



An
Coimisiún
Pleanála

Inspector's Report PL-501270-WW-26

Development	3 No. dwellings units to the side and rear of No.10 Rocky Road, Co. Wicklow, relocation and modification to existing entrances and all associated site works.
Location	10 Rocky Road , Wicklow Town , Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560847
Applicant(s)	Encoy Developments Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Linda and David Murphy
Observer(s)	None
Date of Site Inspection	24 th August 2026
Inspector	David Freeland

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1.0 Site Location and Description

The appeal site is located on the southern side of Rocky Road (L-5099-1) in the, approximately 1 km west of Wicklow town centre and approximately 210 metres east of Hawkstown Road.

Rocky Road rises upland to the west and slopes east towards the coast when viewed from the subject site. A public footpath runs along the site frontage. The road is subject to a 50 km/h special speed limit and traffic calming humps are in place across the frontage.

The site forms part of the property at no. 10 Rocky Road, a semi-detached two storey dwelling which appears to have been recently refurbished. It comprises the side and rear garden ground of that property and is largely unkempt. A stand of mature trees stands along the western boundary, with further trees towards the southern boundary. The northern boundary to Rocky Road carries mature vegetation across its full extent save at the existing vehicular entrance.

The site is bounded to the east by nos. 9 and 10 Rocky Road, to the west by no. 1 Rocky Road and to the south by the rear gardens of Marlton Park, a residential estate of two storey semi-detached and detached dwellings. The established pattern of development along this part of the south side of Rocky Road is one of dwellings fronting the road with further backland development to the rear

2.0 Proposed Development

The proposed development comprises 3 No. dwellings units to the side and rear of No.10 Rocky Road, Wicklow Town, Co. Wicklow. The development will consist of 3 No. detached two storey dwellings the relocation and modification of two existing vehicular entrances/exits, new connections to existing foul and water services this all together with associated site development works,

3.0 Planning Authority Decision

Wicklow County Council decided to Grant Permission subject to 10no. conditions. Of relevance to the appeal, Condition 6 requires a revised boundary treatment plan omitting the 1.8 metre concrete post and gravel board fence on the western

boundary. Condition 7 requires the written agreement of Uisce Éireann for the provision of water services. Condition 8 requires surface water design details satisfying the Greater Dublin Strategic Drainage Study, including SuDS proposals.

3.1. Planning Authority Reports

Planning Reports

- 3.1.1. There are two planning reports on file. The planning reports are summarised as follows:
- 3.1.2. The first, dated 8 December 2025, found the principle of residential development acceptable on lands zoned RE: Existing Residential; found the scale, layout and design in keeping with the pattern of development in the area and with the existing density; recorded separation distances of over 20 metres between the front units and unit 03 and of 18 m or more from unit 03 to no. 51 Marlton Park, and described the units as two storey dormer style with a pitch height of 8.7 m; found connection to mains water and foul drainage acceptable; and concluded that appropriate assessment is not required and that there is no real likelihood of significant effects on the environment. Access from two relocated entrance points was acceptable in principle, but the drawings did not include dimensioned sightlines or setback distances, turning space appeared limited, and no landscaping or boundary details were provided.
- 3.1.3. Further information was requested on 9 December 2025 in respect of dimensioned sightlines from a 2.4 metre setback, obstructions within the sightline envelope, drop kerbs and footpath reinstatement, turning within the site and a swept path, driveway gradients and surfacing; and an assessment of the existing trees and hedges with a tree removal and protection plan and proposals for replacement native planting.

3.1.4. Other Technical Reports

- Transportation and Infrastructure Delivery (Roads), 11 November 2025: access from the existing frontage via two relocated entrance points is acceptable in principle, but the drawings do not include dimensioned sightline triangles or setback distances and a dimensioned sightline from a 2.4 m setback is required at each entrance. Driveways should permit entry and exit in forward gear, gradients should prevent run-off onto the public road and

surfaces should be permeable. Electric vehicle ducting should be installed to all private parking spaces.

- Wicklow Municipal District Engineer, 27 November 2025: no details are shown on sightlines from the reconfigured entrances on this section of road, which is a busy route linking the town; no details are shown on surface water drainage; turning space is limited with potential to reverse onto the public footpath and road; and no details are provided on wall set back, drop kerbs and footpath reinstatement. Refusal was recommended on the basis that the applicant had failed to submit sufficient information. The report further states that the site does not have the capacity to accommodate the three proposed residential units.

3.1.5. The second planning report, dated 1 April 2026, found that sightlines of 45 metres in each direction can be achieved as shown notwithstanding the concerns of the Roads Section, that the splayed entrances improve on the existing entrance to no. 10, and that the traffic calming and special low speed limit make the proposal acceptable for this urban area; that the revised drawings show vehicles can enter and exit in forward gear, so that the swept path issue is addressed; that the landscape proposals are generally acceptable but that the 1.8 m concrete post and gravel board fence on the western boundary should be omitted and replaced; and that the third party wastewater concerns, while serious, do not relate to the further information requested and are a matter for Uisce Éireann. The planning authority subsequently granted permission.

