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Submitted via the Online Planning Appeals Portal

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

27 October 2026

Dear Sir/Madam,

Third-party appeal under section 37 of the Planning and Development Act 2000 (as amended) against the decision of Wicklow County Council to grant retention permission, Register Reference 26/60808, for "existing 15.70 sq.msingle storey extension constructed to the rear of dwelling house including minor alterations to rear elevation" at No. 1 Townville, Saint Mary's Road, Arklow, County Wicklow.

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute chartered town planning consultants, has been retained by Helen Noble SC, Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow, Y14 W586 (hereafter "our client") to prepare and lodge this third-party appeal.

The decision was made by Order dated 20 October 2026, Chief Executive Order CE/PERD/2026/1273. The notification is dated 20 October 2026. It grants retention subject to two conditions. Our client appeals the decision in full. She asks the Commission to refuse permission.

Our client owns and occupies Ards, which adjoins the site to the north. She made a submission on the application within the period ending 12 October 2026. The written acknowledgement of that submission is attached. This appeal is made within four weeks beginning on the date of the decision. The deadline for lodgement of this appeal is 16 November 2026.

The grounds of this appeal, and the reasons, considerations and arguments on which they are based, are set out below. They are particularised in the Planning Appeal Report lodged with this letter. Our client relies on the submission already made, which is attached, and on the following points:

1. The same authority has already declared the extension not to be exempted development. On 5 October 2026, by Order CE/PERD/2026/1220 (EX117/2026), Wicklow County Council declared that the extension of 15.70 sq.m, including the works to the party wall, the cutting or removal of the pillar, building into or onto that wall, the proposed capping and rendering, and the excavation and foundations, is development and is not exempted development, because the remaining private open space is 21.42 sq.m and Class 1 requires 25 sq.m. The planner's report records that declaration and then recommends a grant. Retention may be sought where development is not exempt. It should not be granted on these facts. The permission is subject to two conditions. The first says that the permission is for the development described in the application. The second says that the extension is to be occupied with the house and is not to be sold or let on its own. Neither condition deals with the reason the extension is not exempt. That reason is the garden left at the rear. It is 21.42 square metres. The rule requires 25. The conditions do not make the extension smaller, and they do not put the garden back.

2. The decision treats as a civil matter works which the application itself includes, and which EX117/2026 held to be part of the extension. Under "Other Matters" the planner's report states that the rendering of the northern upper elevation of the extension, and repair of the downpipe from the shared roof valley, are civil matters outside the remit of a planning application. The drawings lodged with the application annotate the "Original 2.0 m high boundary wall capped & rendered" and the "Existing 2.0 m high boundary wall capped & rendered." Condition 1 provides that the permission refers to the development described in the documents lodged. The authority cannot grant retention of what those drawings describe and, in the same decision, hold that the rendering is not part of the decision. EX117/2026 held that the capping and rendering form part of the extension and are not exempted development. That is a planning question. It is not addressed by calling it civil.

3. Ards is a protected structure, and the decision does not assess the works as works affecting it. The planner's own description records that No. 11 St Mary's Road, Ards, is a protected structure. Permission P.06/136 described Ards as a proposed protected structure. The pair is entered on the Heritage Schedule of the Arklow Local Planning Framework 2026 as A18 and A19, NIAH 16322031. The report then treats the architectural interest of the pair as the façades to St Mary's Road, and it does not apply section 57 of the Act, or CPO 8.13 of the Wicklow County Development Plan 2022–2028, to the works on the boundary of Ards. No architectural heritage impact assessment was submitted. A finding, which is not accepted, that 1 Townville is not on the Record does not take Ards off the Record. Works to the party wall, the pillar, the valley and the rear of this pair materially affect an element of a protected structure. That was not assessed. A referral of EX117/2026, so far as it concerns the Record and section 57, was lodged with the Commission on 19 October 2026. This appeal stands on its own. The two should be read together.

4. The public notices do not describe the development which condition 1 would retain. The notices describe a 15.70 sq.m extension and minor alterations to the rear elevation. They do not describe the shared valley and drain, the L-shaped pipe, the discharge of water onto Ards, the cutting of the pillar, building into the party wall, or the capping and rendering of that wall. Articles 17, 18 and 19 of the Planning and Development Regulations 2001 require the notice to give a brief description of the nature and extent of the development. Section 3.4 of the Development Management Guidelines, which the planner's report cites, does not permit a grant of works which the notices omit. A grant in the words of the notices would retain part of what has been built. Read with condition 1 and the drawings, the decision purports to retain the rest.

5. There is no drainage design, and water reaches Ards. Before these works, water from both roofs was taken in the valley and drain on the Townville side. The application contains no layout for the flat roof, no connection to that drain, and no demonstration that water remains on the application site. The planner's report records that a downpipe is still present, and in the next section refers to repair works needed to it. Neither objection is an assessment. The zoning objective for Existing Residential land, and ordinary development management, require runoff to be managed on the site that generates it. Our client's position is that no water which previously fell or drained on the Townville side, and no water from the new roof, should be permitted onto Ards. EX117/2026 held that the discharge is not development and that the alteration of the valley and drain is exempt under section 4(1)(h). Those findings are not accepted. They are the subject of the referral. They are not a reason to grant retention without a drainage design.

6. The extension injures the residential amenity of Ards and would depreciate its value. It is built along the party boundary for about 5.815 metres. Section 3.1.8 of Appendix 1 of the County Development Plan, which the planner's report sets out, provides that extensions directly abutting property boundaries should be avoided. The remaining rear garden is 21.42 sq.mon the applicant's drawings and about 21 sq.mon the measurement under UD11012. The rear of Ards, including its car park, is now enclosed by this structure. The works were carried out without a method for the party wall. Reason 10(c) of the Fourth Schedule to the Act is engaged. In *Gleann Fia Homes Ltd v An Bord Pleanála* [2019] IEHC 618 it was held that a detailed valuation is not required where there is evidence from which a reduction in value can be inferred. The evidence is the siting on the party line, the cut pillar, the broken drain, and the water on Ards. Condition 2 restricts the occupation of the extension. It does not protect Ards. CPO 6.21 and the zoning objective require the residential amenity of existing houses to be protected. That test was not met.

7. The Council has two measurements of the same extension. The enforcement file, UD11058, records about 12 square metres. The permission is for 15.70 sq.m. The decision does not say which figure is right. A permission for the larger figure does not put right the drain, the pillar or the water running onto Ards. None of those is described in the public notices. This grant should not be treated as closing that enforcement file.

8. The drawings show the shared wall cut, capped and rendered. Those works cannot be finished from the applicant's side alone. They need access to Ards. Our client has not agreed to that access. She will not agree to it. A grant of permission does not give the applicant a right to cut, cap or render a shared wall, or to come onto Ards to finish it. The fact that she has refused is not a reason to leave those works out of the assessment. The first condition says the permission is for what is shown in the documents lodged. The drawings are part of those documents. They show these works. A permission that cannot be carried out without her land should be refused.

The Commission is asked to refuse retention permission.

For the purposes of validation, please find attached:

(1) this letter;
(2) the Planning Appeal Report;
(3) a completed appeal checklist;
(4) the prescribed third-party appeal fee of €220;
(5) Wicklow County Council's written acknowledgement of our client's objection;
(6) a copy of that objection, including the Planning Objection Report of 17 September 2026;
(7) the Wicklow County Council's notification of the decision of 20 October 2026 and the schedule of conditions; and
(8) the planner's report;

A referral of declaration EX117/2026 was lodged with the Commission on 20 October 2026. Its reference is 324736. Please direct all correspondence to this office.

We trust that this is in order. If you require any further details, please contact BPS at the address or telephone numbers below.

With best wishes,

Brendan Byrne Buck

Brendan Byrne Buck MIPI
Managing Director
BPS Planning & Development Consultants LTD
Chartered Town Planners

An Bord Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a)	Name	HELEN NOBLE SC.
(b)	Address	NOBLE SHIPPING LAW, ARDS, ST MARY'S ROAD, ARKLOW, COUNTY WICKLOW, Y14 W586.

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a)	Agent's name	BRENDAN BYRNE BUCK MIPI.
(b)	Agent's address	BPS PLANNING & DEVELOPMENT CONSULTANTS LTD, PO BOX 13658, DUBLIN 14, D14 NY27.

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1	☐	**The agent at the address in Part 2**	✓

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

WICKLOW COUNTY COUNCIL

(b) Planning authority register reference number

(for example: 18/0123)

26/60808.

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

NO. 1 TOWNVILLE, SAINT MARY'S ROAD, ARKLOW, CO. WICKLOW.

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

PLEASE FIND A PLANNING APPEAL REPORT ATTACHED WHICH SETS OUT ‘GROUNDS FOR APPEAL’.

Supporting material

6. If you wish you can include supporting materials with your appeal. Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing	☐
No, I do not wish to request an oral hearing	✓

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

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Third Party Planning Appeal Check List

Section 127 of the Planning and Development Act 2000 (as amended). Appeal to An Coimisiún Pleanála.

1. *Name of the appellant:* Helen Noble SC.

2. *Address of the appellant:* Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow, Y14 W586.

3. *Name of the agent:* Brendan Byrne Buck MIPI.

4. *Address of the agent:* BPS Planning & Development Consultants Ltd, PO Box 13658, Dublin 14, D14 NY27.

5. *Subject matter of the appeal:* Third party appeal under section 37 against the decision of Wicklow County Council, dated 20 October 2026 (Chief Executive Order CE/PERD/2026/1273), to grant retention permission, register reference 26/60808, for the "existing 15.70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation" at No. 1 Townville, Saint Mary's Road, Arklow, Co. Wicklow.

   Note: The Council's section 5 declaration EX117/2026 is the subject of a separate referral. It is not part of this appeal.

6. *Location of the development*: No. 1 Townville, Saint Mary's Road, Arklow, Co. Wicklow.

7. *Planning authority*: Wicklow County Council.

8. *Planning authority register reference:* 26/60808 (also cited as 2660808). Decision to grant dated 20 October 2026.

9. *Grounds of appeal, in full, and the reasons, considerations and arguments on which they are based:* set out in the covering letter and in the Planning Appeal Report lodged with it. The appellant has been advised that she may not add to, or elaborate on, those grounds after lodgement (section 127(3) and (4)).

10. *Oral hearing:* An oral hearing is not requested.

11. *Acknowledgement by Wicklow County Council of the appellant's objection on 26/60808:* attached. The appeal is invalid without it (section 127(1)(e)).

12. *Fee:* €220, the prescribed fee for a third party appeal. Attached.

13. *Time:* The decision was made on Tuesday 20 October 2026. The period is four weeks beginning on that day. The last day for receipt by the Commission is Monday 16 November 2026. This appeal is lodged by hand on Tuesday 27 October 2026, within that period.

14. *In writing:* The appeal is in writing and has been submitted via the online appeals portal.

Signed:

Brendan Byrne Buck

BPS Planning & Development Consultants LTD
Chartered Members of the Irish Planning Institute
27 October 2026

Brendan Buck | BPS Planning

From: OnlinePlanning <onlineplanning@planning.localgov.ie>
Sent: 18 September 2026 09:15
To: Info | BPS Planning
Subject: Acknowledgement of receipt of submission on a planning application

Submission No.: 150000052766

Rialtas Áitiúil Éireann
Local Government Ireland

Date of Issue:

18/09/2026 09:13am

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN COIMISIÚN PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN COIMISIÚN PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

Wicklow County Council

PLANNING APPLICATION REFERENCE No: 2660808

A submission/observation in writing, has been received from Brendan Buck on 17/09/2026 in relation to the above planning application.

The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

Yours faithfully,
Wicklow County Council

IS DOICIMÉAD TÁBHACHTACH É SEO

COINNIGH AN DOICIMÉAD SEO SLÁN. BEIDH ORT AN ADMHÁIL SEO A CHUR AR FÁIL DON BHORD PLEANÁLA MÁS MIAN LEAT ACHOMARC A DHÉANAMH IN AGHAIDH CHINNEADH AN ÚDARÁIS PHLEANÁLA. IS É SEO AN tAON FHIANAISE AMHÁIN ATÁ ANN A NGLACFAIDH AN COIMISÚN PLEANÁLA LEIS GUR CUIREADH AIGHNEACHT FAOI BHRÁID AN ÚDARÁIS PHLEANÁLA MAIDIR LEIS AN IARRATAS.

Wicklow County Council

UIMHIR THAGARTHA AN IARRATAIS PHLEANÁLA: 2660808

Maidir leis an iarratas pleanála thuasluaite fuarthas aighneacht/tuairim i scríbhinn ó Brendan Buck ar 17/09/2026.

Íocadh an táille chuí de €20. (Ní chaithfidh comhlachtaí forordaithe aon táille a íoc)

Tá an aighneacht/tuairim ag teacht leis na forálacha cuí atá i Rialacháin Phleanála agus Forbartha 2001 agus cuirfidh an tÚdarás Pleanála sin san áireamh agus é ag déanamh cinneadh ar an iarratas pleanála.

Is mise le meas,
Wicklow County Council

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ríomhphost seo trí earráid, déan teagmháil leis an seoltóir a luaithe is féidir. Ní hionann na tuairimí luaite sa ríomhphoist seo agus tuairimí An Gníomhaireacht Bainistíochta Rialtais Áitiúil Deimhnítear leis an bhfo-nóta seo freisin go bhfuil an teachtaireacht ríomhphoist seo agus aon comhad atá nasctha leis scuabtha le bogearraí frithvíorais chun víorais ríomhaire a aimsiú agus is cosúil go bhfuil siad glan. Bí cinnte an ríomhphoist seo a mionscrúdú, mar ní ghlacann An Gníomhaireacht Bainistíochta Rialtais Áitiúil freagracht faoi aon damáiste a dhéanfaí le do chórais ríomhaireachtaí.
****

BPS
Planning & Development Consultants

Planning Appeal Report

Third party planning appeal to An Coimisiún Pleanála, under section 37 of the Planning and Development Act 2000 (as amended), against the decision of Wicklow County Council dated 20 October 2026 (Chief Executive Order CE/PERD/2026/1273) to grant retention permission, register reference 26/60808 (2660808), for the "existing 15.70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation" at No. 1 Townville, Saint Mary's Road, Arklow, Co. Wicklow.

This Planning Appeal Report has been produced by BPS Planning & Development Consultants Ltd for and on behalf of Helen Noble SC, Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow, Y14 W586.

Document Control Sheet

Project	Third Party Planning Appeal Report vs. Wicklow County Council planning application decision, reg. ref. 2660808.
Project No.	2026-543
Document title	Third Party Planning Appeal Report

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Total No. of Pages	50

Rev.	Distribution	Author	Checked	Approved	Day	Month	Year
1	Client	BB	FB	EB	22	10	2026
2	Client	BB	FB	EB	23	10	2026
3	An Coimisiún Pleanála	BB	FB	EB	27	10	2026

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Date: 27 October 2026

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1.0 Introduction

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute chartered town planning consultants, has been retained by Helen Noble SC, Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow, Y14 W586 (hereafter "our client") to prepare and lodge this third party appeal.

The appeal is made to An Coimisiún Pleanála under section 37 of the Planning and Development Act 2000 (as amended). It is against the decision of Wicklow County Council (hereafter "WCC"), dated 20 October 2026 (Chief Executive Order CE/PERD/2026/1273), to grant retention permission, register reference 26/60808 (2660808). The permission is for the retention of an "existing 15.70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation" at No. 1 Townville, Saint Mary's Road, Arklow, Co. Wicklow. The same premises is also known as 10 St Mary's Road. The site notice spelling "Townsville" is a further variant.

Our client's property, Ards, adjoins the site to the north. The two conjoined properties are entered on the Record / Heritage Schedule as a pair (A18 and A19).

Our client made an objection on the application. The application was received by WCC on 8 September 2026. The objection was lodged on or before 12 October 2026. The decision to grant was made on 20 October 2026. The appeal period is four weeks beginning on that day. The last day for receipt by the Commission is 16 November 2026. This appeal is lodged on 27 October 2026, within that period.

The grounds of appeal, and the reasons, considerations and arguments on which they are based, are set out in full in Section 8.0. The conclusion and the recommendation are in Sections 9.0 and 10.0. Our client has been advised that those grounds cannot be added to after lodgement.

Our client was not properly consulted by the applicant. She has not agreed to any part of this development. She is concerned about its effect on her property. Those concerns are the grounds of this appeal.

On 5 October 2026 WCC declared, under EX117/2026, that the extension is development and is not exempted development. Our client has referred that declaration to the Commission. The reference is 324736. It is a separate referral. It is relied on in this appeal, and the two should be read together.

2.0 Rationale for and summary of this appeal

BPS Planning & Development Consultants Ltd has been retained by Helen Noble SC, of Noble Shipping Law, Ards, St Mary's Road, Arklow, to prepare this third party appeal.

The appeal is against the decision of Wicklow County Council dated 20 October 2026 (Chief Executive Order CE/PERD/2026/1273) to grant retention permission, register reference 26/60808 (2660808). The application was received on 8 September 2026. It seeks retention of an existing 15.70 sq.m single-storey rear extension at No. 1 Townville, St Mary's Road, Arklow, Y14 YF70, including "minor alterations to the rear elevation." The site notice also uses the spelling Townsville. The premises is also known as 10 St Mary's Road.

The permission is subject to two conditions. The first says that the permission is for the development described in the application and the documents lodged with it. The second says that the extension is to be occupied with the house and is not to be sold or let on its own.

Ards is the other house of the same Domestic Revival pair, built c.1900. The two buildings share the party wall, the historic roof valley and the drain that served both roofs. They are entered on the Record of Protected Structures and on the Heritage Schedule of the Arklow Local Planning Framework 2026 (Variation No. 6) as A18 – 10 St Mary's Road (Townville) and A19 – 11 St Mary's Road (Ards), NIAH 16322031. In 2007 Arklow Town Council granted P.06/136 / 06610136 for works at Ards, described on the decision as a proposed protected structure at 11 St Mary's Road.

The section 5 referral

On 5 October 2026, by Order CE/PERD/2026/1220 (EX117/2026), the Council declared that the extension of 15.70 sq.m, including the works to the party wall, is development and is not exempted development. The reason was the garden left at the rear. It is 21.42 sq.m. Class 1 requires 25 sq.m. The Council also declared that the discharge of water onto Ards is not development, and that the works to the shared valley, downpipe and drain are exempted development under section 4(1)(h). It found that 1 Townville is not on the Record of Protected Structures and that section 57 does not apply. It refused to determine whether those works form part of the development described in the public notices.

Our client has referred that declaration to An Coimisiún Pleanála. The Commission's reference is 324736 . She accepts the finding that the extension, including the party-wall and foundation works treated as part of it, is development and is not exempted development. She does not accept the findings on the water, on the valley and the drain, on the protected status of the pair, or the refusal to determine the notice question. This appeal and that referral are the same facts. They should be read together.

Summary of Wicklow County Council's case

The Council's case was that retention could be granted even though the extension is not exempt, that the effect on the shared wall and on the water is a civil matter, that section 57 does not apply, and that the two conditions are enough. That case is not accepted. The answer, in summary, is as follows. The detail of our client's position is provided in Section 8.0 of this report:

- The reason the exemption failed is the garden. It is 21.42 sq.m. The rule is 25. The two conditions do not make the extension smaller and do not put the garden back. Not being exempt is the reason permission was required before the works were built. It is not a reason to grant retention now. Declaration EX10/2026, dated 23 February 2026, did not decide the drain, the pillar, the party wall or the water. EX117/2026 did, in part. That part is now before the Commission.

- The public notices name only a 15.70 sq.m extension and minor alterations to the rear elevation. They do not name the shared valley, the removal of the shared drain and the building of the extension over the line of it, the L-shaped pipe, water onto Ards, the cut pillar, building into the party wall, or the capping and rendering of that wall. The wall which has been cut is part of the party wall. It is not a wall lying only on the Ards side. The capping of the end pillar sits partly within the extension. Articles 17 and 18 require the notice to describe the development. Condition 1 then ties the permission to drawings which show those works. A permission in the words of the notice would retain a slice of what has been built. A permission in the words of condition 1 would authorise works the public was not told about. Neither is acceptable.

- The Council has already found that the extension is not Class 1 exempted development. The garden remaining is 21.42 sq.m. The requirement is 25 sq.m. Section 4(1)(h) does not cover a new rear volume, new openings and a new roof. Nor does it allow the valley and the drain to be exempted on their own, where those works exist only because of that extension. The finding that they are exempt is not accepted. It is before the Commission on the referral.

- A18 and A19 remain on the Heritage Schedule, including Variation 6. P.06/136 treated Ards as a proposed protected structure. The rear wall, the party wall, the valley and the original drain are elements of that pair. There is no architectural heritage impact assessment with the application. Cutting a pillar, replacing a shared valley, removing the shared drain and building the extension over the line of it, and replacing the downpipe with an L-pipe, is not the minimum, reversible work described in the Architectural Heritage Protection Guidelines. The finding that section 57 does not apply is not accepted. It is before the Commission on the referral.

- Before the extension, the rear downpipe discharged into a drain on the Townville side. That arrangement has been broken. Water now reaches the Ards car park and the face of the wall. The Plan requires runoff to be dealt with on the site that generates it. There is no drainage design. The finding that this discharge is not development is not accepted. It is before the Commission. Water which previously fell or drained on the Townville side should not be permitted onto Ards.

- The extension sits on the party line. The rear of the pair is now a flat-roofed volume and uPVC doors hard against our client's car park. The works were built without a construction plan, without agreed hours and without protection of the party wall. The decision does not say how the wall is to be finished or how water is to be kept off Ards. The two conditions do not do either.

- UD11012 was closed on 6 January 2026 on the basis that the extension was exempted development. That basis is not consistent with EX10/2026, EX97/2026 or EX117/2026, each of which held that it is not exempt. UD11058 was opened on 24 March 2026. It concerns the same structure, measured at about 12 sq.m, and it was live when this application was made. The grant is of 15.70 sq.m. The decision does not reconcile the two figures. It does not regularise the drain, the pillar or the water, none of which is described in the notices. The grant should not be treated as closing UD11058.

- The drawings show the shared wall cut, capped and rendered. Those works cannot be finished from the applicant's side alone. They need access to Ards. Consent has not been given and will not be given. A grant of permission does not give a right to cut, cap or render a shared wall, or to come onto Ards to finish it. The refusal of consent is not a reason to leave those works out of the assessment. The first condition says the permission is for what is shown in the documents lodged. Those documents show these works. A permission that cannot be carried out without our client's consent, and without access to her land, should be refused.

- These two houses are on the Council's list of protected buildings, as a pair. The Plan puts them on that list so that works to them are looked at properly before they are built. Here the works were built first. The public notice mentioned only a small extension. The permission then added two conditions. Neither condition deals with the cut pillar, the removal of the shared drain and the building of the extension over it, or the new pipe. If that is enough to keep those works, being on the list does not protect the houses. The next applicant would rely on this decision. That example should not be set.

- The siting on the party line, the cut pillar, the removal of the shared drain and the building of the extension over where it ran, the water on the Ards side, and an enforcement file which this grant does not close, engage reason 10(c) of the Fourth Schedule. A purchaser of Ards would be buying a house whose rear boundary is now another person's room, and which receives water from Townville that previously stayed on Townville's side of the wall.

Conclusion

The decision grants retention of a partial description of what has been built. It does not sit with the Council's own finding that the extension is not exempt. It does not deal with the works which are before the Commission on referral 324736. It would leave Ards with the water and the cut party wall.

Recommendation

The Commission is asked to set aside the decision of 20 October 2026 and to refuse retention permission. This appeal and the referral of EX117/2026, Commission reference 324736, should, we submit, be decided together so that the two files say the same thing.

