

First Party Appeal

To

**The Secretary,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.**

Proposed Residential Development

At

Chrysanthemum Cottage, Chapel Road, Greystones, County Wicklow.

Wicklow County Council Register Reference No: 25/61046

Prepared on behalf of the applicant:

Roisin O'Boyle

by

Eoin J. Carroll Architects.
One Southern Cross,
IDA Business Park,
Bray,
Co. Wicklow.

24th September 2026



1.0 INTRODUCTION

This First Party Appeal has been prepared by Eoin J. Carroll Architects, One Southern Cross, IDA Business Park, Bray, Co. Wicklow on behalf of the Applicant, Roisin O'Boyle.

The Appeal relates to the *Notification of Decision to Refuse Permission*, which issued from Wicklow County Council on the 1st September 2026 (Reg. Ref. 25/61046). A copy of the notification document is attached in Appendix A.

The proposed development will consist of the following:

'Permission for the demolition of the existing cottage on the site (92sqm) and for the construction of 8 no. dwellings consisting of 1 no. 3 bed detached bungalow, 1 no. 3 bed 2 storey terraced dwelling and 6 no. 4 bed 2 storey terraced dwellings with a total gross floor area of 954sqm; for all boundary walls and fences, a communal bin store (10sqm), proposed vehicular and pedestrian entrances to the development off Chapel Road and associated footpaths, hard and soft landscaping and all site services above and below ground including connections to existing services at Chrysanthemum Cottage, Chapel Road, Greystones, Co. Wicklow'

The appeal is submitted online and in advance of the appeal deadline of the 28th of September 2026.

An online payment for €1,500 is submitted in respect of the statutory appeal fee.

2.0 FIRST PARTY APPEAL

2.1 Application Process

The planning application was submitted 19/12/2025.

A request for further information issued from the Planning Authority 17/02/2026. The RFI included six items requiring further information.

Three of the six items in the request for further information related to the design of foul and surface water drainage from the development.

The other issues related to sightlines, car parking and boundary treatment.

A response to the request for further information was submitted 07/08/2026 and included detailed drawings and calculations in relation to the proposals to deal with foul and surface water on the application site. Additional ground investigations were undertaken by the applicant and submitted as part of the RFI response.

We refer to the Wicklow County Council Planner's Reports in relation to the application. It is noted that the substantive issues of Land Use Zoning, Residential Density, Design, Provision of Public & Private Open Space, Roads/ Traffic Safety and compliance with the policies as set out in the County Development Plan and Local Area Plan were not raised as reasons for refusal.

The Planning Authority considered that the application was generally, acceptable in relation to these issues.

2.2 Reason for Refusal

The reasons for refusal are as follows:

1. Having regard to information set out in the Further Information response in respect to surface water drainage, and the extent of works required, the information, it is considered, has not provided the full extents of all of the proposed elements of the proposed Surface Water Drainage System is, including details of construction methods, extents and quantities of excavation regarding clay removal, material importation, membrane utilisation, etc.) and whether such works will impact on the drainage system in the area. In the absence of sufficient clarification of same it is considered that the proposed development would represent a substandard development in terms of layout, nature based Sustainable Urban Drainage Systems (SUDS), and design and would therefore be contrary to proper planning and sustainable development.

2. Having regard to your response to the Further Information request, the proposed redesign of the foul drainage system which includes a pumping station and rising main, along with the lack of evidence that Uisce Éireann will take in charge this foul drainage infrastructure, there is a concern that in the absence of clear proposals for the maintenance of the pumping system that in the event of failure it could lead to pollution resulting in a public health hazard, and development would therefore be contrary to proper planning and sustainable development.

2.3 Reasoning of Appeal:

Reason for Refusal No. 1:

Reason for Refusal No. 1 relates to the Planning Authorities opinion that not enough information has been provided by the applicant in relation to the proposals to deal with surface water generated on the application site.