3.1.6. Other Technical Reports

- Transportation and Infrastructure Delivery (Roads), 16 March 2026: items 1b, 1c, 1e and 1f are addressed. On item 1a, the sightline distances are not dimensioned and appear to be measured to the far side of the carriageway rather than the near-side kerb, and dimensioned distances measured to the near-side kerb are required. On item 1d, a formal swept path analysis has not been provided and is still required.

3.2. **Prescribed Bodies**

Uisce Éireann: report dated 5 December 2025 – further information recommended.

- Uisce Éireann required the applicant to engage with it through the Pre-Connection Enquiry process to assess the feasibility of connection to the public water and wastewater infrastructure, and recorded that no evidence of any engagement had been found. That requirement was not included as part of the further information request issued on 9 December 2025.

Uisce Éireann: report dated 2 April 2026, received 7 April 2026.

- Uisce Éireann records that its request for a Pre-Connection Enquiry does not appear to have been included in the further information request and that it has no record of such an enquiry. It states that, based on the plans submitted, the applicant is seeking to connect to the public network via third party owned infrastructure which has not been taken in charge, and that in respect of any connection through third party infrastructure the applicant will be required to demonstrate to Uisce Éireann evidence of permission from the third party to connect; a capacity and condition report of the third party infrastructure; evidence that it is to Uisce Éireann standards and codes of practice; evidence that it is of sufficient capacity to take the connection and the additional demand; and evidence that it is of sufficient integrity to take the connection and the additional discharge.
- The report concludes with three recommendations: that the applicant enter into a connection agreement with Uisce Éireann prior to commencement; that there be no build over of public infrastructure and that separation distances be achieved; and that the design and construction of water and wastewater pipes comply with Uisce Éireann's standard details and codes of practice.

3.3. Third Party Observations

One submission was received from owners/occupants of no. 51 Marlton Park, on 19 March 2026. It is summarised as follows:

Proposed Wastewater Drainage:

- An access junction in their rear garden serves nos. 1, 1a, 9 and 10 Rocky Road and has been causing ongoing environmental issues. A waste pipe runs from the Rocky Road properties through their rear garden, through their

garage and down their driveway to the public road, and has a protrusion which has likely contributed to raw sewage backing up and overflowing into their garden. The junction has overflowed and required unblocking on three occasions, most recently on 22 November 2025. Adding three further four or five bedroom properties to an already compromised 4 inch line could have a serious ongoing environmental impact and could be hazardous to health.

- The builder asked to be allowed to dig up part of their rear garden, the floor of their garage and their driveway in order to join into the mains and upgrade the 4 inch pipe to a 6 inch pipe. They were advised not to agree, as it would create a burden on their property and affect its value. The developer said he had another option to connect to the mains but that it was more convenient to use their property for access, and they urge that he be required to use the alternative.

Impacts on Residential Amenity:

- Three windows and three rooflights on the first floor plans will directly overlook their patio and seating area and will seriously impact their privacy. Several mature trees which provided some level of privacy have been removed and the proposed planting does not appear to provide any.

4.0 Planning History

Subject site

P.A. Ref. 94/614: Permission Granted for a House.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework, First Revision (April 2025)

NPO 7 and NPO 9 require at least 40% of new homes nationally, and at least 30% of those targeted in settlements outside the five cities and their suburbs, to be delivered within the existing built-up footprint of settlements. NPO 43 prioritises new homes at locations that can support sustainable development and at an appropriate scale

relative to location. NPO 45 seeks to increase residential density in settlements through measures including infill development schemes.

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

Wicklow Town – Rathnew is a Key Town. Section 3.3.3(i) identifies incremental backland, brownfield and infill development among the key priorities for the growth of Key Towns. Table 3.5 provides, as a policy and objective, that densities in the range 40 dph to 100 dph (net) shall generally be applied in the centres and urban neighbourhoods of Key Towns and that densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations.

Section 3.3.6(c) provides that in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in Chapter 3. Section 3.4 requires the ranges to be refined by proximity and accessibility to services and public transport at Step 1, Table 3.8 defining accessible, intermediate and peripheral locations, and by considerations of character, amenity and the natural environment at Step 2, section 3.4.2(a) requiring development to respond in a positive and proportionate way to the receiving context.

SPPR 1 requires a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses above ground floor level, with no specified minimum at ground level or to the front. SPPR 2 sets a minimum private open space standard of 50 sq m for houses of four or more bedrooms. SPPR 3(iii) sets a maximum car parking provision of 2 no. spaces per dwelling in intermediate and peripheral locations.