3.0 Technical concerns, and concerns arising from the WCC's assessment

BPS has reviewed the form, the notices, drawings 13-26-A to 13-26-H (Seamus O Hagan, 4 September 2026), the site notice, the newspaper extract, the Council's acknowledgement of 9 September 2026, the planner's report of 19 October 2026, and the decision of 20 October 2026 (Order CE/PERD/2026/1273). The declaration EX117/2026 has been referred to An Coimisiún Pleanála. The Commission's reference is 324736 The following concerns arise:

1. The public notice does not describe what was built. It is confined to retention of an existing 15.70 sq.m single-storey extension, including minor alterations to the rear elevation. The drawings also show capping and rendering of the existing 2.0 m boundary wall, new uPVC openings in the original rear wall, a flat roof, and a raft foundation. The planner's report adds that the rear wall of the extension now forms part of the rear boundary, and that a section of the boundary towards the apartment car park has been removed. Those are not minor alterations to a rear elevation. The shared valley, the removal of the shared drain and the building of the extension over the line of it, the L-pipe, the pillar and the water onto Ards are not in the notice at all.

2. Articles 17 and 18 require the notice to describe the development. The planner relied on section 3.4 of the Development Management Guidelines, which asks for a brief description. A brief description must still be accurate. Leaving out works does not make the notice clearer. It leaves the public uninformed. Our client could object because she lives next door, not because the notice told her what had been built.

3. The decision does not say which works are permitted. Condition 1 says the permission is for the development described in the documents lodged. Those documents show the wall, the capping and the rendering. In the same report the planner says the rendering, and the repair of the downpipe, are civil matters and outside the planning application. The Council cannot leave those works out of the assessment and leave them in the permission. On 5 October 2026, in EX117/2026, it had already held that the pillar, the building into the wall, the filling of the gap, the capping and the rendering, and the foundations, are part of the extension, and that the extension is not exempt.

4. The floor area is not one figure. UD11058 records a lean-to of about 12 sq.m. The grant is of 15.70 sq.m. The planner's report sets out both figures and does not say which is right. UD11012 was closed on the basis that the extension was exempt. EX10/2026, EX97/2026 and EX117/2026 each say that it is development and is not exempt. A file should not have been closed on an exemption the Council has since rejected. A grant of the larger figure does not put right the drain, the pillar or the water, and it should not be treated as closing UD11058.

5. The spelling "Townsville" on the site notice is a typing mistake. Nothing turns on it. The real difficulty is the Council's own list of protected buildings. The same two houses have been written down as 10 St Mary's Road, as 1 Townville, and as 10 Townville. The Council has answered this three times. Each answer was a section 5 declaration: its formal decision on a legal question about this property. The

first two, EX10/2026 and EX97/2026, said the same thing. It was uncertain whether 1 Townville is a protected structure. They did not say that the protected-structure rules do not apply. Those rules are in section 57. They require works which affect a protected building to be assessed as such. The third answer, EX117/2026, was given on the same list and the same facts. This time the Council said that 1 Townville is not on the list, and that section 57 does not apply. The permission of 20 October 2026 is granted on that sentence. The Court of Appeal has said that a council may not do this. In *Narconon Trust v An Bord Pleanála* [2021] IECA 307 it held that, once a council has given a section 5 answer about a piece of land, it is not to answer the same question again in a different way, unless the facts have changed. The first answer stands. Here the facts did not change. The Council moved from "we are not sure" to "the protected-structure rules do not apply." The permission treats that later answer as the end of the question. It was not. That later answer is now before An Coimisiún Pleanála, on the referral of EX117/2026, reference is 324736. That is the proper way to challenge it. Until the Commission decides the referral, the permission should not have been granted on the basis that those rules do not apply. The same report says that the house next door is Ards, and that Ards is a protected structure. It accepts that the two houses are a pair. The development plan still lists them together, as A18 and A19. The effect of these works on Ards must be looked at whether or not 1 Townville is itself on the list.

6. There is no assessment of the effect on the protected structure. No conservation officer's report was received. The planner's test was whether the front, and the view from St Mary's Road, are harmed. He wrote that the architectural interest relates mainly to the facades. That is not the test. The rear wall, the party wall, the roof, the valley and the shared drain are part of the pair. Building over that drain, and removing the downpipe which served both roofs, are works to those elements. They had to be assessed. They were not. Ards is accepted to be a protected structure. Works to the wall it shares are works that can affect it, whether or not 1 Townville is itself on the Record. There is no architectural heritage impact assessment and no method statement for the wall. CPO 8.13 is not applied. While it may not have been appropriate to require a detailed report, an opinion from a specialist historic buildings consultant and an internal referral from the WCC Conservation Officer would have been appropriate.

7. There is no drainage drawing. Drawing 13-26-H shows a flat roof and a raft. It does not show where the rain goes. The shared rear drain has been removed. The extension has been built over the line of it. There is no connection from the new roof to any other drain. No report was received from the water services. The planner's answer is that, from the photographs, the downpipe appears still to be there and appears still to drain to Townville, as it did before. That cannot be so. The pipe is no longer connected to a drain. The drain is no longer there. "Appears" is not a survey, and it is not a design. It does not sit with water reaching the Ards car park. EX117/2026 held that the discharge is not development, and that the works to the valley and the drain are exempt under section 4(1)(h). Those findings are not accepted. They are before the Commission. They are not a reason to grant retention with no drainage design. Runoff is to be dealt with on the site that generates it. No water which previously fell or drained on the Townville side, and no water from the new roof, should be permitted onto Ards. The decision does not require that.

8. The party wall is still in the permission. The WCC planner says the extension is built inside the wall, with no overhang, and that there is very little, if any, intervention to Ards along the length of the extension. He says the pillar that was removed appears to have been only the part on the applicant's side. That is not accepted. The wall which has been cut is part of the party wall. It is not a wall lying only on the Ards side, and the part removed was not only on the applicant's side. The capping of the end pillar sits partly within the extension. The photograph at page 14 of the planner's report shows the overhang. The first photograph on page 15 (of the WCC Planner's Report) shows the shadow now cast by the extension. Those photographs are not reconciled with a finding of no overhang. Nor are they reconciled with the drawings, which show the wall capped and rendered, or with EX117/2026, which treated those works as part of the extension. Condition 1 picks up the capping and the rendering. Those works cannot be finished without access to Ards. That consent has not been given and will not be given. A grant does not give a right to enter Ards, or to finish a shared wall from her side.

9. The garden and the boundary are both against the Council's own standards. The drawings leave 21.42 sq.m. Class 1 requires 25. That is why the exemption failed, three times. The planner then calls 21.42 sq.m reasonable, because the house had not been extended before and the room improves the house for its own occupants. The same figure cannot be the reason to refuse an exemption and the reason to grant a permission, unless something is done about it. Nothing is. Section 3.1.8 of Appendix 1 says that an extension directly abutting a boundary should be avoided. This one runs for about 5.815 m along the wall with Ards. The report does not apply that sentence. The two conditions do not move the extension off the boundary and do not restore the garden.

10. There is still no drawing of what was there before. The original plan and the retention plan show the extension as built. They do not show the valley, the downpipe and the drain as they were. The

Council has been asked to approve an end state without a surveyed start state. The site photographs do not fill that gap.

11. The planning history of the pair is recorded and then not used. The report notes the 2000 permission for the partial demolition of the house and the apartments behind, and the 2007 permission on Ards, granted when Ards was a proposed protected structure. The houses are separate properties. They are one pair on the Heritage Schedule. The assessment treats them as if only the street frontage is shared.

12. If any part of this must be taken down, or if the drain and the pillar are to be put back, there is no method that protects Ards. That gap was pointed out in the observation. It is not addressed.

13. The applicant did not supply dated photographs of the drain and the pillar, before and after. The planner used his own site photographs and the photographs with the observation. He did not require the missing survey.

14. The order of the two files is wrong. EX10/2026, EX97/2026 and EX117/2026 each found that the extension is not exempt, because of the garden. The Council then granted retention on 20 October 2026. It relied on the parts of EX117/2026 which say that the water is not development, that the valley and the drain are exempt, and that section 57 does not apply. Those are the parts our client has referred. The reference is reference is 324736. A grant should not rest on findings which the Commission has still to decide. The appeal and the referral should be read together.

15. The reason given for the grant is WCC's standard reason. It says that the development would not seriously injure amenities, and that it would be acceptable in terms of traffic safety. Traffic does not arise. The reason does not mention the garden, the declaration, the party wall or the water.

The Commission is asked to treat these points as reasons to set aside the decision. They are not a request for further information. The application was decided on a notice that does not match the drawings, and on findings that do not match each other. The proper order is to refuse.

4.0 Site location and description

The application site is 1 Townville, St Mary's Road, Arklow, County Wicklow, Y14 YF70.

Postal and historic labels for this house have never been single. St Mary's Road was Marlborough Terrace until June 1920. The client's ESB account for Ards is still addressed to 11 Marlborough Terrace. The pair were built c.1900 as part of the Proby / Carysfort development and have been known as Ards and Townville (collectively the Carysfort Villas). Ards was the estate office. Townville was the agent's house.

On the 1943 title map Ards is No. 11 on Marlborough Terrace. P.D. Lane drawing H-46-1 (14 February 2000) marks this plot No. 10. That number is 10 St Mary's Road, not "10 Townville" as a street name. The ArcGIS Hub Record of Protected Structures for Arklow (updated 15 December 2025) and the Arklow Town Council minutes of 13 February 2008 (the list as voted onto the RPS) both enter the pair with 10 St Mary's Road as one of the two houses, under the same NIAH / schedule reference. A18 on the live map is given as 10 St Mary's Road.

After 2002 the apartment scheme to the rear took the name Townville. Duplex units there include 10 Townville and 11 Townville. Those are not this house and not Ards. The front pair was never "10 Townville" or "11 Townville" as a postal street. EX10/2026 treated a mismatch between "1 Townville," the photograph and the RPS wording as leaving status "uncertain." A change of road name in 1920, a house name adopted after 1943, and later numbering of the rear estate do not take the pair off the Record. This appeal proceeds on the basis that the structure is the house entered as 10 St Mary's Road / Townville / A18, forming a pair with Ards (11 St Mary's Road / A19).

The property is the southern house of a Domestic Revival semi-detached pair with Ards, built c.1900, rendered and double-gabled to the road. Our client occupies Ards. The two houses share the party wall and the historic roof valley. There were two downpipes and two drains. At the front, the valley discharged by a downpipe into a drain on the Ards side. At the rear, before the extension, the downpipe discharged into a drain on the Townville side. That rear drain has been removed. The extension has been built over the line of it.

In the Record of Protected Structures and in the Heritage Schedule of the Arklow Local Planning Framework (Variation No. 6, 6 July 2026) the pair is entered as A18 – 10 Townville and A19 – 11 Townville, NIAH 16322031 (Figs. 10 and 11). The 1:1000 extract lodged with Arklow UDC P19/2000 (P.D. Lane Associates drawing H-46-1, 14 February 2000) labels this plot No. 10 (Fig. 7). Historic views of the pair are at Figs. 12 and 13.

Postal numbering has not been consistent. Files use Townville, 1 Townville and, on this application, Townsville. Declaration EX10/2026 (23 February 2026) treated that mismatch as leaving protected status "uncertain." Our client does not accept that as a finding that Townville is off the Record. This appeal does not re-open EX10/2026. It proceeds on the basis that the pair remains the structures entered as A18 and A19.

4.1 What has been built

PRR 26/60808 was received on 8 September 2026. It sought retention of an existing 15.70 sq.m single-storey rear extension and "minor alterations to rear elevation." On 20 October 2026 the Council granted that permission, subject to two conditions.

Drawings 13-26-A to 13-26-H show a flat-roofed extension, built up to the party wall with Ards. The original rear wall has been opened for uPVC doors. The planner's report describes the room as a sensory room. The public notice does not. The drawings state that the garden left at the rear is 21.42 sq.m (Fig. 15).
Before the extension there was a rear wall, and a second pillar, between Townville and the Ards car park. In 2000 the then owner of Ards appealed P19/2000. ATC 113/2000, dated 20 January 2001, allowed the demolition of part of Townville and the building of the apartments. By an indenture of 27 August 2002 Annie O'Toole conveyed the ground behind Ards to the then owners of Townville (Figs. 8 and 9). The dividing wall and the pillar date from that time. They were still standing immediately before the extension. The pillar has been cut. The extension has been built to, and into, that line (Fig. 15).

The shared rear downpipe has been replaced by an L-shaped pipe on the new flat roof. There is no drop from that pipe into the old drain. That drain has been removed, and the extension has been built over the line of it. Water that used to stay on the Townville side, or run in that drain, now reaches the Ards side of the wall. The planner's report says that, from the photographs, the downpipe appears still to be there and appears still to drain to Townville. That is an impression from one visit. It is not a survey. It is not accepted. The drawings annotate capping and rendering of the "existing 2.0 m high boundary wall." Our client does not agree to those works. She will not agree to them. They are not named in the public notice. Condition 1 nevertheless ties the permission to the drawings, which show them.

The pair faces St Mary's Road. The way into the apartments at the rear runs past the side of the house (Figs. 2 and 3). This appeal is not about the front of the houses. It is about the extension as built, and about the works to the shared wall, the roof and the drain.

The change in the water is a planning issue. The works change where the water is collected and where it goes. Whether they also affect private rights is a separate matter. It does not take the water out of the planning assessment.

The Council has already answered part of this, in EX117/2026. It said that the extension, including the works to the party wall, is development and is not exempt. Our client accepts that. She does not accept the findings that the water reaching Ards is not development, and that the works to the valley and the drain are exempt. She has referred those findings to An Coimisiún Pleanála. The reference is [ ]. This appeal and that referral comprise a conjoined case. They should be read together.

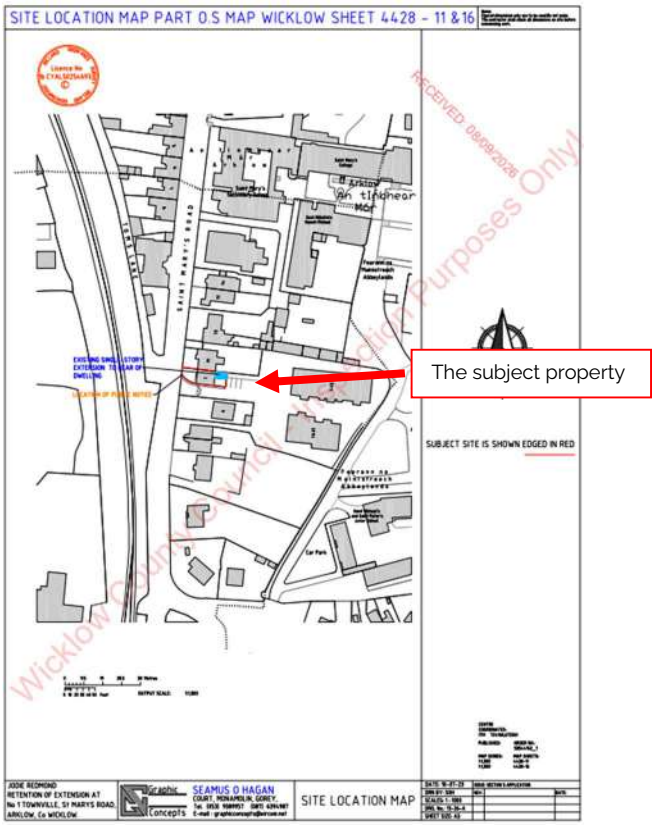


Fig. 1: The location of the subject property (Source: WCC planning application reg. ref. 2660808)



Fig. 2: The location of the subject property (Source: Google Maps 2026)



Fig. 3: The appearance of the subject property (Source: Google Streetview 2025)



Fig. 4: The original appearance of the back of the subject property and client's property (Source: Client's image)



Fig. 5: Original elevations of the subject property (Source: WCC planning application reg. ref. 2660808)

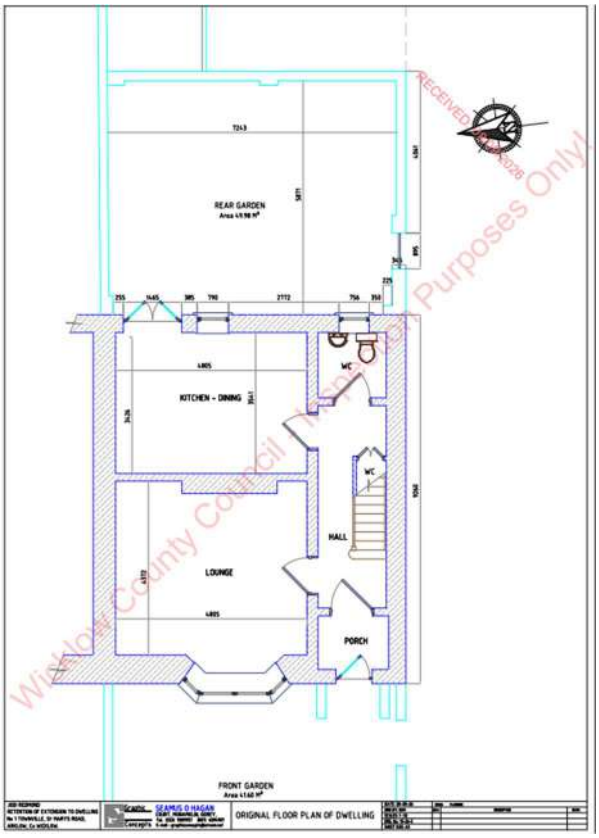


Fig. 6: Original floor plan of the subject property (Source: WCC planning application reg. ref. 2660808)

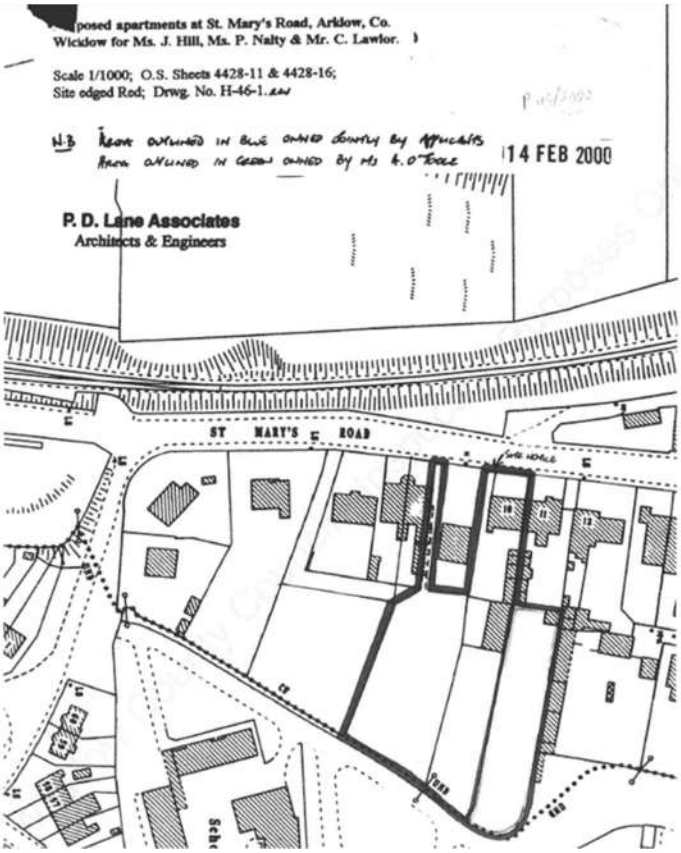


Fig. 7: "No. 10" Townville included on the drawings for planning application, reg. ref. P19/2000 (Source: WCC archives - P.D. Lane H-46-1, 14 Feb 2000 - plot marked No. 10)

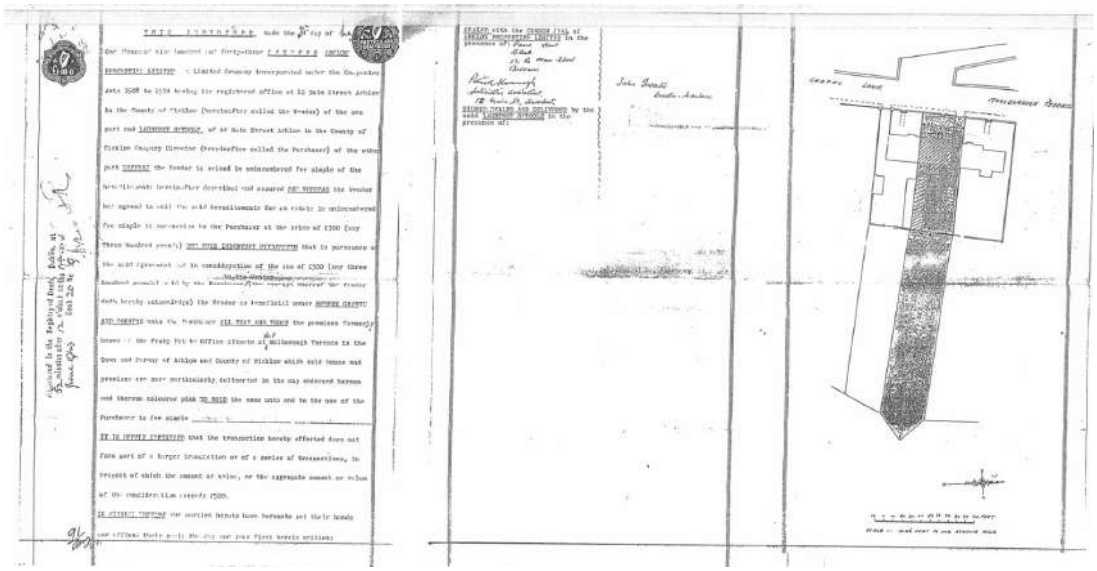
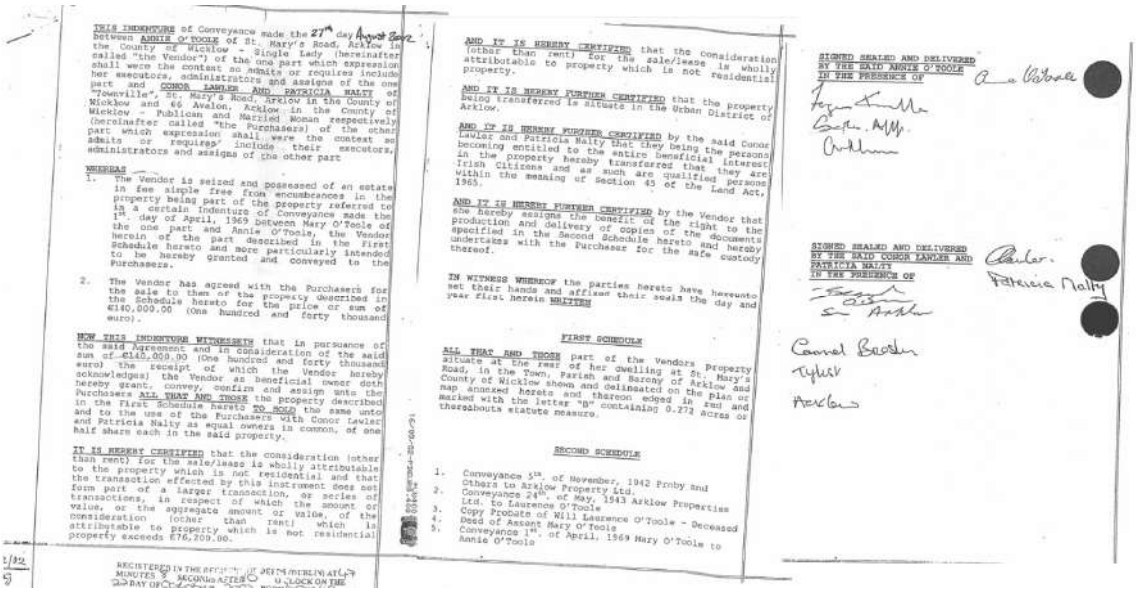


Fig. 8: 1943 Proby Office deed in the Section 5 showing the extent of the subject property (Source: Client records)



THIS INDENTURE of Conveyance made the 27th day August Two Thousand and Two between ANNIE O'TOOLE of St. Mary's Road, Arklow in the County of Wicklow - Single Lady (hereinafter called "the Vendor") of the one part which expression shall were the context so admits or requires include her executors, administrators and assigns of the one part and CONOR LAWLER AND PATRICIA MALTY of "Townville", St. Mary's Road, Arklow in the County of Wicklow and 66 Avalon, Arklow in the County of Wicklow - Publican and Married Woman respectively (hereinafter called "the Purchasers") of the other part which expression shall were the context so admits or requires include their executors, administrators and assigns of the other part

WHEREAS

1. The Vendor is seized and possessed of an estate in fee simple free from encumbrances in the property being part of the property referred to is a certain Indenture of Conveyance made the 1st. day of April, 1969 between Mary O'Toole of the one part and Annie O'Toole, the Vendor herein of the part described in the First Schedule hereto and more particularly intended to be hereby granted and conveyed to the Purchasers.