As set out above the applicant responded in detail to a request for further information relating to a number of issues raised by the Planning Authority including the disposal of surface water from the development.

This response included the results of additional ground investigations, detailed calculations and detailed drawings including cross sections indicating the design of the proposed surface water system on the site.

The reason for refusal lists items that the Local Authority considered lacking in the further information response as follows:

'The information, it is considered, has not provided the full extents of all of the proposed elements of the proposed Surface Water Drainage System is, including details of construction methods, extents and quantities of excavation regarding clay removal, material importation, membrane utilisation, etc.) and whether such works will impact on the drainage system in the area.'

These items are listed as follows:

1. Details of Construction Methods,
2. Extents and quantities of excavation regarding clay removal,
3. Material Importation,
4. Membrane Utilisation,
5. Whether such works will impact on the drainage system in the area.

While the information provided in the RFI response included detail sections, the applicant now submits further information in response to these points raised in the reason for refusal as follows:

1. Details of construction methods are set out in further details and cross sections as prepared by JJ. Martin & Associates.
2. Extents and quantities of excavation regarding clay removal are set out in the details, cross sections and the Construction & Environmental Waste Management Plan as prepared by JJ Martin & Associates.
3. Material Importation is indicated on the details, sections and the Construction & Environmental Waste Management Plan as prepared by JJ Martin & Associates.
4. Membrane Utilisation is indicated on the details and sections as prepared by JJ Martin & Associates.
5. The impact of the works on the drainage system in the area is set out in the detail sections as prepared by JJ Martin & Associates.

The surface water disposal design strategy for the development is summarised as follows:

- a) Rainwater generated from hard surfaces (roofs, roads and footpaths) is collected in underground pipework and drains by gravity to an underground surface water attenuation located within the area of public open space at the front of the development.
- b) Surface Water collected from hard surfaces drains by gravity at a controlled flow rate from the attenuation area to percolate into the existing ground. The attenuation is also provided with an overflow connection to the existing pipework network in the public road.

- c) SUDS measures are incorporated in the form of permeable paving to driveways and a rain garden is provided in the area of open space located between proposed houses 1 and 2.
- d) The proposal includes for the improvement of impermeable soil in the rear gardens of the dwellings and the provision of a perimeter land drain in the proposed rear gardens of dwellings and tree pits and perimeter hedge planting.

The applicant considers that all of these measures are in line with Wicklow County Councils Surface Water Policy and indicate a sustainable design for the treatment of surface water on the application site.

The applicant refers to Planning Permission established on the adjacent neighbouring lands (File register reference number 25/60787). Permission was granted by Wicklow County Council for a dwelling on the lands located directly to the West of the application site.

The permitted surface water design on the adjoining land is set out on Drawing 24158-03 submitted as part of the neighbouring application as follows:

Rainwater from the proposed dwelling roof is draining to a 7.5m x 2.5m x 0.75m deep soakaway without any overflow. The soakaway drains directly to the ground.

The permitted car parking area is in permeable paving. All garden areas are draining to the existing ground. The permitted surface water design is based upon the very same ground investigations originally submitted with the subject application.

The applicant notes that permission was granted by the Local Authority for development on the adjoining land using the same ground investigation results with less SUDS and attenuation measures proposed. The subject application is proposing to attenuate rainwater, improve ground conditions for percolation and at the same time complying with the Local Authorities policy for Surface Water and yet is refused on the grounds of not providing enough information.

The applicant considers that the information provided during the application process to date and within this appeal indicates that surface water will be dealt with in a sustainable manner as part of the proposed development.

The drainage system on the site will be greatly improved. It will not create unforeseen conditions on adjacent lands and just as the development on the adjoining site was permitted so should this proposed development.

Reason for Refusal No. 2:

The second reason for refusal relates to the proposal for the disposal of foul waste from the development.