Quality Housing for Sustainable Communities

Table 5.1 gives, for a four bedroom seven person two storey house, a target gross floor area of 110 sq m, a minimum main living room of 15 sq m, an aggregate living area of 40 sq m and an aggregate bedroom area of 43 sq m.

Design Manual for Urban Roads and Streets.

Table 1 of Advice Note 3 gives a stopping sight distance of 45 metres for a design speed of 50 km/h.

5.2. **Regional Policy**

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

Wicklow-Rathnew is identified as a Key Town in the Core Region. The RSES states that redevelopment and opportunity sites within the core areas of Wicklow-Rathnew will be promoted in the first instance for new residential development, with sites close to transport infrastructure, recreational and education amenities and employment prioritised thereafter. It states that Wicklow-Rathnew has high levels of car-based commuting to Dublin with issues in relation to public transport capacity.

5.3. **Development Plan**

The operative statutory plan is the Wicklow County Development Plan 2022-2028.

The land use zoning for the site derives from the Wicklow Town – Rathnew Local Area Plan 2025, adopted on 12 May 2025, the maps of which were incorporated into the County Development Plan by Variation No. 2.

Zoning:

The site is zoned RE: Existing Residential. The objective is to protect, provide and improve residential amenities of existing residential areas. The description provides for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. It further provides that 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, and that on such areas new housing or other non-community related uses will not normally be permitted.

Density

On settlement and density, CPO 4.3 seeks to increase density in existing settlements through measures including infill development schemes, CPO 4.5 requires development to support a compact urban form, and CPO 6.14 seeks to densify existing built-up areas subject to the adequate protection of existing residential amenities. CPO 6.13 requires new residential development to achieve the

densities set out in the 2024 Guidelines as reflected in Table 6.1, which as varied in March 2026 applies to Wicklow – Rathnew a range of 40 dph to 100 dph in centre and urban neighbourhood locations and 30 dph to 50 dph at suburban and urban extension locations.

Design and Layout and Amenities

On infill development, CPO 6.21 provides that appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted in areas zoned Existing Residential, and encourages alternative and contemporary designs including alternative heights and building forms. CPO 6.22 provides that small scale infill development shall generally be at a density that respects the established character of the area, subject to the protection of the residential amenity of adjoining properties, with an exception on large sites and in areas where previously unserviced low density housing becomes served by mains water services.

On design and amenity, CPO 6.3 requires new housing development not to reduce to an unacceptable degree the level of amenity enjoyed by existing residents, CPO 6.5 requires the highest quality design and layout, and CPO 6.18 requires building height not to be obtrusive or to adversely affect the streetscape, local amenity or views. On services and access, CPO 13.14 requires water demand reduction measures, CPO 13.20 requires the separation of foul and surface water discharges, CPO 13.21 requires the implementation of SuDS to the design criteria of each of the four pillars of SuDS design, and CPO 12.34 requires new means of access onto roads to comply generally with DMURS. Appendix 1 provides at section 8.6 for private open space at a minimum of 60 to 75 sq m for houses of three or more bedrooms, at section 8.5 for public open space normally at 15% of the site area, and at section 2.1.9 for clear sightlines at new entrances calculated using the applicable road design manual

5.4. Natural Heritage Designations

The site is not located within or adjacent to any European site or (proposed) Natural Heritage Area. The site is located c. 1km from The Murrough pNHA (Site Code: 000730) and the Wicklow Town Sites pNHA (Site Code: 001929); and c. 2.6km to the Wicklow Head pNHA (Site Code: 000734). The closest European Site is The

Murrough cSPA (Site Code: 004186) and The Murrough Wetlands SAC (Site Code: 002249), c. 1km to the east, the Wicklow Head SPA (Site Code: 004127) 2.6km to south east and the Wicklow Reef SAC (Site Code: 002274), c. 4.65km to east.

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. 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 third party appeal was submitted by the occupants/owners of no. 51 Marlton Park on 30 April 2026. The grounds are confined to wastewater and are summarised as follows:

- The appellants have lived at no. 51 Marlton Park for 21 years and share a boundary with no. 10 Rocky Road. Their concern is with wastewater pipes which run through their property and serve four neighbouring properties but not their own, their property having a separate connection to the front. Wastewater from nos. 9 and 10 Rocky Road to the side and nos. 1 and 1a Rocky Road to the rear is serviced by 4 inch pipes which discharge into an access junction in their rear garden and run through their garage and under their front driveway to the public road.
- The access junction has overflowed and required unblocking by a professional company three times in the last few years, leaving a major clean up and decontamination effort on each occasion, most recently on 22 November 2025. A drain survey carried out after that incident confirmed that the appellants have a separate connection from the pipes serving the proposed development. MP4 camera footage was obtained but could not be attached to the appeal. It has been established by the use of dye that the appellants' property is not connected to the access junction which is causing the problems, and the pipe leading from the junction through their garage has a protrusion which will likely cause further back up of raw sewage into their garden.
- Permission has been granted for 3 no. dwellings which the developer wishes to connect to the existing wastewater system via the same access junction. Prior to the application the developer asked the appellants to allow him to dig up their garden, the floor of their garage and their driveway in order to join into the mains on the public road and upgrade the 4 inch pipe to a 6 inch pipe. They were advised not to consider the proposal, as it would alter the maps, create a burden on their property and could seriously affect its value and sale potential. A subsequent proposal to divert the existing pipe attracted the same advice. The developer informed them that he had another option to connect to

the mains but said that it was more convenient to use their property for access, and they urge that he be required to use the other option.

- The wastewater which overflows is from other neighbouring properties and the appellants are responsible for cleaning it. Adding three further four or five bedroom properties to the line could have a serious environmental impact on their family's health and on the enjoyment of their garden. The appeal is accompanied by a Tailte Éireann registration map for folio WW21584F, an extract from the site layout plan, the Wicklow Drains email of 14 March 2026 and two photographs of the access junction

6.2. Applicant Response

A response to the appeal was received the applicant on 25 May 2026. It is accompanied by extracts from planning register references 98/9246 and 99/1415, correspondence from Uisce Éireann in respect of a pre-connection enquiry, Uisce Éireann sewer and water network maps, and a CCTV survey of the existing drainage. The points made are as follows.

- A 180 mm water main is available in the public footpath directly outside the site. On foul drainage, a manhole on Rocky Road was inspected and found to be out of use or the end of a redundant line. The connection proposed is therefore to the existing foul sewer serving nos. 9 and 10 Rocky Road. That line runs south and downgradient through the rear garden of no. 10 and continues to the front of nos. 51 and 52 Marlton Park, where it discharges to manhole within Marlton Park.
- The appeal response refers to the CCTV survey which was carried out to establish the position of the line. It records a single length of 100 mm PVC pipe, 44.70 m long. The survey notes that the pipe is graded 3 for structural condition on account of multiple defects. The observations recorded include an obstruction at 5.70 m, described as a broken pipe wedged at a bend, with a 70 per cent loss of cross-sectional area, deformation of 20 per cent at three points, and a large displaced joint at 42.50 m.
- The appeal response states that the line derives from planning register reference 98/9246, under which Marlton Park was permitted in 1999. During

that application the septic tanks serving houses on Rocky Road, including no. 10, were found not to comply with the relevant requirements. The developer proposed instead that the adjoining residents abandon their septic tanks and connect into the sewers of the new estate. A solicitor's letter of 18 March 1999 recorded the agreement in principle of the residents listed, and drawings showing the connections from the adjoining houses to the new sewers were submitted on 19 March 1999. Conditions 1(a) to (g) and 12(a) to (j) of that permission are relied on.

- A letter from Wicklow County Council dated 20 June 2014 confirms that the development known as Marlton Park was taken in charge on 9 May 2011, that it was constructed under permissions 98/9246 and 99/1415, and that those permissions were substantially complied with. The applicant states that all drainage connections in Marlton Park, including the connections from Rocky Road, were taken in charge.
- The applicant concludes from this that the existing foul connection serving nos. 9 and 10 Rocky Road has planning permission, that it lawfully passes through no. 51 Marlton Park, that it was in place before that house was sold, and that a legal burden exists in respect of its route.
- Planning register references 10/2367, 14/1735, 23/60262 and 15/150 are cited as infill developments on Rocky Road. The development to the rear of no. 9 and the replacement dwellings at nos. 7 and 8 are said to connect through neighbouring properties to the same 1999 line, and no environmental problems are said to have arisen.
- The lean-to extension to the side of no. 51 Marlton Park is said to extend across the full width of the side access, to oversail the rear boundary wall of the appeal site, and to have been built without planning permission and over the existing foul pipe. The survey is said to confirm that the foul connection serving no. 51 itself runs through no. 52, and that the second pipe through no. 51 is the 1999 line.
- A pre-connection enquiry has been made to Uisce Éireann, reference CDS26004301, acknowledged on 22 May 2026.

6.3. Planning Authority Response

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

6.4. Observations

No observations were received.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of 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/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development and Zoning
- Density, Character and Pattern of Development
- Residential Amenity
- Traffic Safety and Access
- Site Services

7.2. Principle of Development and Zoning

7.2.1. The site is zoned RE: Existing Residential, the objective for which is 'to protect, provide and improve residential amenities of existing residential areas'. The zoning description provides for appropriate infill residential development in accordance with principles of good design and the protection of existing residential amenity. CPO 6.21 of the Development Plan provides for the same. The site comprises the garden to the side and rear of no. 10 Rocky Road. Houses are indicated as a use generally appropriate for residential (RE) zoned areas within the Wicklow – Rathnew Local Area Plan.