2. The Vendor has agreed with the Purchasers for the sale to them of the property described in the Schedule hereto for the price or sum of €140,000.00 (One hundred and forty thousand euro).

NOW THIS INDENTURE WITNESSETH that in pursuance of the said Agreement and in consideration of the said sum of €140,000.00 (One hundred and forty thousand euro) the receipt of which the Vendor hereby acknowledges) the Vendor as beneficial owner doth hereby grant, convey, confirm and assign unto the Purchasers ALL THAT AND THOSE the property described in the First Schedule hereto TO HOLD the same unto and to the use of the Purchasers with Conor Lawler and Patricia Malty as equal owners in common, of one half shares each in the said property.

IT IS HEREBY CERTIFIED that the consideration (other than rent) for the sale/lease is wholly attributable to the property which is not residential and that the transaction effected by this instrument does not form part of a larger transaction, or series of transactions, in respect of which the amount or value, or the aggregate amount or value, of the consideration (other than rent) which is attributable to property which is not residential property exceeds €76,209.00.

AND IT IS HEREBY CERTIFIED that the consideration (other than rent) for the sale/lease is wholly attributable to property which is not residential property.

AND IT IS HEREBY FURTHER CERTIFIED that the property being transferred is situate in the Urban District of Arklow.

AND IT IS HEREBY FURTHER CERTIFIED by the said Conor Lawler and Patricia Malty that they being the persons becoming entitled to the entire beneficial interest in the property hereby transferred that they are Irish Citizens and as such are qualified persons within the meaning of Section 45 of the Land Act, 1965.

AND IT IS HEREBY FURTHER CERTIFIED by the Vendor that she hereby assigns the benefit of the right to the production and delivery of copies of the documents specified in the Second Schedule hereto and hereby undertakes with the Purchaser for the safe custody thereof.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and affixed their seals the day and year first herein WRITTEN

SIGNED SEALED AND DELIVERED BY THE SAID ANNIE O'TOOLE IN THE PRESENCE OF

SIGNED SEALED AND DELIVERED BY THE SAID CONOR LAWLER AND PATRICIA MALTY IN THE PRESENCE OF

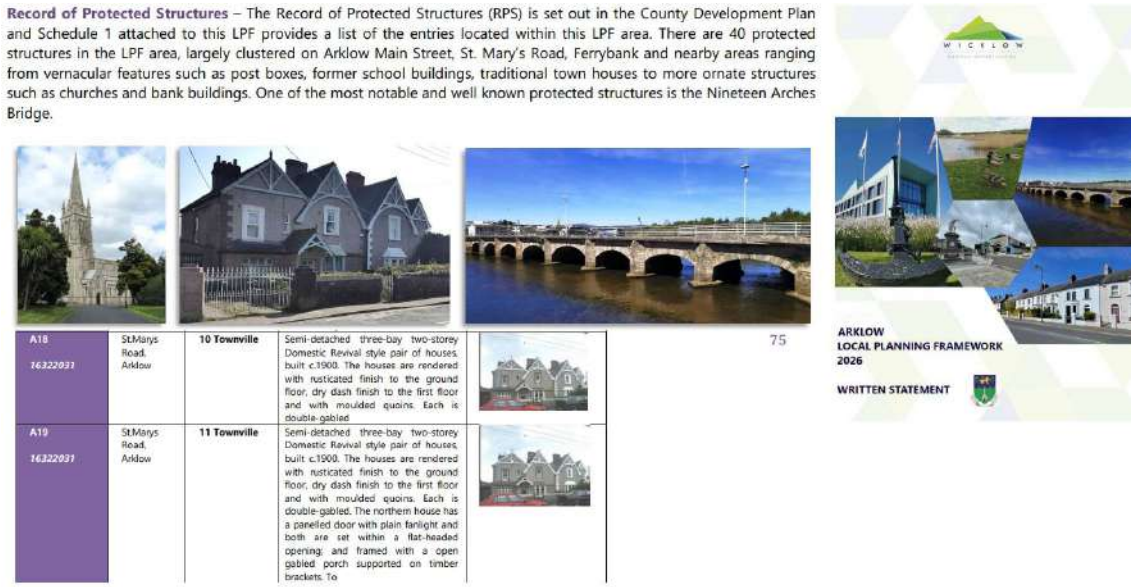
FIRST SCHEDULE

ALL THAT AND THOSE part of the Vendors Property situate at the rear of her dwelling at St. Mary's Road, in the Town, Parish and Barony of Arklow and County of Wicklow shown and delineated on the Plan or map annexed hereto and thereon edged in red and marked with the letter "B" containing 0.272 acres or thereabouts statute measure.

SECOND SCHEDULE

1. Conveyance 5th. of November, 1942 Proby and Others to Arklow Property Ltd.
2. Conveyance 24th. of May, 1943 Arklow Properties Ltd. to Laurence O'Toole
3. Copy Probate of Will Laurence O'Toole - Deceased
4. Deed of Assent Mary O'Toole
5. Conveyance 1st. of April, 1969 Mary O'Toole to Annie O'Toole

Fig. 9: Cover and schedule of the 27 August 2002 indenture - conveyance of rear ground from Ards, 27 August 2002 - context for the dividing wall (Source: Client records)



Record of Protected Structures – The Record of Protected Structures (RPS) is set out in the County Development Plan and Schedule 1 attached to this LPF provides a list of the entries located within this LPF area. There are 40 protected structures in the LPF area, largely clustered on Arklow Main Street, St. Mary's Road, Ferrybank and nearby areas ranging from vernacular features such as post boxes, former school buildings, traditional town houses to more ornate structures such as churches and bank buildings. One of the most notable and well known protected structures is the Nineteen Arches Bridge.

Fig. 10: Photo of Ards and Townville within the Arklow Local Planning Framework (Variation No. 6, adopted 6 July 2026)



NATIONAL INVENTORY of ARCHITECTURAL HERITAGE

Ards and Townville, Carysfort Villas, Saint Mary's Road, KNOCKANRAHAN LOWER, Arklow, WICKLOW

Survey Data

Reg No	16322031
Rating	Regional
Categories of Special Interest	Architectural
Original Use	House
In Use As	House
Date	1890 - 1910
Coordinates	324237, 173221
Date Recorded	--/--/--
Date Updated	--/--/--

Description

Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled. The northern house has a panelled door with plain fanlight and both are set within a flat-headed opening, and framed with a open gabled porch supported on timber brackets. To the south is a projecting square bay while to the north is a small canted bay with a stone corbelled roof. Window openings are all flat-headed with some transomed and others timber sash frames and broad window surrounds. The pitched roof is covered with artificial slate and chimneystacks have corbelled caps and clay pots; these are finished in brick and render. Each gable expresses a different truss style; that to the porch is a cross over, while that to the south is a king-post and that to the north a wagon roof style. The house to the north is undergoing renovation and the for sale sign and construction machinery both obscure the façade.

Appraisal

Well preserved although now somewhat altered pair of Domestic Revival houses which add great diversity and a dash of flair to the streetscape.

Fig. 11: The inclusion of Ards and Townville within the National Inventory of Architectural Heritage



Fig. 12: Historic print of Ards and Townville (Source: Client's own image)

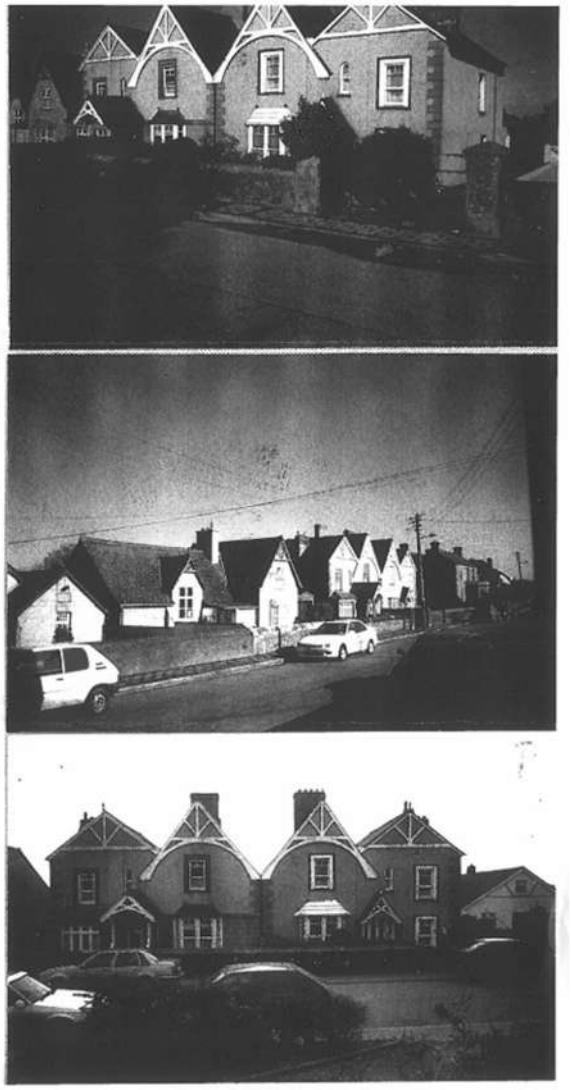


Fig. 13: Historic photo of Ards and Townville (Source: Wicklow Co. Co. planning archives)

5.0 Development to be retained (as applied for)

PRR 26/60808 seeks retention of an existing 15.70 sq.m single-storey rear extension at 1 Townville, St Mary's Road, Arklow, and "minor alterations to rear elevation." Drawings 13-26-A to 13-26-H are dated 4 September 2026 which infers that they are accurate up to the lodgement of the planning application.

As-built extension

The drawings show a flat-roofed single-storey volume of 15.70 sq.m, described as a sensory room, built against the original rear wall of Townville and against the 2.0 m party wall with Ards. The original rear wall is opened with uPVC double doors. Walls are 215 mm block with insulation and knapped render. The roof is a warm deck with single ply / membrane, black uPVC fascia and matching soffit. Floor is a raft with PIR insulation. Internal ceiling height on section A–A is in the order of 2.5 m. Remaining rear garden is stated as 21.42 sq.m.

WCC enforcement file UD11012 measured the same structure at 12 sq.m. That discrepancy is not explained.

Works shown on the drawings but not in the public notices

The elevations and section annotate capping and rendering of the existing 2.0 m boundary wall, cream / light-green triple-glazed uPVC windows and doors, and the as-built extension edged red. They do not show, and the notices do not name:

- the shared roof valley and historic drain.

- the L-shaped pipe on the new flat roof.
- the cut pillar.
- building into the party wall.
- discharge of water onto Ards.

What is not included in the planning application

There is no drainage design, no making-good of the pillar or drain, no conservation method statement, and no works to the front elevation on St Mary's Road.

The application asks the WCC only to retain a small rear volume on a party line and to treat everything else as invisible.

5.1 Interface with Ards

WCC is asked to consider the existing and proposed interface with Ards:

- ***Party wall:*** The as-built extension sits on the 2.0 m wall that divides Townville from the Ards car park. The second pillar has been cut. The drawings propose to cap and render that wall. Our client has not consented.

- ***Roof and water:*** The historic valley and downpipe served both houses and discharged on the Townville side. That arrangement has been replaced by an L-pipe on the new flat roof with no drop into the old drain. Water that previously soaked or ran on the Townville side now reaches the Ards side of the wall and the car park.

- ***Outlook and character of the pair:*** The rear of Townville is no longer the original rear wall of a listed pair. It is a flat-roofed as-built extension and new openings hard on the boundary. Ards is the other half of that pair (A19 / P.06/136 proposed protected structure). The interface is not a generous garden setback. It is a wall.

- ***Residual garden:*** 21.42 sq.m on the applicant's figure, about 21 sq.m on WCC's measure, against a Class 1 yardstick of 25 sq.m. The as-built extension consumes the last useful rear space of Townville and presses the whole of that space onto Ards.

- ***Apartments to the rear:*** Access to the 113/2000 apartments still runs past the side of Townville. The as-built extension does not change that access. It does change the enclosed rear of the original house.

- ***No consultation:*** Works to the shared wall, pillar and drain were not agreed. Planning permission cannot supply that consent.

- ***The layout does not respect Ards:*** Retention of the as-built extension on these drawings would lock in a party-line structure, a cut pillar and a drainage arrangement that throws water onto the adjoining house. That is the interface WCC is being asked to authorise.

Appendix 4 of this report contains photographs of the 'as built' extension sited alongside our client's property.

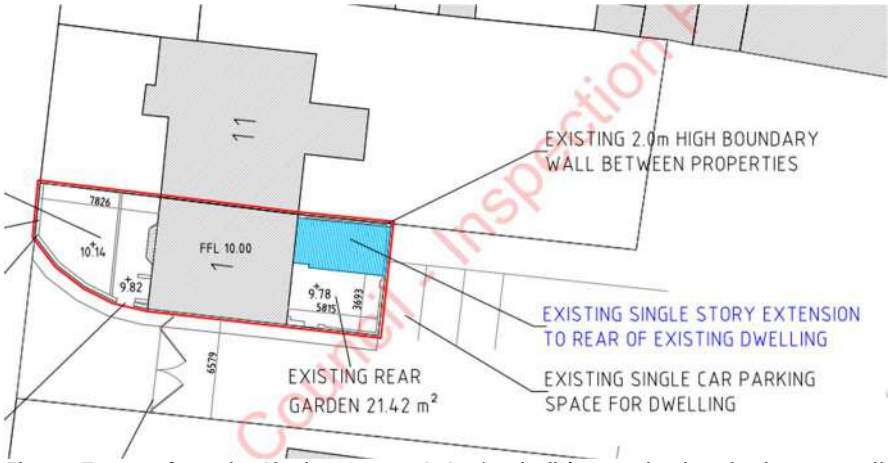


Fig. 14: Excerpt from the Site layout 13-26-C – 'as-built' extension hatched, party wall indicated at 2m (with no further details), residual garden 21.42 sq.m

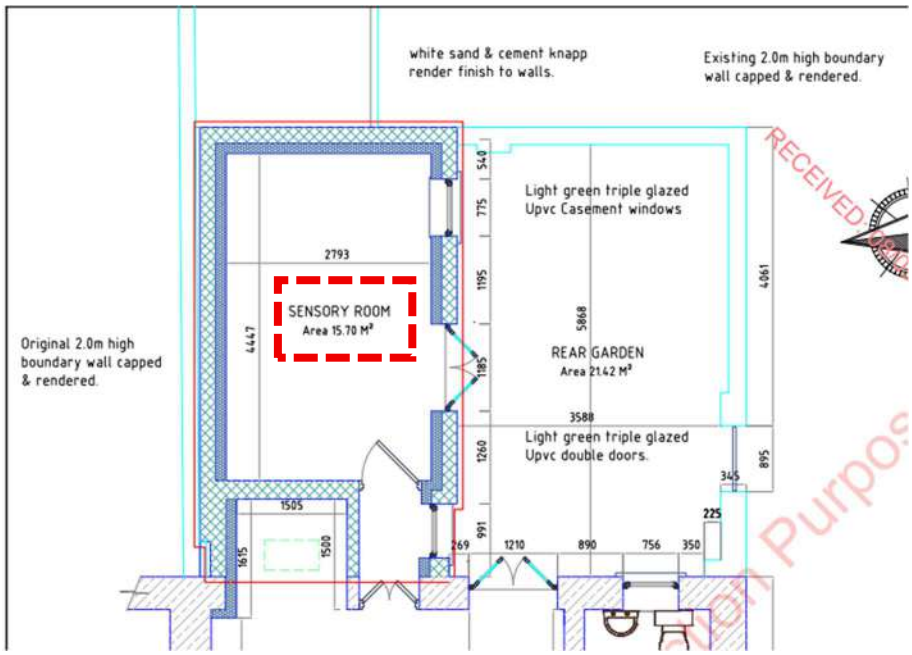
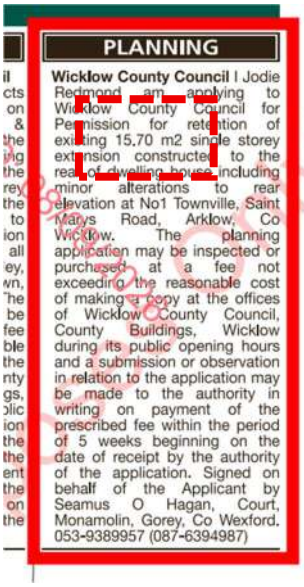


Fig. 15: Excerpt from the existing floor plan 13-26-G - 15.70 sq.m edged in red



PLANNING

Wicklow County Council I Jodie Redmond am applying to Wicklow County Council for Permission for retention of existing 15.70 m2 single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation at No1 Townville, Saint Marys Road, Arklow, Co Wicklow. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of Wicklow County Council, County Buildings, Wicklow during its public opening hours and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application. Signed on behalf of the Applicant by Seamus O Hagan, Court, Monamolin, Gorey, Co Wexford. 053-9389957 (087-6394987)

Fig. 16: Public notices refer to 15.70 sq.m - edged in red (and the notice refers only to other "minor alterations to rear elevations" and nothing else)

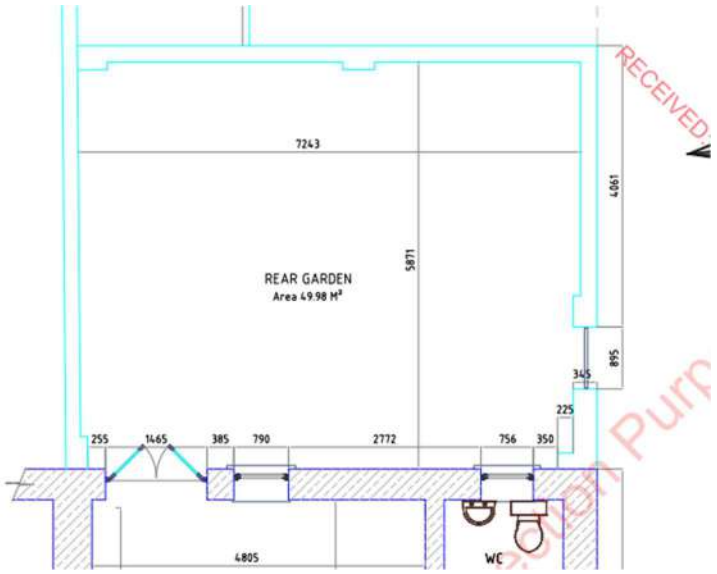


Fig. 17: Excerpt from original floor plan 13-26- E - no rear floor area

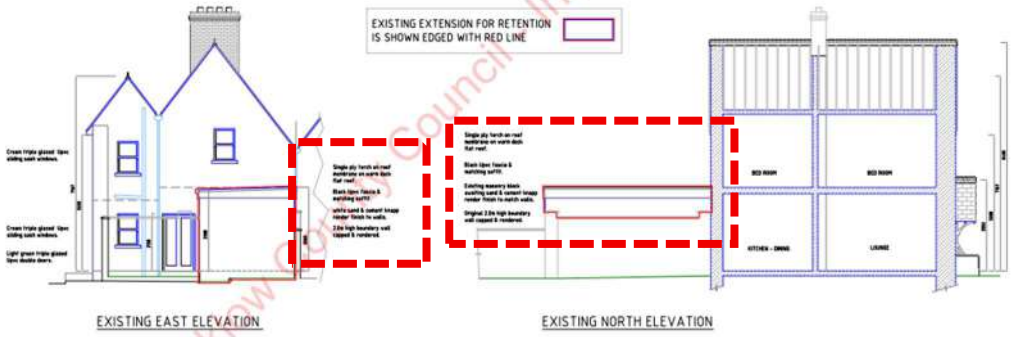


Fig. 18: Existing elevations – 'as-built' extension boxed on east and north elevations 'as built' (works listed on the drawings which are not on the public notices)

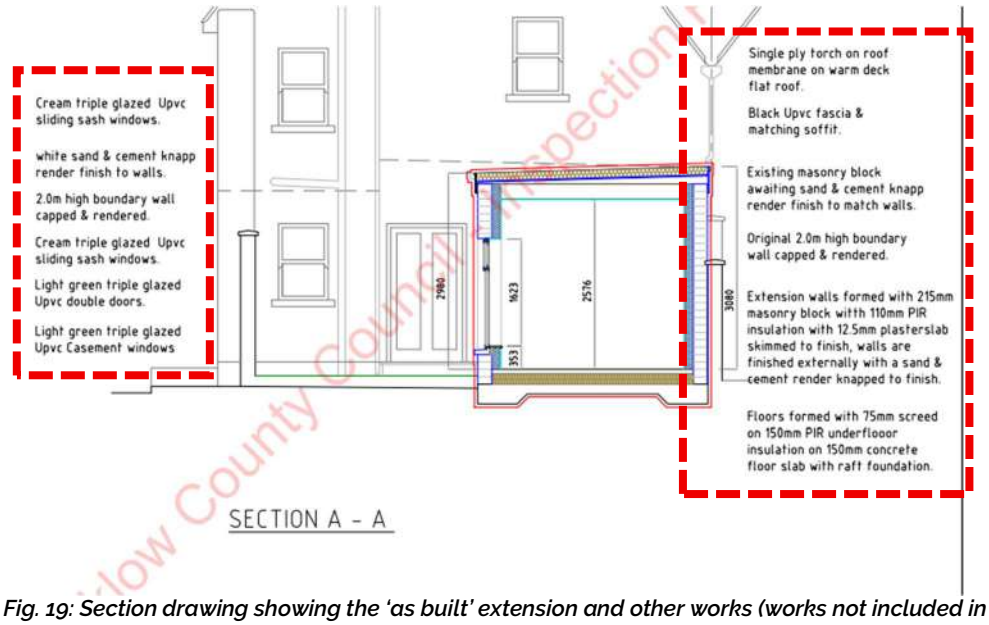
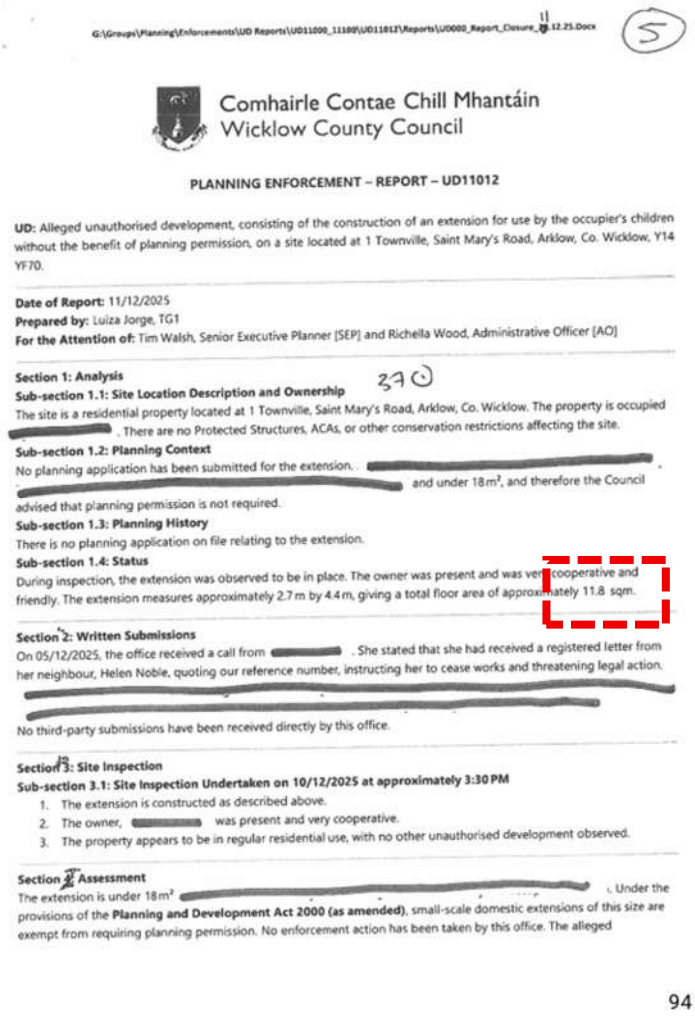


Fig. 19: Section drawing showing the 'as built' extension and other works (works not included in the public notices)



G:\Groups\Planning\Enforcements\UD Reports\UD11000_11100\UD11012\Reports\UD000_Report_Closure_[illegible]12.25.Docx

Comhairle Contae Chill Mhantáin
Wicklow County Council

PLANNING ENFORCEMENT – REPORT – UD11012

UD: Alleged unauthorised development, consisting of the construction of an extension for use by the occupier's children without the benefit of planning permission, on a site located at 1 Townville, Saint Mary's Road, Arklow, Co. Wicklow, Y14 YF70.