The reason for refusal is listed as follows:

'The proposed redesign of the foul drainage system which includes a pumping station and rising main, along with the lack of evidence that Uisce Éireann will take in charge this foul drainage infrastructure, there is a concern that in the absence of clear proposals for the maintenance of the pumping system that in the event of failure it could lead to pollution resulting in a public health hazard, and development would therefore be contrary to proper planning and sustainable development.'

The applicant wishes to clarify that it was set out in the response to further information that the proposed development will not be taken in charge.

The applicant confirmed in the response to further information that a management company will be set up for the development. The maintenance of the foul waste system on site will be the responsibility of the management company. It is not proposed that Uisce Eireann will be requested to take the foul infrastructure in charge. We trust that this is a normal and acceptable proposal in relation to small infill residential developments of this kind and we request that the Commission grant permission on this basis.

In addition to the above, we note how the proposed development complies with the relevant planning policies:

Land Use Planning:

Greystones-Delgany & Kilcoole Local Planning Framework 2026

Zoning: RE – Residential Existing

“To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.”

The proposed development for residential development complies with the land use planning as set out in the Local Planning Framework. The proposed development is an infill development that reflects the established character of the area it is located.

The development includes a proposal detached bungalow adjacent to the existing Blacklion Architectural Conservation Area and the associated single storey terraced dwellings that form part of the ACA. The development also includes 7 no. two storey terraced dwellings. The scale and type of development reflects the established character of the area with two storey dwellings the predominant dwelling type in Applewood Heights and Seagreen Gate.

Design & Density:

The proposal for 8 no. dwellings on a site area of 0.307Ha equates to a proposed density of 26.1 units per hectare.

While this is below the density range as set out in the Sustainable Residential Development and Compact Settlements Guidelines we note that the Planning Authority considered it to be acceptable. The planner's report on the file notes the following:

“Arguably the proposed density of 26.1dph is an improvement on the previous proposals, albeit below the minimum 30dph recommended; however, considering the character of the area the lower density is considered acceptable in this instance. It is considered that the proposed density is compatible with the prevailing pattern of development in the area and is appropriate for this serviced site.”

The applicant considers that the proposed density is appropriate in the context of historic refusals on the application site, the adjacent Architectural Conservation Area and the constrained nature and shape of the site.

The proposed design includes low scale development at the interface with the ACA. The design includes a curved terrace to address the shape of the site and the road frontage while at the same time respecting the existing established built form of the neighbouring developments and the permitted development on the adjacent land to the southwest.

The applicant requests that the commission take account of these issues when considering the appropriate density for the application site.

All proposed dwellings comply with the requirements for habitable room sizes and storage as set out in Table 5.1 of Quality Housing for Sustainable Communities, Best Practice Guidelines.

Visual & Residential Amenity:

As noted in the Local Authorities Planner's report the proposed development respects the visual amenities of the area. The development is set back from the public road and existing views of the ACA are considered.

The Planners Report notes the following:

'The proposed rear garden depths, overall separation distances and orientation of dwellings suggest that the proposal does not raise concerns with regard to overlooking, overshadowing or overbearing to the rear. The houses would be acceptable in terms of visual amenity, character and residential amenity'.

The houses have been designed to carefully reduce visual impact and to protect existing residential amenities. Separation distances are in excess of current requirements in relation to back to back windows to habitable rooms.

Public & Private Open Space:

Public Open Space is provided to the front of the development between the proposed dwellings and the public footpath along Chapel Road. The open space is safe and useable.

Private Open Space is provided to each dwelling in the form of a rear garden.

All proposed rear garden sizes are well in excess of the standards as set out in the County Development Plan and the Sustainable Residential Development and Compact Settlements Guidelines 2024.

Car Parking:

It is proposed to provide 16 no. surface car parking spaces as part of the development.

This is in line with the requirements of the development plan where 2 spaces are required per 3 and 4 Bedroom Dwelling.