7.2.2. Wicklow Town – Rathnew is a Key Town. It is identified as such in the Regional Spatial and Economic Strategy for the Eastern and Midland Region and at Level 2 of the settlement hierarchy in the Wicklow County Development Plan 2022-2028. The development of the site for housing is consistent with NPO 7 and NPO 9 of the

National Planning Framework, with CPO 4.3 and CPO 6.14, and with section 3.3.3(i)(d) of the Compact Settlements Guidelines, which identifies incremental backland and infill development as a key priority for the growth of Key Towns. Residential development is acceptable in principle, subject to assessment against the policies and standards of the Development Plan and the relevant Ministerial guidelines. The principle of development is not contested by the appellants.

7.3. Density, Character and Pattern of Development

- 7.3.1. Three dwellings on a site of 0.1698 hectares is a density of approximately 17.7 units per hectare. That is below the range of 30 to 50 units per hectare applied to suburban and urban extension locations in Key Towns by Table 3.5 of the Compact Settlements Guidelines and Table 6.1 of the Development Plan. Section 3.3.6(c) of the Guidelines states that on very small infill sites which are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development and to protect the amenities of surrounding properties may take precedence over those ranges. This is such a site. CPO 6.22 requires infill development in existing residential areas to be at a density which respects the established character of the area. In this instance I consider that the number of proposed dwellings responds to the plot layout, the existing built context and the pattern of development to this part of Rocky Road. Three dwellings is therefore appropriate to this site and I am satisfied that the density is acceptable.
- 7.3.2. The layout is organised with two dwellings fronting Rocky Road and one to the rear, served by a shared access which functions as a short private lane. This is consistent with the established pattern along this part of Rocky Road. Following the submission of further information the scheme was amended from two detached dwellings to a semi-detached pair, and the ridge height of units 01 and 02 increased from 8,590 mm to 9,569 mm. Units 01 and 02 present as a pair of semi-detached two storey houses with a hipped roof, projecting front gables, a canopy over the entrance doors, a render finish and a slate roof. Rocky Road contains a mix of house types and the dwellings on both sides of the site are two storey. Having regard to the design, scale and height of the dwellings and to the pattern of development in the area, and having inspected the site, I am satisfied that the development is in keeping with the character and visual amenities of the area.

7.3.3. Unit 03 occupies the backland position towards the south of the site. The dwelling will be set well back from Rocky Road and has a ridge height of 8,701 mm, lower than that of units 01 and 02. Having regard to its position, its scale and the intervening development, I am satisfied that it will not be unduly prominent when seen from Rocky Road or from Marlton Park, and that it is in keeping with the established pattern of backland development to the rear of the Rocky Road properties.

7.3.4. The development responds in a positive and proportionate way to the receiving context, as required by section 3.4.2(a) of the Compact Settlement Guidelines, and aligns with CPO 6.5, CPO 6.18, CPO 6.21 and CPO 6.2.

7.4. Residential Amenity

7.4.1. The appellants raised the overlooking of their property in their submission to the planning authority but did not carry that point into the appeal which is confined to wastewater. The concern is directed at three windows and three rooflights at first floor level in unit 03 which face south towards the boundary with no. 51 Marlton Park.

7.4.2. The separation from unit 03 to the southern site boundary is a minimum of approximately 11 metres, and the separation to the side wall of no. 51 Marlton Park is a minimum of approximately 18 metres. SPPR 1 of the Compact Settlements Guidelines requires a separation of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses above ground floor level. The separation achieved to no. 51 exceeds that standard. The relationship is also oblique, no. 51 lying to the south-east of unit 03 with its side wall facing the site. The appellants state that mature trees which provided some level of privacy have been removed. Having regard to the separation distances achieved which are in excess of the minimum planning standard, I am satisfied that the development will not result in excessive overlooking and significantly impact upon the privacy of adjoining properties.

7.4.3. The separation between units 01 and 02 at the front of the site and unit 03 at the rear is in excess of 20 metres. I am satisfied that there will be no undue overlooking between the proposed dwellings or of nos. 1, 1a, 9 or 10 Rocky Road.