Date of Report: 11/12/2025
Prepared by: Luiza Jorge, TG1
For the Attention of: Tim Walsh, Senior Executive Planner [SEP] and Richella Wood, Administrative Officer [AO]

Section 1: Analysis
Sub-section 1.1: Site Location Description and Ownership
The site is a residential property located at 1 Townville, Saint Mary's Road, Arklow, Co. Wicklow. The property is occupied [redacted]. There are no Protected Structures, ACAs, or other conservation restrictions affecting the site.

Sub-section 1.2: Planning Context
No planning application has been submitted for the extension. [redacted] and under 18m², and therefore the Council advised that planning permission is not required.

Sub-section 1.3: Planning History
There is no planning application on file relating to the extension.

Sub-section 1.4: Status
During inspection, the extension was observed to be in place. The owner was present and was very cooperative and friendly. The extension measures approximately 2.7 m by 4.4 m, giving a total floor area of approximately 11.8 sqm.

Section 2: Written Submissions
On 05/12/2025, the office received a call from [redacted]. She stated that she had received a registered letter from her neighbour, Helen Noble, quoting our reference number, instructing her to cease works and threatening legal action. [redacted]
No third-party submissions have been received directly by this office.

Section 3: Site Inspection
Sub-section 3.1: Site Inspection Undertaken on 10/12/2025 at approximately 3:30 PM
1. The extension is constructed as described above.
2. The owner, [redacted] was present and very cooperative.
3. The property appears to be in regular residential use, with no other unauthorised development observed.

Section 4: Assessment
The extension is under 18m² [redacted]. Under the provisions of the **Planning and Development Act 2000 (as amended)**, small-scale domestic extensions of this size are exempt from requiring planning permission. No enforcement action has been taken by this office. The alleged

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Fig. 20: UD11012 inspection note – approx. 12 sq.m 'as built' extension and c. 21 sq.m remaining garden (redacted)

6.0 Planning history

The history that matters for this objection is the pair, the 2000–2002 apartment scheme that cut the gardens, the Record, EX10/2026, the enforcement files, and this retention application. Other permissions on St Mary's Road are omitted except the file on Ards.

6.1 The pair and the Record

Townville and Ards are the Domestic Revival pair on St Mary's Road, c.1900, NIAH 16322031. They appear on the Record of Protected Structures and on the Heritage Schedule of the Arklow Local Planning Framework (Variation No. 6, 6 July 2026) as:

- A18 – 10 Townville, St Mary's Road
- A19 – 11 Townville, St Mary's Road

Postal and application addresses have since used Townville, 1 Townville and Townsville. That is a labelling issue. It is not a different building.

6.1.2 P19/2000 / ATC 113/2000 - Townville and Reenmore

Arklow UDC P19/2000 (P.D. Lane Associates) sought apartments at Townville and Reenmore. Drawing H-46-1 (14 February 2000) labels the Townville plot No. 10.

Anne O'Toole of Ards appealed the grant to (the then) An Bord Pleanála on 23 May 2000. The appeal described Ards as the semi-detached house adjoining Townville.

ATC reg. ref. 113/2000 was granted on 20 January 2001 for demolition of part of Townville, alterations to the remainder, and 20 no. two-bedroom apartments. EX10/2026 records commencement on 10 June 2002. The OS sheet identified the structure as No. 10. The site notice used "Townville." The layout used "1 Townville."

6.1.3 Conveyance 27 August 2002

The then owner of Ards objected to An Bord Pleanála in March 2000 against the scheme then proposed to the rear (twelve houses at that time). The papers of that appeal are on this objection file.

The rear garden of Ards was transferred by indenture dated 27 August 2002 for €140,000. Two indentures show the land held with Ards before that sale and the land transferred. The title deeds to Ards have since been lost. No better historic map is likely to emerge. The maps that remain are the 2000 appeal drawings (including P.D. Lane H-46-1, 14 February 2000) and those indentures.

The client's position is that the rear wall dividing Townville from the car park, including a second pillar, was built around the time of that sale. Part of that wall has since been taken down onto the standing pillar. That demolition is visible on the photographs in Appendix 4.

The 2002 sale reduced the Ards garden. It did not authorise a later as-built extension on the Townville side of the wall, interference with the shared downpipe and drain, or discharge of water onto Ards.

6.1.4 EX10/2026 - 23 February 2026

Our client sought a declaration on whether works were exempted development under section 4(1)(h) and section 57. WCC held that the RPS wording and photograph do not coincide with the postal address "1 Townville," that section 55 notices may not have been served at that address, and that protected status was "uncertain."

That declaration is not accepted as a finding that Townville is off the Record. It did not decide the as-built extension, the drain, the pillar or the party-wall works. A concurrent section 5 now asks those questions. This objection relies on the same facts.

6.1.5 PRR 26/60808 - received 8 September 2026

This is the application under objection. Jodie Redmond seeks retention of a 15.70 sq.m single-storey as-built extension and minor alterations to the rear elevation at "No 1 Townville / Townsville." Drawings 13-26-A to 13-26-H show the as-built extension on the 2 m party wall, the original rear wall opened, a flat roof, and proposed capping and rendering of that wall. The public description does not name the shared valley, the L-pipe, the cut pillar, building into the wall, or discharge of water onto Ards.

6.1.6 P.06/136 / 06610136 - Ards as a proposed protected structure

On 1 December 2006 Larry and Deirdre Burke applied to reinstate original use at "Ards," a then proposed protected structure at 11 St Mary's Road. Arklow Town Council granted P.06/136 on 1 February 2007 (county register 06610136), subject to six conditions.

Three points follow for this application:

- In 2006–2007 the planning authority named Ards as a proposed protected structure. That is the other half of the same pair.
- Numbering has moved (11 St Mary's Road / 10 and 11 Townville / 1 Townville). That does not take either house off the Record.
- Works on Townville that cut the shared pillar, alter the shared drain and throw water onto Ards are works on the boundary of a structure WCC has already processed as a proposed protected structure.

6.2 Enforcement history

The following enforcement cases arise as regards the two adjoining properties:

- ***UD11012*** - complaint 28 November 2025, closed 6 January 2026. The 11 December 2025 report measured a flat-roofed as-built extension at 12 sq.m and remaining amenity at about 21 sq.m. The file was closed on the basis that a small domestic extension was exempt. It did not determine the drain, pillar or water onto Ards.

- ***UD11058*** - complaint 24 March 2026, open when reg. ref. 26/60808 was lodged. It covers alleged unauthorised development at 1 Townville / 10 St Mary's Road, including the as-built extension and a shed to the front. No warning letter was copied to our client within the section 152 six-week period.

- ***UD134A*** - historic file on Ards (P.06/136), enforcement notice 14 December 2010 and warning letter 6 September 2013. It is Ards, not Townville. It shows WCC has already enforced on this pair.

Granting reg. ref. 26/60808 for a 15.70 sq.m as-built extension would not, without more, close UD11058 on the drain, pillar, capping or water. Those works are the subject of the concurrent section 5 and of this objection.

6.3 Pre-planning

The Planning Application Form confirms that no pre-planning discussions have taken place with WCC.

7.0 Planning Policy

7.1 Wicklow County Development Plan 2022–2028

Arklow is a Level 3 Key Town (Chapter 4). Townville and Ards sit inside the town, on St Mary's Road.

Variation No. 6 / Arklow Local Planning Framework 2026 (in effect 6 July 2026) is the settlement plan. Confirm the zoning colour on LPF Map No. 1. This block of St Mary's Road is established housing in the built-up envelope and will be Existing Residential (RE) or Town Centre (TC). Either way, extensions and alterations must protect the amenity of adjoining houses. ARK2(B) supports improvement of the central area from the Parade Grounds to St Mary's Park. That is not a licence to retain unauthorised rear works on a listed pair.

Built heritage - Chapter 8 and the LPF Heritage Schedule

- ***CPO 8.13*** - protect structures, items and features on the Record of Protected Structures.

- ***CPO 8.14*** - alterations to protected structures may be considered where they keep the building in viable use, subject to architectural quality.

- ***Appendix 4 / LPF Heritage Schedule*** - A18 10 Townville and A19 11 Townville, NIAH 16322031.

- ***Section 57 of the Act*** - works that materially affect the character of a protected structure are not exempt under section 4(1)(h).

Our client's position is that those planning policies and section protect this pair of protected structures. EX10/2026 is not accepted by our client as taking Townville off the Record of Protected Structures. Retention of an as-built extension on the original rear wall, with works to the party wall and valley, must be tested against CPO 8.13 and, if section 57 applies, against that extra test. We note how there is no heritage impact assessment submitted with planning application reg. ref. 26/60808.

Residential amenity

Development on an existing house must not seriously injure the amenity of the house next door. Water that previously fell or drained on the Townville side and now reaches Ards is an amenity and a water-quality issue.

Water and SuDS

Chapter 13 and the LPF require runoff to be managed on the site that generates it. There is no drainage design submitted with planning application reg. ref. 26/60808 that shows the flat roof, the L-pipe or a connection that keeps water off Ards.

Development management (Appendix 1)

Standards on extensions, private open space, boundary walls and protection of adjoining amenity apply. A residual rear garden of 21.42 sq.m (21 sq.m on the UD11012 measure) sits below the Class 1 yardstick of 25 sq.m and is a cramped rear on a party boundary line.

7.2 Architectural Heritage Protection Guidelines for Planning Authorities (2011)

The Guidelines are issued under section 28 and apply to works to protected structures, proposed protected structures, and structures that contribute to a pair or a setting. The following passages are engaged.

Duty of the owner and of the planning authority

- ***Paragraph 6.3.1***: "The placing of a structure on the Record of Protected Structures does not mean that it must be preserved exactly as it is. The aim is to find a use, or a continuation of use, which is compatible with the character of the structure and to ensure that any works carried out are appropriate to that character."

- ***Paragraph 6.4.1***: permission is required for works that would materially affect the character of the structure or of any element that contributes to its special interest. That is the same test as section 57 of the Act.

Curtilage, fixtures and the pair

- ***Paragraph 13.1.1***: the protection extends to the interior, the land within the curtilage, other structures within that curtilage, and all fixtures and features that form part of the interior or exterior.

- ***Paragraph 13.2.3***: "The curtilage of a protected structure may also include structures which were built as part of the original composition, such as … walls, gates and railings." The dividing wall and second pillar between Townville and Ards, built when the garden was cut in 2002 but forming the present rear enclosure of a listed pair, fall to be treated as features of that composition.

- ***Paragraph 7.2.1***: where buildings were designed as a pair or a group, "the effect of proposed works on the character of the group as a whole should be considered." Townville and Ards are one NIAH pair (16322031) and one RPS pair (A18 / A19). Works on the shared wall and valley are works to the group.

Additions and drainage

- ***Paragraph 6.8.4***: "New work should not dominate the original building. It should generally be smaller in scale, of a simple design and should not mimic the original." A flat-roofed as-built extension on the original rear wall, with uPVC openings, is a new volume on the rear of a double-gabled Domestic Revival house.

- ***Paragraph 6.8.1***: additions should be the minimum necessary and, where possible, reversible. Cutting a pillar and replacing a shared valley with an L-pipe on a warm-deck roof is not reversible without further works to Ards.

- ***Paragraph 7.6.1 (services):*** new services should be routed so that they do not harm historic fabric or throw problems onto an adjoining structure. The application shows no designed fall from the new roof into a Townville-side drain.

What the Guidelines require of WCC's assessment of reg. ref. 26/60808

There is no heritage impact assessment. There is no method statement for the party wall. There is no demonstration that the as-built extension is the minimum necessary, or that the valley and pillar can be put back. As regards the Guidelines, that is not an acceptable application for works on a listed pair.

8.0 Grounds of appeal

BPS has reviewed the application, the planner's report of 19 October 2026 and the decision of 20 October 2026. It has also reviewed UD11012, UD11058, EX10/2026, EX97/2026 and EX117/2026, the 2000 appeal, the 2002 indenture, and our client's photographs of the wall, the pillar and the water. The as-built works have been assessed against the County Development Plan, Variation No. 6, Chapter 8, the Architectural Heritage Protection Guidelines and the 2001 Regulations.

EX117/2026 has been referred to An Coimisiún Pleanála. The reference is 324736**.** Our client accepts the finding that the extension, including the works to the party wall, is development and is not exempt. She does not accept the findings on the water, on the valley and the drain, or on section 57. The grounds below are stated in full. They are written so that this appeal and that referral can be read side by side.

8.1 Ground 1: The grounds already lodged are adopted

Our client made an observation on PRR 26/60808. It was lodged on or before 12 October 2026. The Planning Objection Report set out nine grounds. A copy of that report is attached. It is part of this appeal. Those grounds, and the reasons and arguments given for them, are adopted. They are taken as read. They are not set out again. They are:

- The notices do not describe the development.
- The extension as built is not exempted development.
- The protected structure and the pair.
- Surface water onto Ards.
- The effect on the residential and visual amenity of Ards.
- Two measurements, two files, and an incomplete application.
- No consent to the party wall, the pillar or the drain.
- The precedent for the Record of Protected Structures.
- The effect on the value of our client's property.

The Council had these grounds. The planner's report records them. The decision of 20 October 2026 does not accept them. The Commission is asked to accept them, and to refuse the retention.

The Planning Authority had these grounds before it when it decided the application. They are recorded in the planner's report. They were not accepted. By order dated 20 October 2026 the Planning Authority granted retention permission. It is submitted that the grounds were well founded. The Commission is respectfully asked to accept them and to refuse retention permission.

The grounds which follow address that decision, and declaration EX117/2026. They are additional to the grounds in the attached Planning Objection Report. They do not replace that report, which is relied upon in full.

8.2 Ground 2: The reasons given for the grant do not support it

The case made in the WCC planner's report is that the extension is a modest single-storey addition to the rear of a house on land zoned Existing Residential, that a garden of 21.42 sq.m is acceptable, that the works do not injure the amenity or the character of Ards, and that two conditions are sufficient. It is submitted that this case does not support the grant.

The reason the extension is not exempt is still unanswered

EX10/2026, EX97/2026 and EX117/2026 each held that the extension is development and is not exempted development. The reason, in each declaration, is the garden. It is 21.42 sq.m. Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 requires that not less than 25 sq.m of private open space remain to the rear of the house. Our client accepts that finding. It is recorded in the planner's report.

A retention application is not a cure for that finding. It is the means by which the Planning Authority decides whether the works, not being exempt, ought to be permitted to remain. The report moves from the finding to a grant in one step. It describes 21.42 sq.m as reasonable because the house had not been extended before, and because the room improves the house for its own occupants. That is the interest of the applicant. It is not a reason why a garden which the Council has three times found to be below the prescribed minimum should now be accepted.

The two conditions do not address that reason

The permission is subject to two conditions. The first provides that the permission refers to the development described in the documents lodged. The second provides that the house and the extension are to be occupied as one unit, and are not to be sold or let separately. Condition 2 is not, of itself, opposed. It restricts the use of the room. It does not reduce the extension, it does not restore the garden, and it does not move the extension off the boundary. Neither condition addresses the reason the exemption failed.

The policies cited in the report are not applied

The site is zoned RE, with the objective to protect, provide and improve the residential amenities of existing residential areas. CPO 6.21 provides that extensions in such areas will normally be permitted where they accord with the principles of good design and the protection of existing residential amenity. "Normally" is not "in every case". The other half of the same policy is the protection of the houses next door.

Section 3.1.8 of Appendix 1 provides that an extension should not overshadow a neighbouring house to a serious degree and that, in that regard, extensions directly abutting a property boundary should be avoided. The report records that this extension runs along the party wall with Ards for about 5.815 m. It then assesses height, overlooking and the view from St Mary's Road. It does not apply the Plan's caution against building directly on the boundary. A finding that a single-storey structure does not cause a serious loss of light does not answer a proposal which places a new room along the full relevant length of a shared wall, on a garden the Council has found to be too small.

The reason given for the grant is the Planning Authority's standard reason. It states that the development would not seriously injure amenities and that it would be acceptable in terms of traffic safety. Traffic does not arise. The reason does not mention the garden, the declarations, the party wall or the water.

The report is not consistent in what it permits

Condition 1 ties the permission to the documents lodged. Those drawings show the capping and rendering of the existing 2.0 m boundary wall, the opening of the original rear wall, and the flat roof. In the same report, the rendering of the wall and the works to the downpipe are described as civil matters, outside the planning application. EX117/2026 had already held that the cutting of the pillar, the building of the extension into the wall, the filling of the gap, the capping and rendering, and the foundations, are part of the extension, and that the extension is not exempt. The Planning Authority cannot leave those works out of the assessment and leave them in the permission.

The report also states, from a site inspection, that the extension appears to stand inside the wall, that there is very little if any intervention to Ards, that the pillar removed appears to have been only the part on the applicant's side, and that the downpipe appears still to drain to Townville. Those observations are put as appearances. They are not a measured survey. They are not reconciled with the drawings, or with EX117/2026. An impression from one visit is not a sound basis for a grant where the drawings and the Council's own declaration describe different works.

The public notices

The report relies on section 3.4 of the Development Management Guidelines. Those Guidelines provide that a notice should give a brief description, and that a notice which recites every detail can confuse. A brief description must still be an accurate one. The notice here describes a 15.70 sq.m extension and minor alterations to the rear elevation. It does not describe works which the Council has held form part of that extension, including the pillar, the building into the party wall, and the capping and rendering. Nor does it describe the change to the valley and the drain. The Guidelines do not authorise the omission of works of that kind. Our client was in a position to object because she occupies the house next door, not because the notice told the public what had been built.

Ards

The report describes Ards as a protected structure, and it accepts that the two houses are a pair of architectural interest. The assessment which follows is of the street frontage. It states that the architectural interest relates mainly to the facades, and that the extension is only glimpsed from St Mary's Road. That is not an assessment of the effect of these works on Ards. The works in issue are at the rear, at the shared wall, the roof and the drain. No report was received from the conservation officer. No architectural heritage impact assessment was submitted.

EX10/2026 and EX97/2026 left the protected status of 1 Townville uncertain. EX117/2026, on the same Record and the same facts, held that it is not on the Record and that section 57 does not apply. The grant proceeds on that later holding. In *Narconon Trust v An Bord Pleanála* [2021] IECA 307 the Court of Appeal held that a section 5 question, once decided, is not to be decided again in a different way unless the facts have changed. The effect on Ards does not, in any event, depend on whether 1 Townville is itself on the Record. The pair remains on the Heritage Schedule as A18 and A19. That holding in EX117/2026 is before the Commission on the referral, reference [ ]. The grant should not have treated it as settled.

The two measurements

UD11058, which the report records as open, concerns a lean-to of about 12 sq.m. The grant is of 15.70 sq.m. The report sets out both figures and does not reconcile them. UD11012 was closed on the basis that the extension was exempt. The three declarations are to the opposite effect. A grant of the larger figure does not regularise the drain, the pillar or the discharge, none of which is described in the notice. It should not be treated as closing UD11058.

Conclusion on this ground

It is submitted that the Planning Authority granted retention without answering the reason it had itself given for finding the works not to be exempt, without applying the boundary principle in its own Plan, and on a report which does not say, consistently, what works are permitted. The Commission is respectfully asked to set the decision aside and to refuse retention permission.

8.3 Ground 3: The works to the shared wall, the roof and the drain were left out of the assessment and left in the permission

Before the extension, the two houses shared a valley. There were two downpipes. At the front, water from the valley discharged into a drain on the Ards side. At the rear, water discharged into a drain on the Townville side, and from there to the public system. The dividing wall and the pillar stood between Townville and the Ards car park. They dated from the conveyance of 27 August 2002. They were standing immediately before these works.

The shared rear downpipe has been replaced by an L-shaped pipe resting on the new flat roof, with no drop into the old drain. That drain has been removed, and the extension has been built over the line of it. The capping of the end pillar sits partly within the extension. The wall which has been cut is part of the party wall, not a wall lying only on the Ards side.

Water which previously stayed on the Townville side now reaches the Ards side of the wall and the car park. Our client does not consent to those works. She will not consent to them. They are not named in the public notice.

The Council did not assess them as one development. In EX117/2026 it divided them. It held that the pillar, the building into the wall, the capping and rendering, and the foundations are part of the extension, and that the extension is not exempt. Our client accepts that. It then held that the discharge of water onto Ards is not development at all, because a discharge is not "works". It held that the alteration of the valley, the downpipe and the drain, and the substitution of the L-shaped pipe, is development, but is exempt under section 4(1)(h), because it would not materially affect the external appearance of the houses. In the planner's report the rendering, and the repair of the downpipe, are described as civil matters, outside the planning application. The same report says that, from the site inspection, the downpipe appears still to be in place and appears still to drain to Townville.

It is submitted that this division is not open.

The pipe is not a separate repair. It sits on the flat roof of the extension. EX117/2026 held that the flat roof is part of the extension, and that the extension is not exempt. Works which exist only because of that extension cannot be cut away from it and exempted on their own. Section 4(1)(h) provides for works of maintenance, improvement or alteration which do not materially affect external appearance. It is not a means of exempting one part of a development which, taken as a whole, is not exempt.

Nor is the water a separate matter from the pipe. The Council was right to hold that the change to the valley, the downpipe and the drain is development. Where the water then goes is the result of that change. A planning authority cannot permit, or exempt, a new roof and a new pipe, and then say that the water they discharge is not part of the development. The test applied in the declaration, and repeated in the planner's report, was appearance only. The planning objection is not that the pipe is unsightly. It is that the works have changed where the water from these two roofs is collected and where it is sent. Water which was taken on the Townville side now reaches Ards. That is an effect of the development. It is not answered by saying that a discharge is not, by itself, an act of construction.