EV Charging:

The allocation of car parking spaces is set out in the attached Site Layout Plan. The site layout plan has been amended and now also takes note of the Local Authority Planner's concerns regarding back to back perpendicular spaces and DMURS compliance. The two parking spaces on the public open space side of the access road are now proposed as parallel parking spaces to comply with DMURS.

As previously noted, the development is proposed to be taken in charge. Therefore, the running of EV charging cables in ductwork under the footpath to the spaces is possible and each dwelling will be provided with ducting for an EV charger to one of the spaces allocated to each dwelling.

Bicycle Parking:

The detached dwelling and the two end of terrace dwellings are provided with side access to the rear gardens where bicycles will be stored.

Bicycle parking for the 5 mid-terrace dwellings will be provided by way of a communal secure bicycle parking area to the front of the terrace. This is now included on the revised Site Layout Plan and a detail drawing of the proposed bicycle parking proposal is submitted in support of this appeal.

Bin Storage:

Bin storage will be managed as part of the overall management company arrangement and a communal bin store is included in the original proposal.

Pedestrian Access:

The proposed development includes for the provision of a new footpath and crossing to provide a pedestrian link to the proposed development.

Vehicular Access and Road Traffic Safety:

A sightline drawing is submitted as part of this appeal. The drawing indicates that sightlines are achievable in both directions in compliance with DMURS requirements. Please refer to the drawing prepared by JJ Martin & Associates.

Safe Access and adequate space for turning movements for refuse trucks and emergency services vehicles is set out in the Autotrack analysis provided in support of the application.

Landscape Design/ Tree Survey:

Proposed boundary treatments are set out in the landscape plan submitted in support of the application. A planting plan is also included. The proposal includes for hedge planting along the rear garden rear boundaries.

A tree survey is submitted indicating existing trees to be retained. It is noted that the Local Authority Planner's Report mentions some ambiguity between the proposal to remove and replace soil in relation to the retention of existing trees.

We note that there is no proposal to remove any trees noted for retention on the tree survey.

The trees to be retained are located along the site boundary.

It is not proposed to replace the soil directly along the boundary or within the root protection zones of retained trees. This is set out clearly in the drawings provided by JJ Martin & Associates detailing the proposed construction methods proposed and the extent of soil replacement.

Flood Risk:

The site is not included within Flood Zone A or B. Housing development is acceptable.

Ecology:

An Ecological Assessment and associated surveys were submitted with the original application and the proposed development does not adversely effect the ecology of the application site or in the vicinity of the site.

Part V Compliance:

A Part V proposal was submitted as part of the application. The applicant would be happy to deal directly with the Local Authority in relation to their Part V compliance by way of condition should the Commission grant permission.

Mains Water:

Uisce Eireann have confirmed in writing that the provision of mains water supply to the development is feasible.

3.0 CONCLUSION

The proposed design of the surface water disposal on the site is sustainable.

The applicant considers that the detail design for the disposal of surface water on the site as set out clearly above and in the accompanying drawings and documents will not be contrary to public health, the amenities of neighbouring properties or to proper planning and sustainable development.

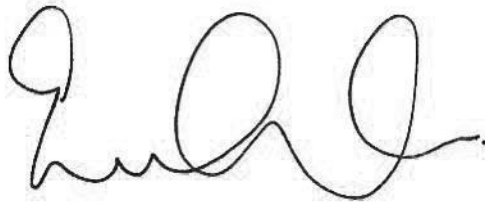
The applicant refers to the recently granted permission for residential development on the adjoining lands to the West of the site (Wicklow Co. Co. File Register Reference Number: 25/60787). Permission was granted using the exact same ground investigations results with less SUDS measures incorporated in the design.

It is proposed that the residential development will be managed by a development management company. The applicant will not be requesting that the foul infrastructure including the proposed pumping station be taken in charge by Uisce Eireann.

The proposed development constitutes a high quality infill residential development providing eight much needed new dwellings.

We trust that the Commission will take cognizance of the issues raised in the above appeal and we request that the Commission will Grant Permission for the proposed development.