7.5. Development standards.

- 7.5.1. I have assessed the proposed dwellings against the area standards set out at section 5.3.2 and Table 5.1 of Quality Housing for Sustainable Communities. Units 01 and 02 are four bedroom two storey houses of 134 sq m each, against a target gross floor area of 110 sq m, and unit 03 is a five bedroom two storey house of 263 sq m. The room sizes and the aggregate living and bedroom areas exceed the standards in each case. I am satisfied that the dwellings meet the minimum standards and will provide a high standard of amenity for future occupants.
- 7.5.2. Private open space of 129 sq m, 110 sq m and 300 sq m is proposed. Under SPPR 2 of the Compact Settlements Guidelines, a minimum of 50 sq m is required while Section 8.6 of Appendix 1 of the Development Plan requires 60 to 75 sq.m. Both standards are exceeded in this instance.
- 7.5.3. No public open space is proposed although I do not consider that any is required within a scheme of three houses on an infill site of this size within an established residential area. The development would not seriously injure the residential amenities of property in the vicinity and would provide a high standard of amenity for future occupants.

7.6. Traffic Safety and Access

- 7.6.1. Access is not raised in the appeal. It was the subject of the further information request. The proposal amends the existing entrance serving no. 10 to form a shared access to no. 10 and to the proposed units 02 and 03 and proposes a second new entrance to the west serving unit 01. Following submission of further information, both entrances are splayed, set back and positioned between the existing traffic calming humps, and the shared access functions as a short private lane consistent with the pattern of backland development in the vicinity. The initial report of the Roads Section accepted the arrangement in principle although considered further information was warranted. Following the further information response, the Roads Section indicated that two items remained outstanding, dimensioned sightline distances measured to the near-side kerb, and a formal swept path analysis to demonstrate acceptable access/egress to the dwellings.
- 7.6.2. On sightlines, the further information drawings show a sightline envelope from a 2.4 metre distance at each entrance, with 90 metres shown in total, which the planner measured from the drawings as 45 metres in each direction. I agree with this

analysis. Rocky Road is subject to a 50 km/h special speed limit and traffic calming humps are in place across the frontage so that operating speeds are likely to be below the limit. Table 1 of Advice Note 3 to DMURS gives a stopping sight distance of 45 metres for a design speed of 50 km/h, and the sightlines shown therefore meet the standard. Having inspected the site, and having regard to the removal of the roadside vegetation, the setting back of the boundary wall and the provision of a grass verge, I am satisfied that sightlines of not less than 45 metres are achievable in both directions from each entrance within land under the applicant's control. The proposal also improves on the existing entrance to no. 10, which has limited sightline provision.

- 7.6.3. A formal swept path analysis was not provided. The revised site layout shows vehicle manoeuvres by dotted line, and the dwellings have been set back from Rocky Road and repositioned so as to increase the turning area to the front. The planner concluded that vehicles can enter forward facing, reverse park within the site and exit in forward gear, and having examined the layout I agree. I do not consider that a full swept path analysis is required in this instance having regard to the scale of development.
- 7.6.4. The further information response provides for the public footpath to be reinstated across the site frontage, for drop kerbs and tactile paving at each entrance, and for the roadside boundary to be set back. Condition 1 ties the permission to those drawings. I have included condition 11 so that those works are secured directly. The Roads Section also recommended electric vehicle ducting to all private parking spaces, which was not carried into the further information request or conditioned by the planning authority. It is reasonable and I have included it at condition 11(d). Car parking at two spaces per dwelling does not exceed the maximum set by SPPR 3(iii) of the Compact Settlements Guidelines. The development would be acceptable in terms of traffic safety and convenience and complies with CPO 12.34, with section 2.1.9 of Appendix 1 and with DMURS.

7.7. Site Services

Wastewater

- 7.7.1. Wastewater is the sole ground of appeal. The following assessment is based on the information provided as part of the appeal and applicant's response to the appeal,

both of which includes detailed CCTV surveys and planning history of the subject site and adjoining Marlton Park.

- 7.7.2. The appellants object to three further dwellings connecting to the foul line which crosses their property at no. 51 Marlton Park. Based on the information before me, foul drainage from nos. 1, 1a, 9 and 10 Rocky Road discharges into an access junction in the rear garden of no. 51 and runs from there in a 100 mm line through the appellants' garage and under their driveway to the public road. The appellants state that the junction has overflowed and required unblocking on three occasions, most recently on 22 November 2025. They were asked by the developer to permit the opening of their garden, garage floor and driveway in order to upgrade the pipe and connect to the mains, and they refused on legal advice. They say the developer told them he had an alternative means of connecting and they ask that he be required to use it.
- 7.7.3. In the first instance, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Whether the developer may open the appellants' garden, garage and driveway and on what terms is a matter between those parties.
- 7.7.4. Based on the evidence before me, the line itself is not an informal arrangement. Under planning register reference 98/9246 which permitted Marlton Park in 1999, the septic tanks serving the houses on Rocky Road including no. 10, were required to be abandoned and those houses connected to the sewers of the new estate. Drawings showing the connections from the adjoining houses to the new sewers were submitted on 19 March 1999 and are listed at condition 1(g) of that permission and condition 3 required written confirmation that the relevant dwelling had connected to the public sewer. Wicklow County Council's letter of 20 June 2014 confirms that Marlton Park was taken in charge on 9 May 2011 and that permissions 98/9246 and 99/1415 were substantially complied with. That letter does not identify individual connections, and whether the length of pipe serving nos. 9 and 10 is itself in charge or remains a private drain.
- 7.7.5. The appellants' account of repeated overflows is affirmed by the CCTV survey submitted with the applicant's response which states that a 100 mm PVC line of 44.70 m has a structural grade 3 on account of multiple defects. These include an

obstruction at 5.70 m with a 70 per cent loss of cross-sectional area, deformation at three points and a large displaced joint close to the downstream manhole. Based on the information provided, I accept that the line does not appear to be in good condition.