The site inspection does not close the point. The report puts its conclusion as an appearance: the downpipe "appears" still to drain to Townville, and there "appears" to have been very little intervention to the wall. That is not a survey of the valley, the old drain, or the pillar. It is not reconciled with the drawings, which annotate the capping and the rendering, or with the questions which EX117/2026 was asked and, in part, answered. If the inspection is right, and there are no such works, condition 1 should not authorise the capping, the rendering and the L-shaped pipe shown on the drawings. If the drawings are right, those works are part of the permission. The decision does not choose.

Condition 1 provides that the permission refers to the development described in the documents lodged. Those documents show the works to the wall. Calling the rendering and the downpipe civil matters did not take them out of the permission. It took them out of the assessment only.

Those works cannot be finished from the applicant's side alone. Capping and rendering the shared wall, and any making good of the pillar on the Ards side, require access to Ards. That consent has not been given. It will not be given. A grant of permission does not authorise the applicant to enter Ards, or to

carry out works to her side of the wall. The absence of consent was not a reason to leave the works out of the planning assessment. It is a reason to refuse a permission which, by condition 1, includes them.

The findings that the discharge is not development, and that the valley and the drain are exempt, are before the Commission on the referral of EX117/2026, reference [ ]. It is submitted that the retention permission should be refused whether or not those findings are upheld. The works are part of an extension which the Council has held is not exempt. They are shown on the drawings to which the permission refers. They affect the house next door, which the report accepts is a protected structure. They are not confined to the appearance of Townville. They should have been assessed. They were not.

The Commission is respectfully asked to refuse retention permission on this ground.

8.4 Ground 4: The effect on Ards, and on the pair, was not assessed

The WCC planner's report opens by describing No. 11 St Mary's Road, Ards, as a protected structure. It later accepts that the two houses are a pair of architectural interest. The Heritage Schedule of the Arklow Local Planning Framework 2026, Variation No. 6, lists them together, as A18, 10 St Mary's Road (Townville), and A19, 11 St Mary's Road (Ards), NIAH 16322031. In 2007 Arklow Town Council granted permission, register reference 06/610136, for works at Ards when it was a proposed protected structure. None of this is in dispute.

The report then sets the protection aside. It does so by a finding about the other house. Relying on EX117/2026, it states that the address of 1 Townville in the Record is flawed, that the house may not be a protected structure, and that section 57 does not apply. On that view, it treats it as acceptable that the public notice does not refer to a protected structure. The assessment which follows is of the front. The report states that the architectural interest relates mainly to the facades on St Mary's Road, and that the extension is seen only in a glance from the south. It concludes that the extension does not detract from the character of Ards or from the street.

It is submitted that this is not an assessment of the works which were applied for.

Section 57 of the Planning and Development Act 2000 provides that works to a protected structure are not exempt, even under section 4(1)(h), where they would materially affect the character of the structure, or of any element of it which contributes to its special interest. Ards is the protected structure. The Council says so. The valley, the party wall and the rear of the pair are elements of that house. They are not outside the protection because they are at the back, or because they are shared. The question under section 57 was whether these works would materially affect Ards. The report did not ask it.

The finding that section 57 does not apply was made about 1 Townville. It does not apply to Ards. Works to a wall which Ards shares, and to a valley which took the water from both roofs, are capable of affecting Ards whether or not 1 Townville is itself on the Record. EX10/2026 and EX97/2026 went no further than to say that the status of 1 Townville was uncertain. EX117/2026, on the same facts, held that section 57 does not apply. That holding is before the Commission on the referral, reference [ ]. The grant should not have been made on the footing that it was settled. This is addressed in Ground 2. It is not repeated here.

The same error appears in the exemption of the valley and the drain. EX117/2026 held those works exempt under section 4(1)(h) because they would not materially affect external appearance. Section 57 qualifies that exemption where the works would materially affect a protected structure. The declaration applied the appearance test and did not apply section 57 to Ards. A change to the shared roof, and the substitution of a pipe on the new flat roof, are not outside that section because the front elevation looks the same from the road.

The Planning Authority had no report from its conservation officer. The planner's report records that no internal report was received. No architectural heritage impact assessment was submitted. There is no method statement for the party wall. CPO 8.13 of the County Development Plan requires the protection of structures on the Record, and of the features which contribute to them. It was not applied. The citation of CPO 6.21, and of the zoning objective, is not a substitute for it.

The Architectural Heritage Protection Guidelines for Planning Authorities (2011) are to the same effect. The protection of a structure is not confined to the façade presented to the street. A rear elevation, a roof and a shared wall can be part of what is protected. Where houses were built as a pair, a work to one is to be assessed for its effect on the pair. An extension, where it is permitted at all, should involve the least loss of historic fabric, and should not harm the adjoining protected building. Cutting the pillar, building into the party wall, and replacing the shared valley with a pipe on a new flat roof, are not works of that kind. The report does not measure them against those principles. It measures them against the view from the footpath.

The development plan places these two houses on the Record of Protected Structures so that this assessment is carried out before works of this sort are allowed to remain. If a retention permission can be granted on the view that only the front matters, and without a conservation report, the listing of the pair does not do the work the Plan gives it. That consequence is not confined to this site.

It is submitted that the Commission should refuse retention permission on this ground. The works affect a protected structure. They were not assessed as such.

8.5 Ground 5: The extension would seriously injure the amenity of Ards, and would depreciate its value

The reason given for the grant is that the development would not seriously injure the amenities of property in the vicinity. The planner's report reaches that conclusion by a narrow route. It finds that a single-storey extension, about 5.815 m in length along the party wall, does not overbear or overshadow the rear of Ards, does not overlook it, is finished in render, and is seen only in a glance from St Mary's Road. It finds that a garden of 21.42 sq.m is enough for the house which has been extended, and that the new room improves that house for its own occupants.

It is submitted that this is not an assessment of the amenity of Ards.

The amenity of the house next door is not confined to daylight and to the view from the public road. Ards shares the wall on which this extension has been built. The pillar on that line has been cut. The extension occupies the boundary for the whole of its length. The original rear wall has been opened for uPVC doors. The drawings show the shared wall capped and rendered. There is no agreement as to how that wall is to be finished, and our client has not consented to its being finished from her side. Water which was taken on the Townville side of the wall now reaches the face of the wall and the car park of Ards. The works were carried out before any permission, and without a method for the protection of the party wall.

Those matters affect the ordinary use of Ards. They are not answered by a finding that a single-storey structure does not take light from a window. A neighbour is entitled to know what has been permitted on the boundary, whether water is to keep coming onto her land, and whether the wall is to be left cut, capped, or rendered. The permission does not tell her. Condition 1 refers to the documents lodged, which show works she has not agreed to. Condition 2 keeps the new room as part of the house next door. Neither condition protects Ards.

Paragraph 10(c) of the Fourth Schedule to the Planning and Development Act 2000 provides that permission may be refused, without liability for compensation, where an extension would seriously injure the amenities, or depreciate the value, of property in the vicinity. The injury relied on here is not a general loss of outlook. It is the combination of a room built on the shared boundary, a cut pillar, an unfinished wall, and water which previously did not reach Ards. That combination is permanent if this permission stands. It is submitted that it is a serious injury to the amenity of Ards.

The same facts bear on value. A purchaser of Ards would be buying a house whose rear boundary is now the wall of another person's room, which receives water from the roof next door that was previously taken on that other side, and whose shared wall is the subject of works shown on a permission but not agreed. The enforcement file UD11058, which records a different floor area, would not be closed by this grant. The report does not address value at all. A finding that the applicant's own amenity is improved is not a finding that the value of the house next door is unaffected.

The zoning objective for the land is to protect, as well as to provide and improve, the residential amenities of the existing area. CPO 6.21 permits an extension where the residential amenity of the houses already there is protected. The report applies the part of that policy which favours the extension. It does not apply the part which protects Ards.

This ground is additional to Grounds 2, 3 and 4. It does not depend on the garden being below 25 sq.m, or on the status of 1 Townville in the Record. It is the effect of the works, as built and as shown on the drawings, on the house next door.

The Commission is respectfully asked to refuse retention permission on this ground.

8.6 Ground 6: The permission does not identify the works which are retained, and it should not be treated as closing the enforcement file

A retention permission has to say what is being kept. This one does not.

The notification of the decision describes the development as an existing 15.70 sq.m single-storey extension to the rear of the house, including minor alterations to the rear elevation. That is the description in the public notice. Condition 1 then provides that the permission refers to the development described in the documents lodged. Those documents show more than the notice. They show the opening of the original rear wall, a flat roof, a raft foundation, and the capping and rendering of the existing 2.0 m boundary wall. The planner's report describes the room as a sensory room. The notice does not.

The enforcement records describe a third thing. UD11058, which the planner's report records as open, concerns a lean-to of about 12 sq.m on the rear wall of 1 Townville. UD11012 was closed on the basis that the extension was exempt. EX10/2026, EX97/2026 and EX117/2026 are to the opposite effect. Each held that the extension is development and is not exempt. A file should not have been closed on an exemption which the Council has since rejected.

The planner's report sets out both floor areas. It does not say which is right. It does not say whether the permission is for the 15.70 sq.m edged red on the drawings, or for the extension measured by the enforcement officer, or for the works to the wall and the roof which the drawings also show. The site inspection adds a further version. It states that the extension appears to stand inside the wall, and that there appears to have been very little intervention to it. That version is not the version in the drawings. The result is that the permission can be read in two ways, and neither is satisfactory. If it retains only what the notice describes, the pillar, the wall, the valley, the pipe and the water are not authorised, and they remain to be dealt with. If, by condition 1, it retains what the drawings show, it retains works which the notice did not describe. The decision does not choose. A neighbour, a purchaser, and an enforcement officer cannot tell from the permission what may lawfully be kept.

This grant should not be treated as closing UD11058. That file concerns an extension of about 12 sq.m. The grant is of 15.70 sq.m, described as minor alterations to a rear elevation. It does not regularise the drain, the pillar or the discharge. Those works are not in the notice. A grant of a different and larger figure, on a different description, is not a determination of that file.

It is submitted that the Commission should refuse retention permission on this ground. A permission which does not identify the works it retains should not be allowed to stand, and it should not be recorded as having disposed of the enforcement proceedings.

8.7 Ground 7: The question which the Council left to this application was never decided

EX117/2026 was asked six questions. The sixth was whether the works to the valley and the drain, the discharge of water onto Ards, the works to the party wall and the pillar, and the foundations, form part of the development described in the public notices for PRR 26/60808.

The Council refused to answer it. It held that the question concerns the administration of a planning application under section 34, and is not a matter for a section 5 declaration. Our client has referred that refusal. The reference is 324736.

The Council then decided the planning application without answering the question either. The planner's report records the submission that the notice omits the valley, the pipe, the water, the pillar and the capping and rendering of the wall. The response is that section 3.4 of the Development Management Guidelines calls for a brief description, and that to name those works would confuse the public. The report does not find that those works are part of the development described in the notice. It does not find that they are not. It grants permission on the notice as published.

The permission then does the opposite by condition. Condition 1 provides that it refers to the development described in the documents lodged. Those documents show the works which the notice does not name. The same report describes the rendering and the downpipe as civil matters, outside the application. Three positions are left standing together. The notice is said to be a sufficient description. The question whether the omitted works are part of that description is not decided. The permission is expressed to include the documents in which those works appear.

It is submitted that this is not a decision on the application which the Council itself said was the place for that question. A retention permission has to identify the development being retained. Where the planning authority has been asked whether particular works are within the description, and has said that the answer lies in the application, it cannot grant the application without giving the answer.

The grant also depends on findings in EX117/2026 which our client does not accept, and which are before the Commission on the same referral. Those findings are that the discharge of water onto Ards is not development, that the works to the valley and the drain are exempt under section 4(1)(h), and that section 57 does not apply. Our client accepts only the finding that the extension, including the works to the party wall treated as part of it, is development and is not exempt. If the findings she has referred are not upheld, the basis on which the Planning Authority separated those works from the extension, and then granted retention, falls with them.

The appeal and the referral arise from the same facts and the same drawings. They should be decided together. A grant which leaves the central question undecided, and which relies on findings still before the Commission, should not stand.

The Commission is respectfully asked to refuse retention permission on this ground.

8.8 Ground 8: The decision of the Planning Authority

The decision under appeal is the order of Wicklow County Council dated 20 October 2026, Chief Executive Order CE/PERD/2026/1273, granting retention permission for PRR 26/60808, subject to two conditions.

The reason for the decision is in the standard form. It states that, having regard to the location and zoning of the site and the pattern of development in the vicinity, and subject to the conditions, the development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would accord with the proper planning and sustainable development of the area.

That reason does not record the matters which were before the Planning Authority. It does not record that EX10/2026, EX97/2026 and EX117/2026 had each held the extension to be development and not to be exempt, because the garden remaining is 21.42 sq.m and the prescribed minimum is 25 sq.m. It does not record that UD11058 was open, or that the enforcement measurement was about 12 sq.m. It does not record that Ards is a protected structure, or that the pair is listed as A18 and A19. It does not record the party wall, the pillar, the valley or the water. Traffic safety does not arise. A reason in this form does not show that those matters were decided. It shows that the standard formula was applied.
The reasoning offered for the order is the planner's report of 19 October 2026. It is submitted that the report does not support the order made on it. The respects in which it does not are set out in Grounds 2 to 7. They are not repeated.

The conditions do not fix the decision.

Condition 1 provides that the permission refers to the development described in the documents lodged, save as the conditions require. Its stated reason is clarification. It does not clarify the permission. The notification describes a 15.70 sq.m extension and minor alterations to the rear elevation. The documents lodged show the opening of the rear wall, the flat roof, and the capping and rendering of the boundary wall. Condition 1 attaches those documents to a description which does not mention them.

Condition 2 provides that the house and the extension are to be occupied as one unit and are not to be sold or let separately. Its stated reason is residential amenity. The amenity protected by that condition is the amenity of keeping the room as part of the applicant's house. It does not reduce the extension. It does not restore the garden. It does not move the extension off the party wall. It does not require the water to be kept on the Townville side. It does not require the pillar to be reinstated, or the wall to be finished, or the consent of the owner of Ards. It does not reconcile the two floor areas.

On 5 October 2026, by Order CE/PERD/2026/1220, the same authority declared that the extension, including the works to the party wall, is not exempted development. On 20 October 2026 it granted retention. The decision does not explain why works which it had held not to be exempt should be permitted to remain. The two conditions are not that explanation.

The order was made on the planner's report alone. No internal report and no external report had been received. There was no report from the conservation officer, on an application beside a protected structure and a pair entered on the Heritage Schedule. There was no report on the drainage. The decision to grant was made without them.

It is submitted that the decision should be set aside. The Commission is respectfully asked to refuse retention permission.

8.9 Ground 9: Procedural impropriety

The decision was not reached by the procedure which the Act and the Regulations require. Five matters are relied on. They are procedural. The merits are in the grounds above and are not repeated.

The Record of Protected Structures was set aside without the procedure for a deletion

The planner's report, relying on EX117/2026, concludes that 1 Townville has not been included in the Record of Protected Structures, and that section 57 does not apply. The grant proceeds on that conclusion.

A structure which is on the Record is removed from it by the procedure in sections 54 and 55 of the Planning and Development Act 2000. The making of a deletion is a reserved function. Notice must be given to the owner and the occupier, and by newspaper. Submissions must be considered. The Minister must be notified. None of that was done. A sentence in a report on a retention application, adopted by an order granting permission, is not a deletion.

EX10/2026 and EX97/2026 had gone no further than to say that the protected status of 1 Townville was uncertain. EX117/2026, on the same Record and the same facts, converted that into a conclusion that section 57 does not apply. In *Narconon Trust v An Bord Pleanála* [2021] IECA 307 the Court of Appeal held that a section 5 question, once decided, is not to be decided again in a different way unless the facts have changed. Nothing about the Record had changed. The conclusion is, in any event, before the Commission on the referral of EX117/2026, reference 324736,

The Heritage Schedule still lists the pair, as A18 and A19. The report describes Ards as a protected structure. The Planning Authority was not entitled to decide this application on the footing that the protection had ceased to apply.

The declaration was used as if it were final

EX117/2026 was made on 5 October 2026, under cover of the Council's letter of 6 October 2026. The period for referring it to the Commission was running when the permission was granted on 20 October 2026. Within that period the Planning Authority treated the declaration as having settled the matters which our client was entitled to refer: that the discharge of water is not development, that the works to the valley and the drain are exempt, and that section 57 does not apply. Our client accepts only the finding that the extension, including the works to the party wall, is not exempt. The grant should not have been built on findings which were still open to referral, and which have been referred.

The question reserved to this application was not decided

In EX117/2026 the Council refused to decide whether the works to the valley, the water, the party wall and the foundations form part of the development described in the public notices. It held that the question belonged to the planning application. The application was then decided without an answer to it. That is set out in Ground 7. A procedure which postpones a question to a particular decision, and then omits it from that decision, is not a proper determination of the application.

The notice did not found the procedure

Articles 17 and 18 of the Planning and Development Regulations 2001 require the notices to describe the development. Where the development relates to a protected structure, article 18(1)(d)(iii) requires the notice to say so. Article 23(2) requires the plans and particulars necessary to show the effect on the character of the structure.

The validation checklist, completed by Vicky O'Neill on 8 September 2026, marks both requirements "n/a". The description was accepted as adequate. The question whether a protected structure was involved was treated as not arising. That was done on the day the application was received. EX117/2026 was not made until 5 October 2026. The later declaration cannot explain a validation which had already proceeded as if the protection did not exist.

Wicklow County Council
Planning, Economic & Rural Development
Validation Checklist

yesRef No: 26/60808 **Date Received:** 08/09/2026

Applicant: Jodie Redmond **Fee Received:** €102.00

Application Form	Yes, No, N/A
Wicklow County Council's Application Form ***(Article 27)***	Yes
All relevant questions answered on the application ***(Article 27)***	Yes
If the applicant is a company, the names of the company directors and the address and registration number of the company is given ***(Article 27)***	n/a
Land owners consent ***(Article 27)***	Owner
Part V *(if relevant)*	**Yes, No, N/A**
If housing development has compliance with Section 96 been included (Social & Affordable Housing)?	n/a
If site is zoned Residential or town centre is Section 97 cert or application submitted?	n/a
Newspaper Notice	**Yes, No, N/A**
Contained in a newspaper on the approved list ***(Article 18.2)***	Yes
Advert less than 2 weeks old on date of submission of application and full page submitted (original or copy) ***(Article 17.1.a & 17.2)***	Yes
Wicklow County Council heading ***(Article 18.1)***	Yes
Name of applicant ***(Article 18.1.a)***	Yes
Is the correct LOCATION, TOWNLAND/ POSTAL ADDRESS given ***(Article 18.1.b)***	Yes
Is the correct permission type stated i.e. permission/retention/outline permission/permission consequent? ***(Article 18.1.c)***	Yes
A brief Description of the nature and extent of the development? ***(Article 18.1.d)*** - No. of dwellings to be provided ***(Article 18.1.d.i)*** - If the application is for Retention, the nature of use for structure to be retained & if relevant, length of time proposed to be retained ***(Article 18.1.d.ii)***	Yes
Is the following included 'planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at office of Planning Authority during its public opening hours' and 'Submission or observation in relation to the application may be made in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt of the applications' ***(Article 18.1.e)***	Yes
Copy of page of the newspaper included ***(Article 22.2.a)***	Yes
Is this a **Solar / Red III** application	n/a
Is **Solar / RED III** referenced appropriately in the Newspaper Notice **(inc. KW / MW)** ***(Article 26A)***	n/a
Site Notice	**Yes, No, N/A**
One copy with Wicklow County Council heading ***(Article 19.1.a – Sch. 3 Form 1(1))***	Yes
Applicants Name given ***(Article 19.1.a – Sch. 3 Form 1(2))***	Yes
Type of application marked. If two types of permission are being applied for e.g. permission and retention, are both types marked? ***(Article 19.1.a – Sch. 3 Form 1(3))***	Yes
Is the correct LOCATION, TOWNLAND/ POSTAL ADDRESS given ***(Article 19.1.a – Sch. 3 Form 1(4))***	Yes
Does the development description stated adequately identify the proposed works as set out on the submitted Maps/Plan's & Elevation drawings? ***(Article 19.1.a – Sch. 3 Form 1(6))***	Yes
Is the following included 'Planning application maybe inspected or purchased at a fee not exceeding the reasonable cost of making a copy at offices of Planning Authority during its public opening hours' ***(Article 19.1.a – Sch. 3 Form 1(6))***	Yes
Is the following included 'Submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee €20 within the period of five weeks beginning on the date of receipt by the authority of the application and such submissions or observations will be considered by the planning authority in making a decision on the application' ***(Article 19.1.a – Sch. 3 Form 1(6))***	Yes
Is the following included 'The planning authority may grant permission subject to or without conditions, or may refuse to grant permission' ***(Article 19.1.a – Sch. 3 Form 1(6))***	Yes
Is the site notice signed by Applicant/Agent, if agent, has agent given their contact details *(BOLD either Applicant or Agent to indicate which it is)* ***(Article 19.1.a – Sch. 3 Form 1(7))***	Yes
Is 'Date of Erection of the site notice' included at end of site notice ***(Article 19.1.a – Sch. 3 Form 1(8))***	Yes
Is the site notice dated less than 2 weeks prior to submission of the application ***(Article 17.1.b)***	Yes
Is Form correct Colour White/Yellow *(BOLD either white or yellow to indicate which is correct)* ***(Article 19.4)***	Yes
Is this a **Solar / Red III** application	No
Is **Solar / RED III** referenced appropriately in the Site Notice and includes **KW/MW** ***(Article 26A)*** ***(Form no.23)***	n/a
If Relevant (for Both Site Notice and Newspaper Notice)	**Yes, No, N/A**
If it is a protected structure has this been indicated? ***(Article 18.1.d.iii)***	n/a
Is Waste Licence required, if so, has this been indicated? ***(Article 18.1.d.iv)***	n/a
Integrated Pollution control licence required, an indication of the fact ***(Article 18.1.d.iv)***	n/a

Wicklow County Council Information Purposes Only!