Signed:

A handwritten signature in black ink, appearing to read 'Eoin J. Carroll', with a stylized, cursive script.

Eoin J. Carroll MRIAI.

Encl.

cc. Roisin O'Boyle

Appendix A:

Notification of Decision to Refuse Permission



Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development**

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

PLANNING & DEVELOPMENT ACTS 2000 (as amended)

NOTIFICATION OF DECISION TO REFUSE

Roisin O'Boyle
C/O Eoin Carroll
One Southern Cross,
IDA Business Park,
Bray, Co. Wicklow

Planning Register Number: 25/61046
Valid Application Received: 19/12/2025
Further Information Received Date: 07/08/2026

In pursuance of the powers conferred upon them by the above-mentioned Acts, Wicklow County Council has by Order dated 01/09/2026 decided to REFUSE TO GRANT PERMISSION for development of land, namely: -

demolition of the existing cottage on the site (92sqm) and for the construction of 8 no. dwellings consisting of 1 no. 3 bed detached bungalow, 1 no. 3 bed 2 storey terraced dwelling and 6 no. 4 bed 2 storey terraced dwellings with a total gross floor area of 954sqm; for all boundary walls and fences, a communal bin store (10sqm), proposed vehicular and pedestrian entrances to the development off Chapel Road and associated footpaths, hard and soft landscaping and all site services above and below ground including connections to existing services at Chrysanthemum Cottage, Chapel Road, Greystones, Co. Wicklow

For the 2 reason set out in the Schedule hereto.

An appeal against this decision may be made to An **Coimisiún Pleanála** within the prescribed period - see footnote.

Signed on behalf of Wicklow County Council

Date: 01/09/2026

PP

**SENIOR EXECUTIVE OFFICER
PLANNING, ECONOMIC AND RURAL DEVELOPMENT**

*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe.
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.



PLANNING & DEVELOPMENT ACT 2000 (as amended)

Reference Number in Register: 25/61046

SCHEDULE

1. Having regard to information set out in the Further Information response in respect to surface water drainage, and the extent of works required, the information, it is considered, has not provided the full extents of all of the proposed elements of the proposed Surface Water Drainage System is, including details of construction methods, extents and quantities of excavation regarding clay removal, material importation, membrane utilisation, etc.) and whether such works will impact on the drainage system in the area.

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2. Having regard to your response to the Further Information request, the proposed redesign of the foul drainage system which includes a pumping station and rising main, along with the lack of evidence that Uisce Éireann will take in charge this foul drainage infrastructure, there is a concern that in the absence of clear proposals for the maintenance of the pumping system that in the event of failure it could lead to pollution resulting in a public health hazard, and development would therefore be contrary to proper planning and sustainable development.



Footnote:

An appeal against a decision of a Planning Authority under the Planning and Development Act 2000 (as amended) may be made to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902. (Tel. (01) 8588100) during office hours.

1. You have four weeks beginning on the date the planning authority makes its decision. This is a strict time limit.
2. You must put your appeal in writing (either typed or handwritten).
3. You must clearly state your own name and address. If someone is acting for you, like a planning agent they must clearly state their own name and address as well as your name and address.
4. You must give enough details to allow An Coimisiún Pleanála to identify the application you wish to appeal.
5. You must provide your planning grounds of appeal (reasons and arguments) for your appeal and any items you wish to support your grounds of appeal.
6. If you are a third party, you must include the written acknowledgement given to you by the planning authority to confirm it received your submission at planning application stage.
7. You must pay the correct fee. <https://www.pleanala.ie/en-ie/fees>

For more information on how to make an appeal see www.pleanala.ie

Appendix B:

Appeal Drawings, Documents and Cover Letter prepared by JJ Martin & Associates Consulting Engineers

Appendix C:

Proposed Revised Appeal Site Layout Plan & Communal Bicycle Parking Details prepared by
Eoin J. Carroll Architects.