- 7.7.6. The two surveys on the file appear to establish that the appellants' own drainage is separate. The email from their drainage consultant of 14 March 2026 records that a dye test produced no sign of the dye in their pipe, that a connection between their pipe and the line from Rocky Road is very unlikely, and that their waste pipe turns towards no. 52 Marlton Park. The applicant's survey records the same arrangement. The appellants' property is therefore at risk from a surcharge from a line serving other houses rather than any interference with their own drainage. That does not diminish the impact to their property.
- 7.7.7. The appellants ask that the developer be required to use the alternative connection he referred to. The applicant's response records that the manhole upgradient on Rocky Road was inspected and found to be out of use or the end of a redundant line and that the connection is proposed to the line serving nos. 9 and 10 for that reason. The further information site layout plan shows a realignment of the existing foul services and a connection to an existing foul outfall at the south-eastern part of the site.
- 7.7.8. Uisce Éireann is the statutory authority for the public network and it did not object. Its report of 2nd April 2026 states that it had no record of a pre-connection enquiry and that the applicant is seeking to connect to the public network through third party owned infrastructure which has not been taken in charge. It sets out five matters which must be demonstrated to it in respect of any connection through such infrastructure, and it recommends that the applicant enter into a connection agreement prior to the commencement of development and adhere to the standards and conditions set out in that agreement. A pre-connection enquiry has since been lodged, reference CDS26004301, acknowledged on 22 May 2026. No confirmation of feasibility has yet issued.
- 7.7.9. The site is within an existing urban area served by public water and wastewater infrastructure, the development is a small infill scheme of three dwellings and no question has been raised as to the capacity of the public network to accept it. The

connection cannot be made without the agreement of Uisce Éireann. The five matters it has identified, the adequacy of the receiving line and the technical detail of the connection all are required to be settled under that process. The Council's Condition 7 requires the agreement to be in place prior to the commencement of development and addresses building over public infrastructure and compliance with Uisce Éireann's standards. Subject to that condition, I am satisfied that the proposed development can be adequately serviced by way of foul drainage and that the ground of appeal does not warrant a refusal of permission.

Water Supply

- 7.7.10. Water supply is by way of connection to the public mains. No issue arises and the matter is not raised in the appeal.

Surface Water

- 7.7.11. Surface water is to be disposed of within each plot by way of soakaways. Condition 8 requires full design details to be submitted for the written agreement of the planning authority and prohibits any discharge of surface water run-off to the public road, to the public foul sewer or to adjoining properties. I am satisfied that this is acceptable.

7.8. Landscaping and Boundary Treatment

- 7.8.1. The applicant indicates that vegetation within the interior of the site was removed in March 2025, before the application was made as part of refurbishment of no. 10. The trees and hedgerows on the western and southern boundaries are to be retained and the landscape scheme provides for native tree planting throughout. The planning authority's concern was with the proposed 1.8 metre concrete post and gravel board fence on the western boundary, which would separate the retained trees from the dwellings and create an enclosed area which cannot be maintained. I share that concern (these trees stand on a strip of land outside both the red line and the blue line boundaries). Condition 6 requires a revised boundary treatment plan omitting that fence and providing an alternative treatment which does not permanently enclose the tree line while still securing the site boundary. That is a reasonable way of dealing with the point.

8.0 AA Screening

I have considered the proposal for the change of use of the guesthouse to 6no. apartments and all associated siteworks in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site comprises the garden area to an existing two-storey semi-detached dwelling, no. 10 Rocky Road located within an established residential area, c. 1km from the town centre of Wicklow Town.

The closest Natura 2000 site to the subject site includes

- The Murrough cSPA (Site Code: 004186) and The Murrough Wetlands SAC (Site Code: 002249), c. 1km to the east;
- The Wicklow Head SPA (Site Code: 004127) 2.6km to south east; and
- The Wicklow Reef SAC (Site Code: 002274), c. 4.65km to east.

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 3no. dwellings with associated car parking and access, private amenity space and connections to public water/wastewater services. The site is located within an established residential area within Wicklow Town. No concerns about impacts on Natura 2000 sites were raised in this case. The planning authority determined that the proposed development is unlikely to give rise to any adverse impacts on the qualifying interests and conservation objectives of Natura 2000 sites in the vicinity..