Fig. 21: Page 1 of the completed and signed WCC planning validation checklist form

Wicklow County Council
Planning, Economic & Rural Development
Validation Checklist

Has an NIS (Natura Impact Statement) been submitted if so has this been indicated and has it been stated that it may be inspected or purchased at a fee not exceeding the reasonable..... etc.	n/a
Has an EIAR been submitted if so, has this been indicated and has it been stated that it may be inspected or purchased at a fee not exceeding the reasonable..... etc. ***(98.a & 98.b of 2001 regs)***	n/a
If it is a Solar / RED III has this been indicated, including the size **(KW/MW)** and the possibility that the application requires a completeness check ***(Article 26A)***	n/a

Site location map	**Yes, No, N/A**
Are the Site Boundaries identified in RED? ***(Article 22.2.b)***	Yes
Is any land that adjoins, abuts or is adjacent to the land to be developed identified in BLUE? ***(Article 22.2.b)***	n/a
Are Rights of way / way leaves identified in YELLOW? ***(Article 22.2.b)***	n/a
Is position of Site Notice included on the Site Location Map? ***(Article 22.2.b.iv)***	Yes
Are Location Maps (1:1000 in built up areas, and 1:10000 & 1:2500 in all other areas) clearly identifying the lands or structure to which the application relates and the boundaries thereof? ***(Article 22.2.b)***	Yes
Is the OS sheet number included on the Location Map? ***(Article 23.1.g)***	Yes
Is the NORTH POINT included on the Site Layout Plan? ***(Article 23.1.h)***	Yes
Site layout plan	**Yes, No, N/A**
Is the NORTH POINT included on the Site Layout Plan? ***(Article 23.1.h)***	Yes
Does the Site Layout Plan submitted include the following, site outlined in red: Roads: Buildings: Boundaries: Septic Tanks and Percolation Areas: Bored Wells: Significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates and is it to a scale of not less than 1:500? ***(Article 23.1.a)***	Yes
Does the Site Layout Plan plans show the level or contours, where applicable of the land and proposed structure relative to an Ordnance survey datum or a temporary local benchmark? ***(Article 23.1.c)***	Yes
Does the Site Layout plan indicate the distances of all proposed structures from the boundaries of the site? Principal dimensions of site and proposed structure? ***(Article 23.1.f)***	Yes
Plans Elevations & section original and existing	**Yes, No, N/A**
Are the Floor Plans, Elevations & Sections to a scale of not less than 1:200 ***(Article 23.1.b)***	Yes
Are Plans relating to works comprising reconstruction/ alteration or extension of a structure marked or coloured as to distinguish them between the existing structure and the proposed works? ***(Article 23.1.e)***	Yes
Is the overall height of any proposed structures shown? ***(Article 23.1.f)***	Yes
If Demolition of Structures over 40sqm within the curtilage of a house or in all other cases 100sqm ***(Article 22.5)*** - this fact should be referred to in the public notices ***(Article 22.5)*** - The Outline of these structures should be shown on the site layout plan - Elevations/Photographs showing the height of the structures to be demolished (elevations only unless a Protected Structure ***(Article 22.5 or if protected or Conservation Area 23.2)*** - The appropriate fee of €80 should be paid	n/a
Protected Structures & Architectural Conservation Area's.	**Yes, No, N/A**
Are Photographs/ Plans/Particulars as necessary to show how the development would affect the character of the structure ***(Article 23.2)***	n/a
Pre-planning Consultation	**Yes, No, N/A**
If yes please give details of all relevant pre-planning details (inc. Reference No(s), Date(s): Persons involved)	n/a
Fee	**Yes, No, N/A**
Did the correct fee accompany the application?	Yes
Breakdown of Fee: class 2 retention €34.00 x 3 = €102 Receipt no 59798	
Restriction on outline application: confirm below that A,B or c are not included in outline permission	**Yes, No, N/A**
(a) Retention permission?	n/a
(b) Protected Structures or proposed Protected Structures?	n/a
(c) EPA licence or a Waste Licence / EIAR/ NIS/ major accidents directive?	n/a
General	**Yes, No, N/A**
Check evidence of site suitability relates to site when applicable (Site Characterisation Form – Trial hole and percolation tests results submitted	n/a
45-day Completeness Check Required	**Yes, No, N/A**
Letter Issued regarding same	n/a

VALID

Validation completed by: *Vicky O Neill*

Date Validated: 08/09/2026

Wicklow County Council - Planning Section - For Planning Purposes Only!

Fig. 22: Page 2 of the completed and signed WCC planning validation checklist form

The notices describe a 15.70 sq.m extension and minor alterations to the rear elevation. They do not describe the pillar, the party wall, the capping and rendering, the valley, the pipe or the water, and they do not say that a protected structure is affected. The planner's report treats the notice as sufficient because our client found the application and objected. Her objection shows that the occupier of the house next door knew of the works. It does not show that the public were told what was being retained, or that a protected structure was involved.

The Heritage Officer was not asked

The same file shows who was asked to comment, and who was not.

On 9 September 2026 the Planning Authority sent a notice under article 28(1) to Irish Rail. No report was received. No other external notice is on the file. No notice was sent to the Minister, the Heritage Council or An Taisce. The planner's report records that no external report was received.

No internal referral was made. The report records that no internal report was received. The Council's Heritage Officer is Deirdre Burns. She has not visited Ards. She has visited the house on the other side of Ards, and she has spoken to our client. She was not asked to report on this current application. Nor was any conservation officer. The order of 20 October 2026 was made on the planner's report alone.

By then the observation was on the file. It identified Ards as a protected structure and the two houses as a pair on the Heritage Schedule. The planner's own description of the site says the same. The authority knew how to make an article 28 referral. It made one, to Irish Rail, about a rear extension. It did not ask the Heritage Officer, or the prescribed heritage bodies, to comment on works to a wall shared with a protected structure.

A decision to treat the protection as not applicable, and then not to follow the procedure which that protection requires, is not a proper determination of the application.

It is submitted that the decision is affected by these procedural failures and should be set aside. The Commission is respectfully asked to refuse retention permission on this ground.

8.10 Ground 10: Failure to give reasons

The appellant does not say that the decision contains no reasons. The order of 20 October 2026 adopts the planner's report of 19 October 2026. The failure is that those reasons do not deal with the principal issues which the Council had to decide.

In *Connelly v An Bord Pleanála* [2018] IESC 31 the Supreme Court held that the reasons for a planning decision must be sufficient to enable a person concerned to understand why the decision was made, on the issues which were in dispute. A report can supply those reasons. It does so only if it addresses those issues. Reciting a conclusion is not a reason.

Six issues were in dispute. On each of them the report states a conclusion and does not give a reason which meets the point.

The same authority had held, on 5 October 2026, that the extension is not exempted development, because 21.42 sq.m of garden remains and the requirement is 25 sq.m. The report describes that area as reasonable, because the house had not been extended before and the room suits its occupants. It does not explain why a shortfall which had just been held to take the works outside the exemption should be accepted on an application for retention.

UD11058 records an extension of about 12 sq.m. The permission is for 15.70 sq.m. The report sets out both figures. It gives no reason for preferring one, and no reason for granting permission for a floor area its own enforcement file does not record.

Condition 1 ties the permission to the documents lodged, which show the capping and rendering of the boundary wall. The same report says that the rendering, and the downpipe, are civil matters and outside the application. It gives no reason for excluding those works from the assessment and including them in the permission.

The report gives reasons for doubting whether 1 Townville is on the Record. It gives no reason for holding that section 57 does not apply to Ards. Ards is described in the report as a protected structure. The works are to the wall and the roof which Ards shares. The conclusion that the extension does not detract from its character is a conclusion about the view from the street. It is not a reason on section 57. The observation relied on paragraph 10(c) of the Fourth Schedule, including depreciation of the value of Ards. The report contains no reason on value. A finding that the applicant's own house is improved is not a reason why the value of the house next door is unaffected.

In EX117/2026 the Council left to this application the question whether the valley, the water, the party wall and the foundations form part of the development described in the notices. The report does not decide that question, and therefore gives no reason upon it.

A person reading the order and the report cannot tell why these matters were resolved by a grant. The conclusions are stated. The reasons for them, on the issues which were actually in dispute, are not. It is submitted that this is a failure to give reasons.

The Commission is respectfully asked to refuse retention permission, and to decide the issues which the Planning Authority left undecided.

9.0 Conclusion

This appeal and the referral of EX117/2026 are based on the same facts. The reference for the referral is 324736. They should be read and decided together.

Our client accepts one finding in EX117/2026. The extension, including the works to the party wall which the Council treated as part of it, is development and is not exempted development. She does not accept the findings that the discharge of water onto Ards is not development, that the works to the valley and the drain are exempt, or that section 57 does not apply. The permission of 20 October 2026 was granted on those findings, and on a notice which does not describe the works.

The public notices describe a 15.70 sq.m extension and minor alterations to the rear elevation. They do not describe the pillar, the party wall, the capping and rendering, the valley, the pipe or the water, and they do not say that a protected structure is affected. The application was validated on that basis on 8 September 2026, before EX117/2026 existed. Condition 1 then attaches the drawings, which show the works the notice omits. The two conditions do not restore the garden, move the extension off the boundary, keep the water on the Townville side, or make good the pillar.

The garden remaining is 21.42 sq.m. The prescribed minimum is 25 sq.m. The Council has so held three times. The extension runs for about 5.815 m along the wall with Ards. Ards is a protected structure. The pair is on the Heritage Schedule as A18 and A19. No heritage assessment was made. The Heritage Officer was not asked to comment. She has not visited Ards. She has visited the house on the other side of Ards, and she has spoken to our client.

The only article 28(1) notice on the file was sent to Irish Rail.

The works injure the amenity of Ards and depreciate its value. They cannot be finished without access to Ards. That consent has not been given and will not be given. The permission does not say, clearly, what it retains. The enforcement measurement is about 12 sq.m. The grant is of 15.70 sq.m. UD11058 should not be treated as closed by this decision.

The Planning Authority's reason is the standard reason. It does not deal with these issues. For the reasons in Grounds 2 to 10, the decision should be set aside.

A different scheme, off the party line, with the valley and the pillar reinstated and the roof water kept on Townville, would be a different application. This is not that application.

The Commission is respectfully asked to refuse retention permission.

10.0 Recommendation

Having regard to the above, BPS recommends that retention permission be refused for the following reasons and considerations:

1. The public notices describe only the retention of an existing 15.70 sq.m single-storey rear extension and minor alterations to the rear elevation. They do not describe the alteration of the shared roof valley, the removal of the shared drain and the building of the extension over the line of it, the L-shaped pipe, the cutting of the pillar, the building of the extension to and into the party wall, the capping and rendering of that wall, or the discharge of water onto Ards. They do not indicate that the development would affect a protected structure. The application was validated on 8 September 2026 on the basis that those requirements did not arise. A permission in the terms of the notices would not authorise the omitted works. Condition 1, which refers to the documents lodged, does not cure the notices. The development as described would be contrary to articles 17, 18 and 18(1)(d)(iii) of the Planning and Development Regulations 2001 and to the proper planning and sustainable development of the area.

2. The extension reduces the private open space to the rear of the house to 21.42 sq.m. Class 1 of Part 1 of Schedule 2 to the 2001 Regulations requires that not less than 25 sq.m remain. EX10/2026, EX97/2026 and EX117/2026 each held, for that reason, that the extension is development and is not exempted development. The extension is built along the party boundary with Ards for about 5.815 m. Section 3.1.8 of Appendix 1 of the Wicklow County Development Plan 2022–2028 provides that an extension directly abutting a boundary should be avoided. The two conditions do not reduce the extension, restore the garden, or move it off the boundary. Retention of the extension would be contrary to the proper planning and sustainable development of the area.

3. Ards, 11 St Mary's Road, is a protected structure. 1 Townville and Ards are entered on the Heritage Schedule of the Arklow Local Planning Framework 2026 as A18 and A19, NIAH 16322031. Permission

register reference 06/610136 described Ards as a proposed protected structure. The works include the opening of the original rear wall and works to the party wall, the pillar and the shared valley. Having regard to CPO 8.13 of the County Development Plan, section 57 of the Planning and Development Act 2000 and the Architectural Heritage Protection Guidelines for Planning Authorities (2011), those works would materially affect the character of Ards and of the pair. No architectural heritage impact assessment was submitted. The Heritage Officer was not asked to comment, and no notice was given to the prescribed heritage bodies. The development would be contrary to CPO 8.13 and to the proper planning and sustainable development of the area.

4. By reason of its siting on the party boundary with Ards, the cutting of the pillar, the absence of an arrangement which keeps the roof water on 1 Townville, and the discharge of water onto Ards, the development would seriously injure the residential amenities of Ards and would depreciate the value of that property. The development would be contrary to the zoning objective for the land, to CPO 6.21 and section 3.1.8 of Appendix 1 of the County Development Plan, to paragraph 10(c) of the Fourth Schedule to the Act, and to the proper planning and sustainable development of the area.

5. The drawings to which condition 1 refers show the capping and rendering of the party wall. Those works, and any making good of the pillar on the Ards side, cannot be carried out without access to Ards. That consent has not been given and will not be given. A grant of permission does not authorise works on land outside the applicant's control. A permission which cannot be implemented without such works would be contrary to the proper planning and sustainable development of the area.

6. The permission does not identify the works it retains. Enforcement file UD11058, which remains open, concerns an extension of about 12 sq.m. The grant is of 15.70 sq.m. It would not regularise the drain, the pillar or the discharge of water onto Ards, none of which is described in the notices. The findings in EX117/2026 on which the Planning Authority separated those works from the extension are before the Commission on a referral. A grant of PRR 26/60808 should not be treated as disposing of UD11058, or as deciding those findings. The development would be contrary to the proper planning and sustainable development of the area.

Signed,

Brendan Byrne Buck

Brendan Byrne Buck MIPI
BPS Planning & Development Consultants LTD
Members of the Irish Planning Institute
27 October 2026

Appendix 1: Relevant details and drawings pertaining to planning application reg. ref. 26/60808

WICKLOW COUNTY COUNCIL [1]

SITE NOTICE

I, **Jodie Redmond** [2], intend to apply for **retention permission**

[3] for development at this site No 1 Townsville, Saint Marys Road, Arklow, Co Wicklow [4]

The development will consist/consists[5] of Permission for retention of existing 15.70 m² single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation.

[6]

The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours.

A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

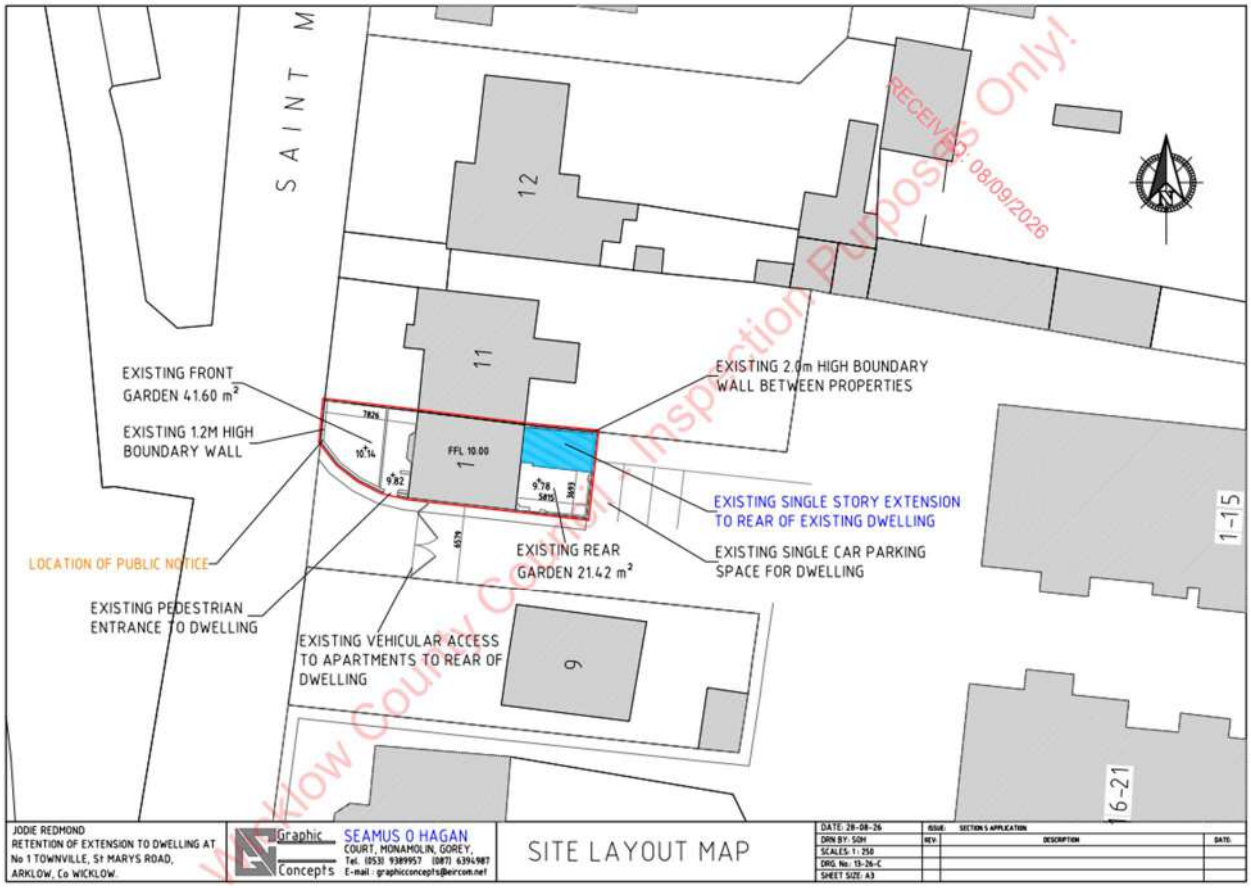
Signed: Seamus O Hagan [7]

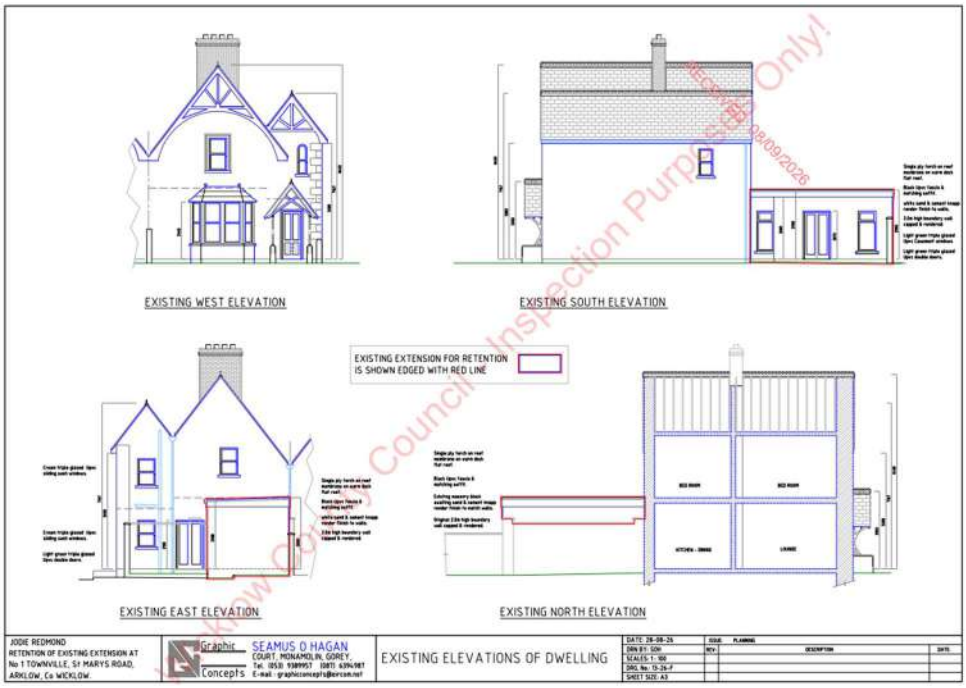
Seamus O Hagan. Court, Monamolin, Gorey, Co Wexford.

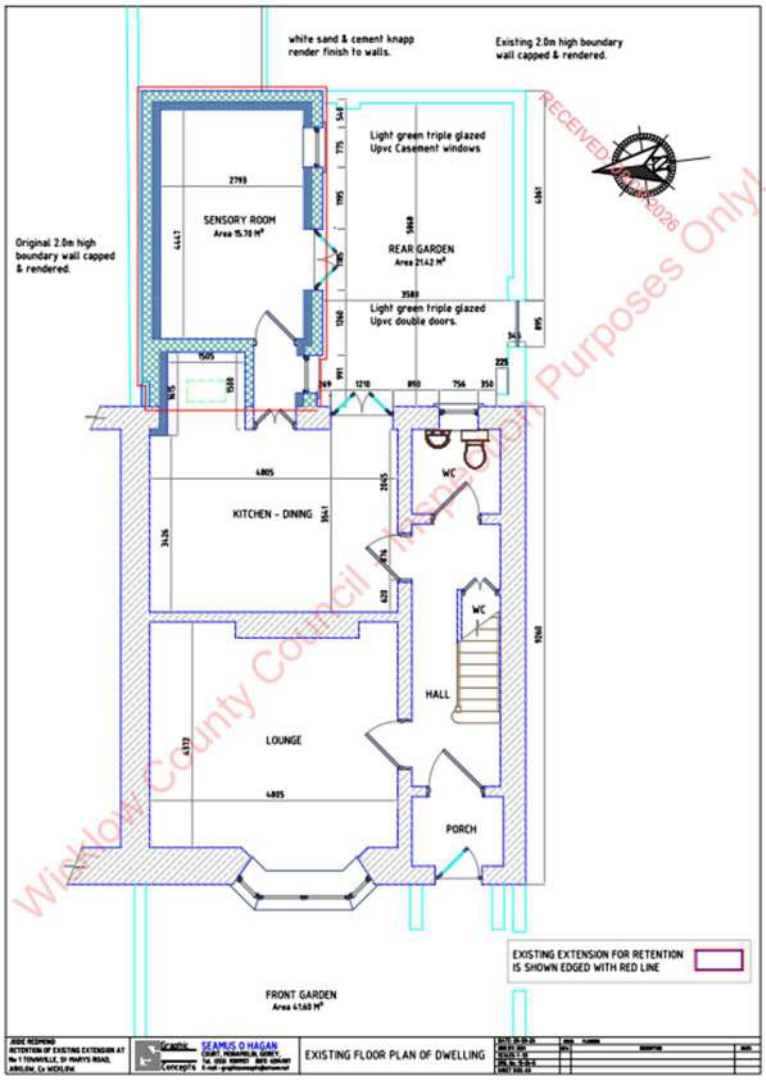
Date of erection of site notice 03rd September 2026 [8]

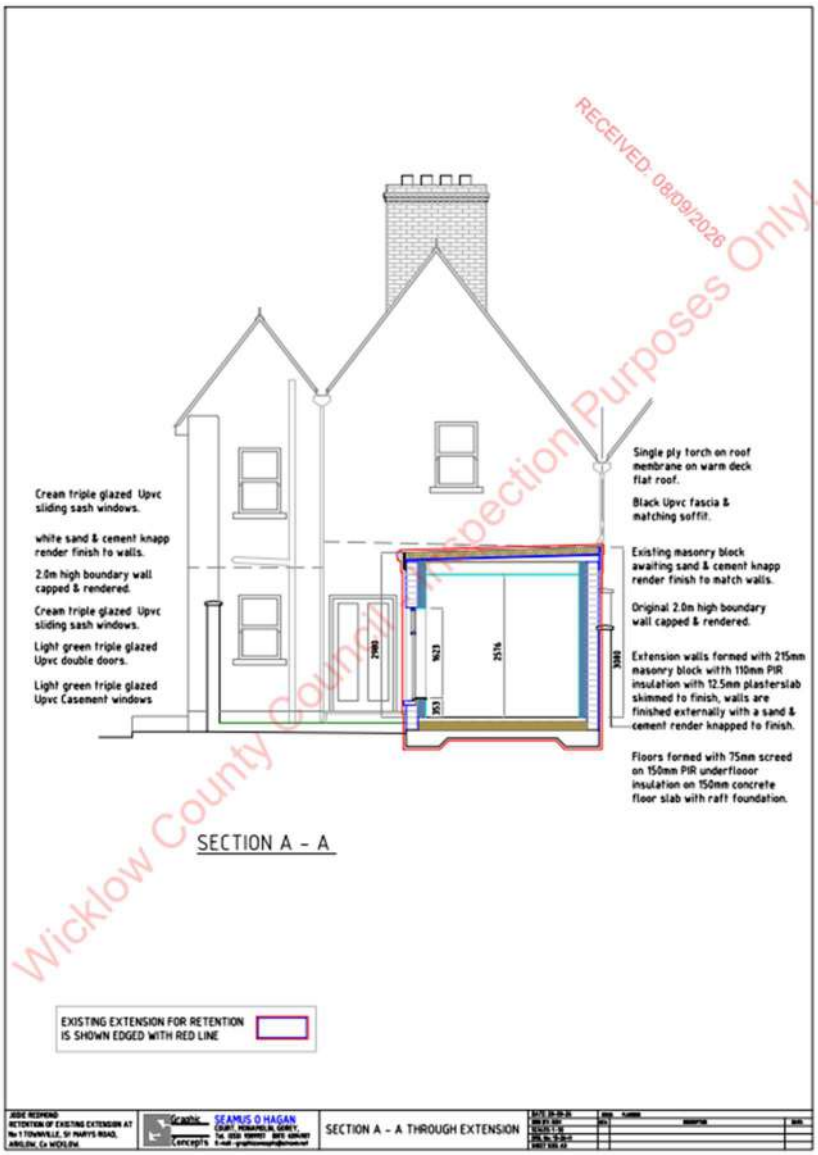
WICKLOW COUNTY COUNCIL Page 13 of 14

RECEIVED: 08/09/2026
Wicklow County Council Inspection Purposes Only!

