be contrary to policies and objectives relating to; pedestrian permeability and to routes which are direct and safe, being Objectives ARK 72 and ARK 73 of the Arklow Local Planning Framework 2026 and Objectives CPO 6.7 and CPO 12.13 of the Wicklow County Development Plan 2022-2028; to those relating to the public realm and to a coherent, legible and permeable urban structure, being Objectives CPO 5.9, CPO 5.16 and CPO 6.5; and to those relating to open space and infill development, being Objective CPO 7.41 and section 3.1.6 of Appendix 1. It would, therefore, 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.

David Freeland
Planning Inspector

25/08/2026

Appendix 1 - Form 1 - EIA Pre-Screening [EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-501269-WW-26		
Proposed Development Summary	1. new single storey detached house. 2. new vehicular entrance from Harbour Court housing estate. 3. new hammer head/turning area from Harbour Court housing estate. 4. new pedestrian footpath linking existing footpath from Gussett Lane to Harbour Court housing estate. 5. connections to existing services. 6. all above with associated siteworks.		
Development Address	Lands between Gussett Lane and Harbour Court Housing Estate, Arklow, Co. Wicklow.		
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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes		10(b)(i): Construction of more than 500 dwelling units.	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____ Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	PL-501249-WW-26
Proposed Development Summary	1. new single storey detached house. 2. new vehicular entrance from Harbour Court housing estate. 3. new hammer head/turning area from Harbour Court housing estate. 4. new pedestrian footpath linking existing footpath from Gussett Lane to Harbour Court housing estate. 5. connections to existing services. 6. all above with associated siteworks..
Development Address	Lands between Gussett Lane and Harbour Court Housing Estate, Arklow, 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 proposed development comprises a single storey detached dwelling of 122.28 sq m on a site of 0.040 hectares within the established built-up area of Arklow with a new vehicular entrance, an extension to the existing hammer head turning area at Harbour Court, a new pedestrian footpath, connections to existing public services and associated site works. The development comes forward as a standalone project on a serviced site. It does not require the use of substantial natural resources, does not involve demolition and does not give rise to a significant risk of pollution or nuisance. By virtue of its type and scale it does not pose a risk of major accident or disaster and is not vulnerable to climate change. It presents no risk to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is not located within or immediately adjacent to any European site or proposed Natural Heritage Area. It comprises maintained grassland within an established residential area and is not of significant environmental sensitivity. There are no features of historic, cultural or archaeological significance on the site. The development will be served by connections to the public water supply and public sewer, with surface water disposed of within the site by way of soakaways. It is considered that the proposed development would not be likely to have a significant effect, individually or in combination with other plans and projects, on a European Site and Appropriate Assessment is therefore not required..

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 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	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____