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 granted for the proposed development for the reasons and considerations set out below and subject to the conditions hereunder.

10.0 Reasons and Considerations

Having regard to the location of the site within the built-up area of Wicklow Town on lands zoned RE – Existing Residential in the Wicklow Town and Rathnew Local Area Plan 2025, on which residential development is acceptable in principle; to the policies and objectives of the Wicklow County Development Plan 2022–2028 and of the Local Area Plan which support the consolidation of the built-up area of the town and the development of serviced infill sites within it; to the residential development standards of the Development Plan and to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024; to the established pattern of development on Rocky Road; to the design, height, scale and layout of the dwellings proposed and to their relationship with adjoining property; to the reports of the planning authority and of Uisce Éireann; and to the submissions made in connection with the planning application and the appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the character and pattern of development in the area, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would be capable of being adequately serviced by the public water and wastewater networks. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on 14/03/2026, 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 shall complete the development in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the occupation of any of the dwellings, the following works shall be carried out at the developer's expense and in accordance with the requirements of the planning authority: (a) the roadside boundary shall be set back and the boundary wall, railing and grass verge provided as shown on the drawings received on 10 March 2026, so that sightlines of not less than 45 metres in each direction, measured to the near-side kerb from a setback of 2.4 metres, are available at each entrance and are thereafter kept free of obstruction; (b) the public footpath shall be reinstated across the full frontage of the site; (c) drop kerbs and tactile paving shall be provided at each entrance; and (d) ducting shall be provided to all in-curtilage car parking spaces to facilitate the future installation of electric vehicle charging points.

Reason: In the interest of traffic and pedestrian safety.

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a revised boundary treatment plan, which shall omit the proposed 1.8 metre high concrete post and concrete gravel board fence along the western boundary and shall provide an alternative boundary treatment that does not permanently enclose the mature tree line, resulting in an area which cannot be maintained, but which sufficiently delineates and secures the application site boundary.

Reason: In the interest of tree protection and residential amenity.

4. (a) The development shall be connected to the public water supply and to the public foul sewer network. Prior to commencement of development, the developer

shall enter into a connection agreement with Uisce Éireann for the provision of the water services necessary to serve the development and shall adhere to the standards and conditions set out in that agreement.

(b) There shall be no build over of public infrastructure and separation distances from public infrastructure shall be achieved in accordance with Uisce Éireann's standards, codes and practices. The design and construction of the water and wastewater pipes and related infrastructure to be installed in the development shall comply with the Uisce Éireann Connections and Developer Services Standard Details and Codes of Practice.

Reason: To ensure that the development is adequately serviced by way of water and wastewater, and in the interest of public health.

5. All uncontaminated roof and surface water drainage shall be collected via a separate storm water system and attenuated on site, and full design details satisfying the requirements of the Greater Dublin Strategic Drainage Study shall be submitted for the written agreement of the planning authority prior to commencement of development. The submission shall include proposals for Sustainable Urban Drainage Systems providing volume reduction and source control of pollutants, together with provision for emergency overflow. Surface water run-off shall not be permitted to discharge onto the public road, to the public foul sewer or to adjoining properties.

Reason: To ensure satisfactory storm water drainage, in the interest of public health and the proper planning and sustainable development of the area.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has

been received from the planning authority.

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

8. Services and Cables: All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. Prior to the lodgement of a commencement notice, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority under section 96 of the Planning and Development Act 2000 (as amended) unless the applicant has applied for and been granted an Exemption Certificate under section 97 of the Planning and Development Act 2000 (as amended) or unless the development is a development to which Part V does not apply in accordance with section 96(13).

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000 (as amended), and to comply with the requirements of the housing strategy in the City/County Development Plan and in accordance with the proper planning and sustainable development of the area.

10. Development Contribution: 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, 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	501270-WW-26		
Proposed Development Summary	3 No. dwellings units to the side and rear of No.10 Rocky Road, Co. Wicklow, relocation and modification to existing entrances and all associated site works.		
Development Address	10 Rocky Road , Wicklow Town , 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	501270-WW-26
Proposed Development Summary	3 No. dwellings units to the side and rear of No.10 Rocky Road, Co. Wicklow, relocation and modification to existing entrances and all associated site works.
Development Address	10 Rocky Road , Wicklow Town , 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 three dwellings withing the garden area to an existing two-storey semi-detached dwelling which will be served by an amended existing access and provision of a second new access, connections to public water/wastewater services and all site development works. The site is located within an established residential area within Wicklow Town. The development comes forwards as a standalone project, 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 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 designated site. The proposed development will connect to public water/wastewater connections. 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,	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

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		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: _____