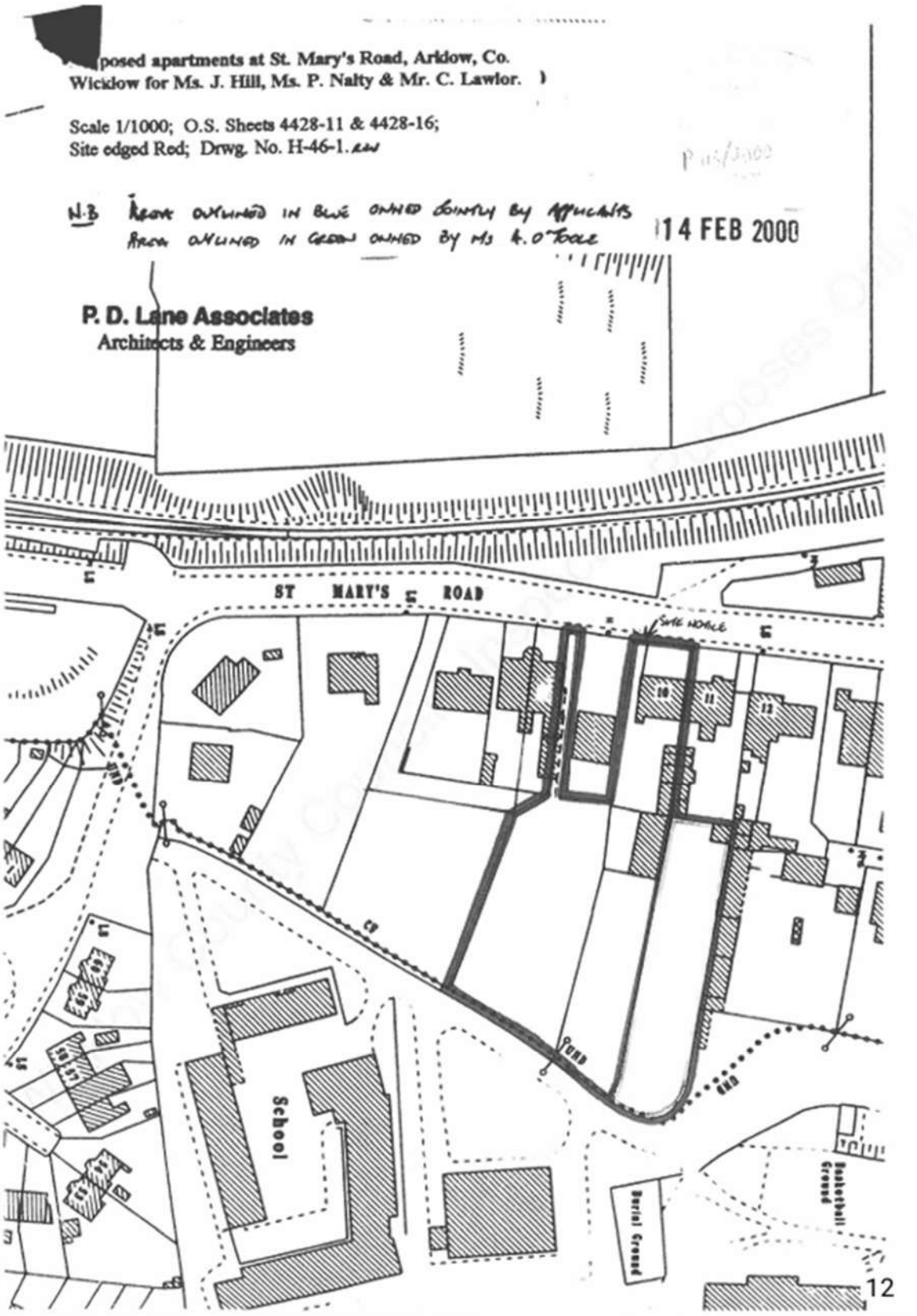



EXISTING WEST ELEVATION
EXISTING SOUTH ELEVATION
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
EXISTING EAST ELEVATION
EXISTING NORTH ELEVATION
JODIE REDMOND
RETENTION OF EXISTING EXTENSION AT
No 1 TOWNVILLE, ST MARYS ROAD,
ARKLOW, Co WICKLOW.
Graphic Concepts
SEAMUS O HAGAN
COURT, MONAMOLIN, GOREY.
EXISTING ELEVATIONS OF DWELLING
RECEIVED 08/09/2026
Wicklow County Council Inspection Purposes Only!

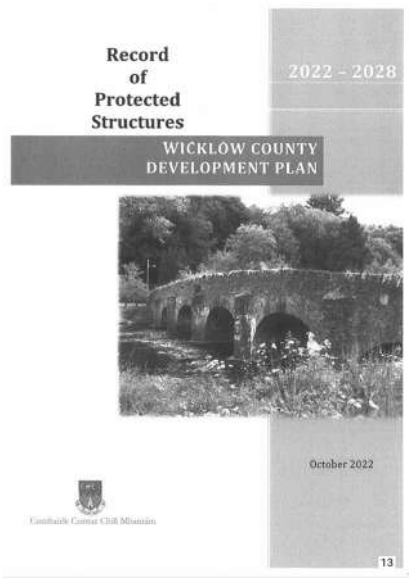

white sand & cement knapp render finish to walls.
Existing 2.0m high boundary wall capped & rendered.
Light green triple glazed Upvc Casement windows
SENSORY ROOM
Area 15.78 m²
REAR GARDEN
Area 21.42 m²
Original 2.0m high boundary wall capped & rendered.
Light green triple glazed Upvc double doors.
WC
KITCHEN - DINING
WC
HALL
LOUNGE
PORCH
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
FRONT GARDEN
Area 41.60 m²
EXISTING FLOOR PLAN OF DWELLING
RECEIVED 08/09/2026
Wicklow County Council Inspection Purposes Only!


RECEIVED: 08/09/2026
Wicklow County Council - Inspection Purposes Only!
Cream triple glazed Upvc sliding sash windows.
white sand & cement knapp render finish to walls.
2.0m high boundary wall capped & rendered.
Cream triple glazed Upvc sliding sash windows.
Light green triple glazed Upvc double doors.
Light green triple glazed Upvc Casement windows
Single ply torch on roof membrane on warm deck flat roof.
Black Upvc fascia & matching soffit.
Existing masonry block awaiting sand & cement knapp render finish to match walls.
Original 2.0m high boundary wall capped & rendered.
Extension walls formed with 215mm masonry block with 110mm PIR insulation with 12.5mm plasterslab skimmed to finish, walls are finished externally with a sand & cement render knapped to finish.
Floors formed with 75mm screed on 150mm PIR underfloor insulation on 150mm concrete floor slab with raft foundation.
SECTION A - A
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
SEAMUS O HAGAN
SECTION A - A THROUGH EXTENSION

Appendix 2: P.D. Lane drawing of 14 February 2000 labelling the plot No. 10



Appendix 3: Excerpts from the Wicklow County Development Plan's Record of Protected Structures & Arklow Town Council minutes, 13 February 2008



			heavy moulded surround with keystone motif.	
A16 16322029	Arklow	**Arklow Railway Station**	Detached four-bay two-storey Railway Station, built 1863. The building is finished in roughcast render with surrounds to the openings; to the north and south are small lean-to and flat-roofed recent additions. The timber sheeted door opening on to the platform is set below a gabled bracketed roof. Window openings are flat-headed and mainly with two over two timber sash frames.	
A17 16322030	North Quay, Arklow	**Navigation Beacon,**	Free standing tall navigation beacon set on the north quay of the Arklow harbour within the tidal estuary of the Avoca River, built in the first half of the 20th century.	
A18 16322031	St.Marys Road, Arklow	**10 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled	
A19 16322031	St.Marys Road, Arklow	**11 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled. The northern house has a panelled door with plain fanlight and both are set within a flat-headed opening; and framed with a open gabled porch supported on timber brackets. To	
A20 16322032	Saint Mary's Road	**Arklow School (Former)**	Detached four-bay two-storey former school, built 1878, and now in use as a house. The building is finished in roughcast render with a projecting two-storey gabled bay to the south side. The front door is now covered with a glazed porch addition which abuts a flat-roofed addition	
A21 16322033	St.Marys Road, Arklow.	**Saint Marys and Saint Peters Convent (Apartments)**	Detached nine-bay two-storey former convent built c.1880, and now converted to apartments. The building is constructed in squared semi-coursed basalt rubble with straw coloured brick dressings. To either side is a projecting hipped roof square bay in symmetrical arrangement. To the south is a chapel addition dating from the 1930s while to the rear north is a very long return	
A22 16322034	Main Street , Arklow	**48 Main Street**	Terraced five-bay two-storey former house, built c.1840, now in use as two shops. The façade is finished in painted render, whilst the pitched roof is slated and has a large rendered chimneystack to the east. To the ground floor are two non-identical timber shopfonts of c.1880	

15

Schedule of Proposed Additions to the Record of Protected Structures

Building Number or Name	Street	Ref No
St Saviours Church	Coolgreaney Road	16322001
3a	Vale Road	16322002
3b	Vale Road	16322002
6	Wexford Road	16322003
26 Shamrock House	Coolgreaney Road	16322004
Rosemont House	Coolgreaney Road	16322005
Clarmont House	Coolgreaney Road	16322005
11 Valeview House	Coolgreaney Road	16322006
4	Coolgreaney Road	16322007
Lamberton Water Tower	Coolgreaney Road	16322008
Lamberton Gate Lodge	Coolgreaney Road	16322009
Cemetery Gate Lodge	Cemetery Road	16322011
Morgan Doyle Ltd	Main Street	16322013
St Mary's and St Peter's Church	Parade Ground	16322014
Fr Michael Murphy Statue	Parade Ground	16322015
Ormonde Cinema	Parade Ground	16322016
1	Upper Main Street	16322017
2	Upper Main Street	16322018
Rose's Florist	Upper Main Street	16322019
1 Gethsemane	St Mary's Terrace, St Mary's Road	16322020
2	St Mary's Terrace, St Mary's Road	16322021
3	St Mary's Terrace, St Mary's Road	16322022
4	St Mary's Terrace, St Mary's Road	16322023
5	St Mary's Terrace, St Mary's Road	16322024
6	St Mary's Terrace, St Mary's Road	16322025
7	St Mary's Terrace, St Mary's Road	16322026
8	St Mary's Terrace, St Mary's Road	16322027
Reenmore	St Mary's Road	16322028
Railway Station Buildings	St Mary's Road	16322029
Navigation Beacon	North Quay	16322030
10	St Mary's Road	16322031
11 Townville	St Mary's Road	16322031
12	St Mary's Road	16322032
Apartment Block (Old Convent Bldg)	St Mary's Road	16322033
48	Main Street	16322034
86	Lower Main Street	16322036
85	Lower Main Street	16322037
71	Lower Main Street	16322039
62	Lower Main Street	16322040
13	Back Street	16322041
24-24a	Lower Main Street	16322042
23	Lower Main Street	16322043
2 The Nineteen Arches Pub	Lower Main Street	16322044
2	Bridge Street	16322045

Appendix 4: Photographs of the party wall, pillar, downpipe arrangement and water discharge onto Ards





















Appendix A – Site Inspection Photographs

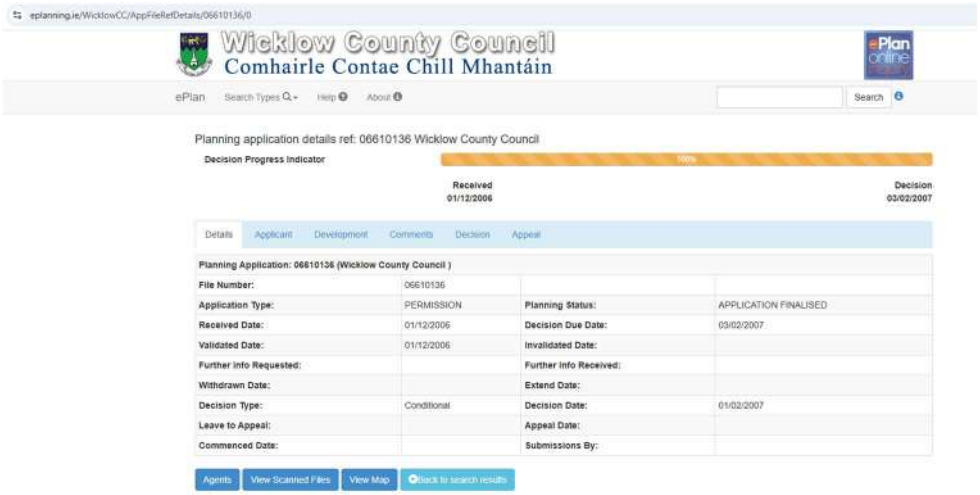
(Inspection undertaken on 10/12/2025- 3:30 pm)



Photograph 1 – Outside (taken on 11/12/2025)

Wicklow County Council's Site Inspection Photograph of the site on 10/12/2025

Appendix 5: Planning permission reg. ref. 06610136 – relevant excerpts



eplanning.ie/WicklowCC/AppFileRefDetails/06610136/0

Wicklow County Council
Comhairle Contae Chill Mhantáin

ePlan Search Types Help About Search

Planning application details ref: 06610136 Wicklow County Council

Decision Progress Indicator

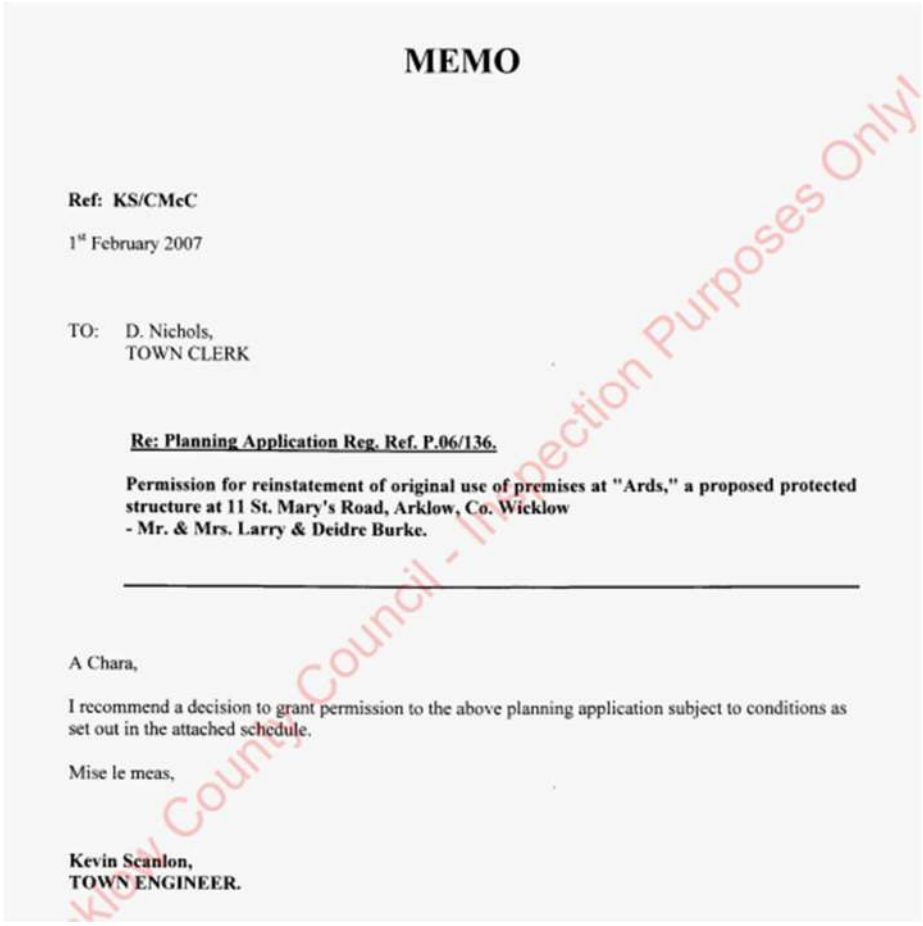
Received 01/12/2006 — Decision 03/02/2007

Details | Applicant | Development | Comments | Decision | Appeal

Planning Application: 06610136 (Wicklow County Council)

File Number:	06610136		
Application Type:	PERMISSION	Planning Status:	APPLICATION FINALISED
Received Date:	01/12/2006	Decision Due Date:	03/02/2007
Validated Date:	01/12/2006	Invalidated Date:	
Further Info Requested:		Further Info Received:	
Withdrawn Date:		Extend Date:	
Decision Type:	Conditional	Decision Date:	01/02/2007
Leave to Appeal:		Appeal Date:	
Commenced Date:		Submissions By:	

Agents | View Scanned Files | View Map | Back to search results



MEMO

Ref: KS/CMcC

1st February 2007

TO: D. Nichols,
TOWN CLERK

Re: Planning Application Reg. Ref. P.06/136.

Permission for reinstatement of original use of premises at "Ards," a proposed protected structure at 11 St. Mary's Road, Arklow, Co. Wicklow
- Mr. & Mrs. Larry & Deidre Burke.

A Chara,

I recommend a decision to grant permission to the above planning application subject to conditions as set out in the attached schedule.

Mise le meas,

Kevin Scanlon,
TOWN ENGINEER.

Wicklow County Council - Inspection Purposes Only!



P136-2006 Burke
Report on the submitted Planning Application.

Consideration of this application is subject to the Arklow Town Development Plan 2005-2011.

Application Received: 01/12/06

Development: Reinstatement of usage of the property. The building is currently a dwelling house. The application proposes office usage along with 4 car-parking spaces to the rear.

Location: "Arde", 11 St Mary's Road, Arklow.
Applicant: Larry and Deirdre Burke.

Planning History: No relevant history.

Site Inspection: Site notice was in place.

Objections received: None.

Observations received: None.

Site Description: The site is a 2-storey semi-detached dwelling on a residential/commercial street, St. Mary's Road. The site is relatively level, rising gently from front to rear.

The site is bounded by: -
North-Dwelling (12 St. Mary's Road).
East-St Michael's Girls School buildings.
South-Dwelling (10 St. Mary's Road).
West-Public road (St. Mary's Road).

Zoning: RA-Existing Residential.
The proposed development of Offices (approx. 111m2 nett floor area) within Land Use Zoning RA is open for consideration in accordance with Section 5.2 of the Arklow Town Development Plan 2005.

It is considered that the proposed development would be compatible with the overall policies and objectives for the Zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

Site Details:
The site is located in an area, which is defined in Map V of the Arklow Town Development Plan 2005 as a Town Centre location.

Site size = 548m2.

Area covered by the existing buildings i.e. the existing building footprint = 104.8m2.
Area covered by the proposed buildings i.e. the proposed building footprint = 0m2.
Area covered by the existing plus the proposed buildings i.e. the building footprint = 104.8m2
Site Coverage = 104.6/548 = 19%.
This is acceptable.

Gross floor area of the existing = 201.8m2
Gross floor area of the proposed = 0m2
Gross floor area of the existing plus the proposed buildings = 201.8m2
Plot Ratio = 201.8/548 = 0.37
This is acceptable.

Flooding: Not Applicable.

Residential Development Density: Not Applicable.

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Proposed Boundary Treatment: No proposed alterations. The existing details will remain. This is acceptable.

Building Height of the proposed: No proposed alterations. This is acceptable.

Proposed building finishes: No proposed alterations. This is acceptable.

Appearance: No proposed alterations. This is acceptable.

Overlooking: Assessed as having no impact.

Public Open Space provision: Not Applicable.

Private Open Space provision: Not Applicable.

Archaeology: The site is not within a zone of Archaeological Potential.

Protected Structure: The site contains a proposed protected structure, reference number 16022031, as recommended by the Minister for Arts, Culture, Heritage and the Gaeltacht.

This application relates to a change of use and no other alterations to the property. It is my opinion that, for the purposes of this application and considering the building's status as a PPS, the proposed development is acceptable.

It should be noted, however, that at the time of reporting, the owners of the property had commenced work inside the building and ATC are currently treating this as unauthorised development and following up on the works in accordance with Section 57 of the P & D Act. This issue is not strictly associated with this application for change of use.

Roads Report: There is an existing vehicle access from St Mary's Road to the rear of the property. This access is narrow, at 2.7m, along the gable end. However, it is my opinion that the volume of traffic using the property will be small enough to accommodate this single lane.

Sanitary Services Report: No objections subject to the usual requirements of the sanitary authority and subject to the adequate protection of existing sewers, drains and water supply apparatus.

However, the details of all connections to utilities shall be agreed with ATC.

Public Lighting: Not Applicable.

On-site Parking: In accordance with the requirements of Table 6.3, within Section 6.11.1 of the Arklow Town Development Plan 2005 the proposed development requires the provision of xx on-site car parking spaces in order to facilitate the development.
This is calculated as: -
Office:
(111 x 3) / (100) = 3.33 car-parking spaces. This is based on the requirement of 3 spaces per 100m2 of nett office area in Town Cell locations.

The application proposes 5 spaces to the rear of the building. This is acceptable.

Health Officer's Report: Requested, but no reply.

Chief Fire Officer's Report: Requested, but no reply. However, it is my opinion that the proposed development should be subject to a Fire Cert.

Section 96 of P&D Act 2000: Not Applicable.

Bond: A cash bond of **€2,000** is required for the satisfactory completion of works carried out to: -
Adjacent public road and footpath, which will be affected by the proposed development and which, will require restoration.
(a) Sanitary Services (sewers, watermains, pumping facilities, stormwater attenuation facilities and associated facilities for the provision of sanitary services facilities).
(b) Roads.
(c) Footpaths.

Development Contributions:
A) In accordance with the Town Council's Development Contribution Scheme, adopted on 9th March 2004, as modified by Section 5.4 of the Scheme by way of Manager's Order no. 03/2006 dated 24/01/06, the following contributions, in respect of the provision of proposed infrastructure, which benefits the proposed development, are applicable to the proposed development. The Contribution Scheme is in accordance with Section 48(1) of the Planning and Development Act 2000.

Commercial: -
€43 per m2
201.8m2@ €43 per m2= **€8,677.40**

The contribution due is **€8,677.40. (A)**

General assessment
The proposal to use residentially zoned buildings as small (<200m2) offices is open to consideration.

It is my opinion that, considering the location of the building and proximity to the Town Centre, the proposal is acceptable.

In relation to the PPS, there are no alterations being made to the building. Although there is currently an application under Section 57 of the P & D Act to carry out works, it is my opinion that the proposed use will not adversely affect the architectural and heritage importance of the site. The Section 57 application should be considered separately to this development.

I Recommend a Decision to Grant permission subject to the following conditions:

Preamble: (a) and (m)
Condition 1: P01 (a) xx=01/12/06
Condition 2: P02
Condition 3: L01 xx=€8,677.40 yy=€0 zz=€8,677.40
Condition 4: B01 delete (a) and (c) €2,000
Condition 5: OC04
Condition 6: The details of all water, surface water and foul sewer connections shall be agreed, in writing, with the Planning Authority prior to the commencement of development.
Reason: In the interests of the proper management of the water supply distribution and sewerage network system.

Signed: Ken Scard. Date: 01/02/07

1/2/07.

Arklow Town Council — Report on Planning application received — Page 3 of 3

BPS
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Submitted via the Local Government Planning Portal

Planning Department,
Wicklow County Council, County Buildings,
Whitegates,
Wicklow Town,
Co. Wicklow,
A67 FW96.

17 September 2026

Dear Sir/Madam,

Third Party Planning Objection in respect of Wicklow County Council planning application, reg. ref. 2660808, which refers to a planning application for the retention of development comprising of "existing 15.70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation" at No 1 Townville, Saint Marys Road, Arklow, Co Wicklow.

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute chartered town planning consultants, has been retained by Helen Noble SC, Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow (hereafter "our client") to prepare and lodge this third-party objection in respect of Wicklow County Council [hereafter "WCC"] planning application, reg. ref. 2660808, which refers to a planning application for the retention of development comprising of "existing 15.70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation" at No 1 Townville, Saint Marys Road, Arklow, Co Wicklow.

Our client's property adjoins the application site to the north. Together, the two conjoined properties are entered on the Record / Heritage Schedule or Variation No. 6 of the Wicklow County Development Plan 2022-2028 as a pair (A18 and A19).

This planning application was received by Wicklow County Council on 8 September 2026. The final date for the lodgement of submissions is **12 October 2026**. This objection is lodged on or before that date.

Our client maintains several serious Grounds for Objection in respect of this planning application. These are set out in turn in Section 8.0 'Grounds for Objection' of this Planning Objection Report. For the convenience of the planning authority, BPS has set out a conclusion and recommendation in Sections 9.0 and 10.0.

Our client wishes to confirm that they have not been properly consulted by the applicant and has not agreed in advance of the lodgement of this planning application to any part of this development. They are concerned about all aspects of the development of the applicant site relative to their property, and therefore maintains several concerns in respect of this planning application. These are set out in the attached Planning Objection Report.

For the purposes of validation, please find attached:

(1) A Planning Objection Checklist Form;
(2) This cover letter;
(3) Planning Objection Report; and
(4) The €20 statutory fee (to be paid online).

A section 5 referral on related works at the same property is being lodged separately.

We trust that this is in order. If you require any further details, please contact BPS at the address or telephone numbers below.

With best wishes,

Brendan Byrne Buck

Brendan Byrne Buck MIPI
Managing Director
BPS Planning & Development Consultants LTD

BPS
Planning & Development
Consultants

Third Party Planning Objection Check List

1. Name of the objector: Helen Noble SC.

2. Address of the objector: Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow

3. If an agent is involved, state the name of the agent: Brendan Byrne Buck MIPI.

4. Address of the agent: BPS Planning & Development Consultants Ltd., PO Box 13658, Dublin 14, D14 NY27.

5. State the Subject Matter of the objection: Third Party Planning Objection in respect of Wicklow County Council planning application, reg. ref. 2660808, which refers to a planning application for the retention of development comprising of "existing 15.70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation".

   A concurrent section 5 referral is also being lodged.

6. Location of development: at No 1 Townville, Saint Marys Road, Arklow, Co Wicklow.

7. Local authority area: Wicklow County Council.

8. Planning authority register reference number: reg. ref. 2660808.

9. Attach, in full, the grounds for objection and the reasons, considerations and arguments on which they are based. Please find a Planning Objection Report attached.

10. Enclose / Pay the correct fee for the third party objection: €20 (to be paid online).

11. Ensure that the OBJECTION is received by Wicklow County Council in the correct manner and in time. This planning application was received by Wicklow County Council on 8 September 2026. The final date for the lodgement of submissions is 12 October 2026. This objection is lodged on or before that date.

BPS
Planning & Development Consultants

Planning Objection Report

Third Party Planning Objection in respect of Wicklow County Council planning application, reg. ref. 2660808, which refers to a planning application for the retention of development comprising of "existing 15.70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation" at No 1 Townville, Saint Marys Road, Arklow, Co Wicklow.

This Planning Objection Report has been produced by BPS Planning & Development Consultants Ltd for and on behalf of Helen Noble SC, Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow.

Document Control Sheet

Project	Third Party Planning Objection Report in respect of Wicklow County Council planning application, reg. ref. 2660808
Project No.	2026-543
Document title	Third Party Planning Objection Report

Contents	No. of pages
Cover page	1
Control sheet	1
Table of contents	1
Text	39
Total No. of Pages	42

Rev.	Distribution	Author	Checked	Approved	Day	Month	Year
1	Client	BB	FB	EB	15	9	2026
2	Wicklow Co. Co.	BB	FB	EB	17	9	2026

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Date: 17 September 2026

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1.0 Introduction

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute chartered town planning consultants, has been retained by Helen Noble SC, Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow (hereafter "our client") to prepare and lodge this third-party objection in respect of Wicklow County Council [hereafter "WCC"] planning application, reg. ref. 2660808, which refers to a planning application for the retention of development comprising of "existing 15.70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation" at No 1 Townville, Saint Marys Road, Arklow, Co Wicklow (also 10 St Mary's Road - the site notice spelling Townsville is a further variant).

Our client's property adjoins the application site to the north. Together, the two conjoined properties are entered on the Record / Heritage Schedule as a pair (A18 and A19).

This planning application was received by Wicklow County Council on 8 September 2026. The final date for the lodgement of submissions is **12 October 2026**. This objection is lodged on or before that date.

Our client maintains several serious Grounds for Objection in respect of this planning application. These are set out in turn in Section 8.0 'Grounds for objection' of this Planning Objection Report. For the convenience of the planning authority, BPS has set out a conclusion and recommendation in Sections 9.0 and 10.0.

Our client wishes to confirm that they have not been properly consulted by the applicant and has not agreed in advance of the lodgement of this planning application to any part of this development. They are concerned about all aspects of the development of the applicant site relative to their property, and therefore maintains several concerns in respect of this planning application. These are set out below.

2.0 Rationale for and summary of this objection

BPS Planning & Development Consultants Ltd has been retained by Helen Noble SC, of Noble Shipping Law, Ards, St Mary's Road, Arklow, to prepare this third-party objection to Wicklow County Council planning application PRR 26/60808, received 8 September 2026.

The application seeks retention of an existing 15.70 sq.m single-storey rear as-built extension at No. 1 Townville / Townsville, St Mary's Road, Arklow, Y14 YF70, including "minor alterations to the rear elevation."

Ards is the other house of the same Domestic Revival pair, built c.1900. The two buildings share the party wall, the historic roof valley and the drain that served both roofs. They are entered on the Record of Protected Structures and on the Heritage Schedule of the Arklow Local Planning Framework 2026 (Variation No. 6) as A18 – 10 St Mary's Road (Townville) and A19 – 11 St Mary's Road (Ards), NIAH 16322031. In 2007 Arklow Town Council granted P.06/136 / 06610136 for works at Ards, described on the decision as a proposed protected structure at 11 St Mary's Road.

A concurrent section 5 referral is being lodged so that the planning authority is clear, before it decides reg. ref. 26/60808, what on this site is development and what is not exempted development. Declaration EX10/2026 (23 February 2026) did not decide the drain, the pillar, the party wall or the discharge of water onto Ards. Enforcement file UD11012 was closed on 6 January 2026 on a measured 12 sq.m as-built extension. File UD11058, opened 24 March 2026, was still live when this retention application was made.

Our client has not been consulted. She has not consented to works on the shared wall, pillar or drain. She opposes a grant on the papers as they stand.

Primary objections

- **The notices do not describe the development.** They name only a 15.70 sq.m as-built extension and "minor alterations to the rear elevation." They do not name the shared valley and drain, the L-shaped pipe on the new flat roof, water onto Ards, the cut pillar, building into the party wall, or capping and rendering of that wall. Those works are development. They are not exempted development. Articles 17 and 18 require the notice to describe the development. A grant in these words would retain a slice of what has been built and leave the rest unauthorised. That is why the concurrent section 5, lodged by our client, asks a separate question on items (2) to (5).

- **The as-built extension is not Class 1 exempted development.** Remaining rear garden is 21.42 sq.m on the applicant's drawings and about 21 sq.m on the UD11012 inspection. Class 1 requires not less than 25 sq.m. The structure was built first. Article 9(1)(a)(viii) removes exemption for the extension of

an unauthorised structure. Section 4(1)(h) does not cover a new rear volume, new openings and a new roof. The Council should not grant retention as if exemption had already been decided.

- **Protected structure and the pair of protected structures.** A18 and A19 remain on the Heritage Schedule of the CDP including Variation 6. P.06/136 treated Ards as a proposed protected structure. P19/2000 labelled this plot No. 10. EX10/2026 is not accepted as taking Townville off the Record. CPO 8.13 and section 57 require works that materially affect the rear wall, the party wall and the valley to be assessed as works to a listed pair. There is no architectural heritage impact assessment with reg. ref. 26/60808. The Architectural Heritage Protection Guidelines require minimum, reversible work that respects the group. Cutting a pillar and replacing a shared valley with an L-pipe is not that work.

- **Surface water onto Ards.** Before the as-built extension, water from both roofs ran in the valley and drain on the Townville side. That arrangement has been broken. Water now reaches the Ards car park and the face of the wall. County water policy requires runoff to be managed on the site that generates it. There is no drainage design. Our client's position is that no water that previously fell or drained on the Townville side should be permitted onto Ards. That is a planning objection, not only a private claim.

- **Protecting the residential and visual amenities of Ards.** The as-built extension sits on the party line. Residual garden on Townville is about 21 sq.m. The rear of a listed pair is now a flat-roofed volume and uPVC doors hard against our client's car park. The works were built first, without a construction plan, without agreed hours and without protection of the party wall. The notices still do not say how the wall is to be finished or how water is to be kept off Ards. Amenity includes certainty. This application does not give it.

- **Two measurements, two files**. Enforcement measured 12 sq.m. The application seeks 15.70 sq.m. UD11012 was closed as if the as-built extension were an ordinary exempt addition. UD11058 was live on 8 September 2026. A grant confined to the red-edged volume on drawing 13-26-G would not close UD11058 on the drain, the pillar or the water.

- **No consent to the party wall**. Planning permission does not authorise works on a neighbour's half of a wall, or access to finish an elevation from her side. Completing the annotated capping and render would require scaffolding or excavation on Ards. That consent has not been given and will not be given for this scheme. A permission that cannot be implemented without trespass should not be granted.

- **Precedent and the Record**. Structures are listed so that section 57 and CPO 8.13 apply. If a short retention notice is enough to keep an as-built extension, a cut pillar and an L-pipe on a Heritage Schedule pair, the Record does not do what the Plan says it does. That precedent should not be set in a Key Town.

- **Depreciation of value**. Fourth Schedule reason 10(c) and *Gleann Fia Homes Ltd v An Bord Pleanála* [2019] IEHC 618 are engaged. The evidence is the party-line siting, the cut pillar, the broken drain, the water on her side, and an unresolved enforcement file on the same works. A purchaser of Ards would not take a house whose rear boundary is now another person's room, that receives roof-water and ground-water from Townville that previously fell on Townville's side of the wall.

Conclusion

Planning application reg. ref. 26/60808 is a partial description of what has been built. This objection and the section 5 are the same case stated two ways. Until the declaration is made, and until every work is either properly described and assessed or required to be removed, a grant would regularise a slice of the development and leave Ards carrying water and a cut party wall.

Recommendation

BPS recommends that PRR 26/60808 be refused, and that the section 5 be determined first or in parallel so that the two files are consistent.

3.0 Technical, validation and planning-law concerns

BPS has reviewed the form, notices, drawings 13-26-A to 13-26-H (Seamus O Hagan, 4 September 2026), the site notice (Townsville), the newspaper extract and the WCC acknowledgement of 9 September 2026. The following technical, validation and planning-law concerns arise:

1. ***Description does not match what is on the ground:*** The statutory description is confined to "retention of existing 15.70 m^2 single storey extension … including minor alterations to rear elevation." The

drawings also annotate capping and rendering of the "existing 2.0 m high boundary wall," new uPVC openings in the original rear wall, a flat roof with ply / membrane and fascia, and a raft foundation. Those are not "minor alterations to rear elevation." Works to the shared valley, L-pipe, pillar and discharge onto Ards are not in the description at all. Article 18 and article 17 of the 2001 Regulations require the notice to describe the development. A decision that uses this wording cannot retain what it does not describe.

2. ***Floor area is not consistent with WCC's own measure:*** UD11012 recorded 12 sq.m. Reg. ref. 26/60808 seeks 15.70 sq.m. The authority cannot validate or grant retention of a floor area that its own enforcement inspection did not find, without a measured survey that reconciles the two figures.

3. ***Address and spelling:*** The form and some drawings use 1 Townville. The site notice uses Townsville. The RPS / live ArcGIS map and the 2008 RPS vote use 10 St Mary's Road. "10 Townville" on some schedule extracts is that plot number, not the rear duplex. P19/2000 labelled the plot No. 10. P.06/136 used 11 St Mary's Road for Ards. The correct address is 10 St Mary's Road (also described in records as Townville, 1 Townville, and on the 2000 OS extract - provided in Appendix 2 - as plot No. 10). The planning application does not explain which legal parcel is edged red or whether the notice was erected at the correct property. That is a validation risk under article 17.

4. ***No conservation / heritage assessment:*** The pair is on the Heritage Schedule as A18 and A19. P.06/136 treated Ards as a proposed protected structure. There is no architectural heritage impact assessment, no method statement for the party wall, and no section 57 context. For works to a structure on the Record, or to its curtilage and fixtures, that omission is a planning-law defect, not a preference.

5. ***Drainage is not designed:*** There is no drainage layout for the flat roof, no invert of the L-pipe, no connection to the historic drain, no demonstration that water stays on Townville, and no Uisce Éireann or municipal drainage note. Drawing 13-26-H shows a warm-deck flat roof and a raft. It does not show where rain goes. County water objectives and ordinary validation practice require that for retention of a roofed structure on a party line.

6. ***Party wall and title:*** The as-built extension is drawn to the 2.0 m wall. The pillar has been cut. The client has given no consent. The application form's landowner / occupier declarations should be checked against the party structure. Planning permission does not authorise works on a neighbour's half of a wall. If the red line stops at the face of the wall, the capping and render shown on the elevation still need to be described and, if they sit on the boundary, consented

7. ***Rear garden figure:*** The drawings state 21.42 sq.m remaining. Class 1 requires 25 sq.m. That is an exemption point. It is also a development-management point: the original house plus a 15.70 sq.m as-built extension on a residual garden of 21 sq.m is a cramped rear.

8. ***No existing-versus-proposed comparison that includes the drain:*** The "original" floor plan (13-26-E) and the "existing for retention" plan (13-26-G) show the as-built extension. They do not show the pre-works valley, downpipe and drain that the 2002 wall arrangement used. The authority is being asked to retain an end state without a surveyed start state.

9. ***Relationship to reg. refs. 113/2000 and P.06/136:*** The Planning Application Form's planning-history box should list ATC reg. ref. 113/2000 (and P19/2000), which authorised demolition of part of Townville and the apartments to the rear. That is history of the application site. P.06/136 / 06610136 is a permission on Ards, the adjoining house, granted in 2007 for reinstatement of original use and describing Ards as a proposed protected structure at 11 St Mary's Road. While it is not Townville's permission, it is part of the planning context of the pair and of CPO 8.13. That is, while Townville and Ards are separate properties - they are not one planning unit – they are however one architectural pair on the Heritage Schedule.

10. ***Enforcement files not disclosed:*** UD11012 and UD11058 are live context. The application does not refer to them. WCC already knows them. The public file should also as part of this planning application.

11. ***No Construction / making-good method:*** If any part of the as-built extension is refused, or if the drain and pillar must be reinstated, there is no method that protects Ards. That is a technical gap on a party-line retention.

12. ***Photographs:*** The pack as reviewed does not include dated photographs of the shared drain before and after, or of the pillar. The client's photographs should sit on the objection file. The applicant should have supplied them.

13. ***Concurrent section 5:*** A section 5 on items (1) to (6) of the referral question is being lodged to WCC concurrently at the same time as this objection. Determining reg. ref. 26/60808 before that declaration would decide exemption and description in the wrong order.

WCC is asked to treat points 1, 2, 3 and 5 as capable of going to validity or to a request for significant further information that must be re-advertised. The proper course, with the section 5, is refusal of reg. ref. 26/60808 as lodged.

4.0 Site location and description

The application site is 1 Townville, St Mary's Road, Arklow, County Wicklow, Y14 YF70.

Postal and historic labels for this house have never been single. St Mary's Road was Marlborough Terrace until June 1920. The client's ESB account for Ards is still addressed to 11 Marlborough Terrace. The pair were built c.1900 as part of the Proby / Carysfort development and have been known as Ards and Townville (collectively the Carysfort Villas). Ards was the estate office. Townville was the agent's house.

On the 1943 title map Ards is No. 11 on Marlborough Terrace. P.D. Lane drawing H-46-1 (14 February 2000) marks this plot No. 10. That number is 10 St Mary's Road, not "10 Townville" as a street name. The ArcGIS Hub Record of Protected Structures for Arklow (updated 15 December 2025) and the Arklow Town Council minutes of 13 February 2008 (the list as voted onto the RPS) both enter the pair with 10 St Mary's Road as one of the two houses, under the same NIAH / schedule reference. A18 on the live map is given as 10 St Mary's Road.

After 2002 the apartment scheme to the rear took the name Townville. Duplex units there include 10 Townville and 11 Townville. Those are not this house and not Ards. The front pair was never "10 Townville" or "11 Townville" as a postal street. EX10/2026 treated a mismatch between "1 Townville," the photograph and the RPS wording as leaving status "uncertain." A change of road name in 1920, a house name adopted after 1943, and later numbering of the rear estate do not take the pair off the Record. This referral proceeds on the basis that the structure is the house entered as 10 St Mary's Road / Townville / A18, forming a pair with Ards (11 St Mary's Road / A19).

The property is the southern house of a Domestic Revival semi-detached pair with Ards, built c.1900, rendered and double-gabled to the road. Our client occupies Ards. The two houses share the party wall, the historic roof valley and the drain that collected water from both roofs and took it to the public system on the Townville side.

In the Record of Protected Structures and in the Heritage Schedule of the Arklow Local Planning Framework (Variation No. 6, 6 July 2026) the pair is entered as A18 – 10 Townville and A19 – 11 Townville, NIAH 16322031 (Figs. 10 and 11). The 1:1000 extract lodged with Arklow UDC P19/2000 (P.D. Lane Associates drawing H-46-1, 14 February 2000) labels this plot No. 10 (Fig. 7). Historic views of the pair are at Figs. 12 and 13.

Postal numbering has not been consistent. Files use Townville, 1 Townville and, on this application, Townsville. Declaration EX10/2026 (23 February 2026) treated that mismatch as leaving protected status "uncertain." Our client does not accept that as a finding that Townville is off the Record. This objection does not re-open EX10/2026. It proceeds on the basis that the pair remains the structures entered as A18 and A19.

4.1 What has been built

PRR 26/60808, received 8 September 2026, seeks retention of an existing 15.70 sq.m single-storey rear extension and "minor alterations to rear elevation." Drawings 13-26-A to 13-26-H show a flat-roofed as-built extension, described as a sensory room, built to the party wall with Ards, with the original rear wall opened by uPVC doors. Remaining rear garden is stated as 21.42 sq.m (Fig. 15).

Before that as-built extension there was a rear wall and a second pillar between Townville and the Ards car park. In 2000 the then owner of Ards appealed P19/2000. ATC 113/2000 (20 January 2001) allowed demolition of part of Townville and construction of apartments. By indenture of 27 August 2002 Annie O'Toole conveyed the rear ground behind Ards to the then owners of Townville (Figs. 8 & 9). The dividing wall and pillar date from that period. They still stood immediately before the as-built extension. The pillar has been cut. The as-built extension has been built to and into that line (Fig. 15).

The shared downpipe arrangement has been replaced by an L-shaped pipe on the new flat roof with no connecting drop into the old drain. Water that previously soaked on the Townville side, or ran in that drain, now reaches the Ards side of the wall. The drawings annotate capping and rendering of the

"existing 2.0 m high boundary wall." Our client does not consent to those works. They are not named in the statutory notices.

The pair fronts St Mary's Road. Access to the apartments at the rear of Townville / Reenmore runs past the side of the house (Figs. 2 and 3). This objection is concerned with the as-built extension and with works to the shared wall, roof and drain, not with the front elevation to the road.

Water that previously fell on the Townville side of the wall, or ran in the shared valley to the public system on the Townville side, now reaches Ards. That is a planning issue: the works change how water is collected and discharged. Whether they also engage private rights is a separate matter.

A concurrent section 5 referral asks WCC to declare whether those works are development and whether they are exempted development. The two files should be read together.

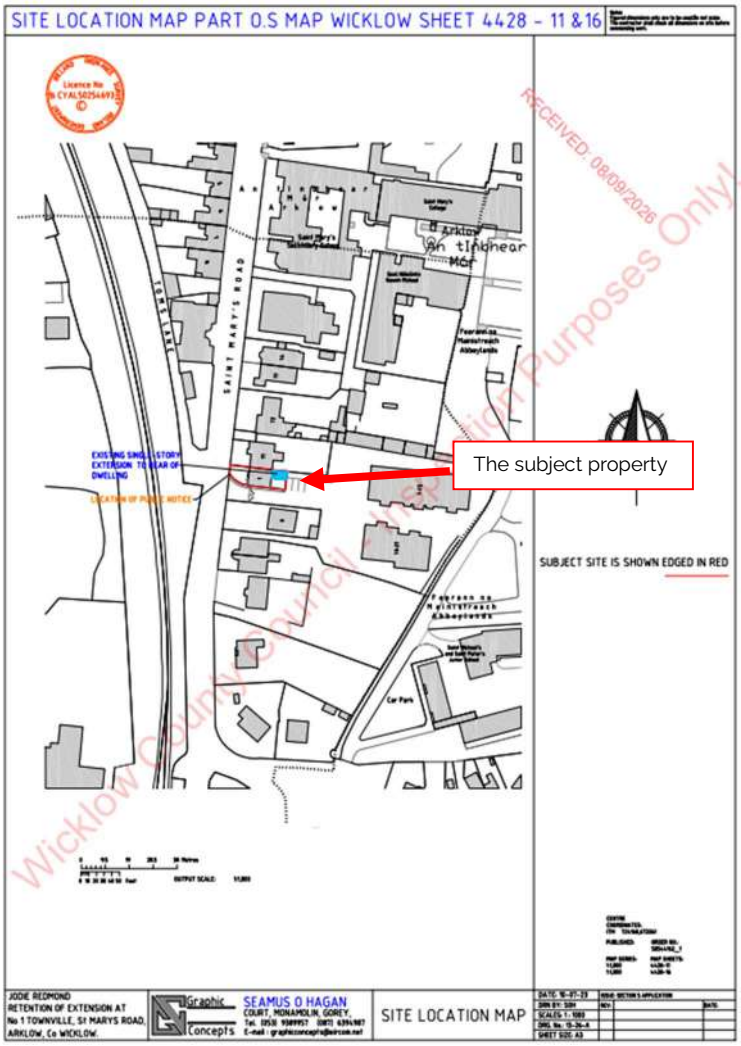


Fig. 1: The location of the subject property (Source: WCC planning application reg. ref. 2660808)



Fig. 2: The location of the subject property (Source: Google Maps 2026)



Fig. 3: The appearance of the subject property (Source: Google Streetview 2025)



Fig. 4: The original appearance of the back of the subject property and client's property (Source: Client's image)



Fig. 5: Original elevations of the subject property (Source: WCC planning application reg. ref. 2660808)

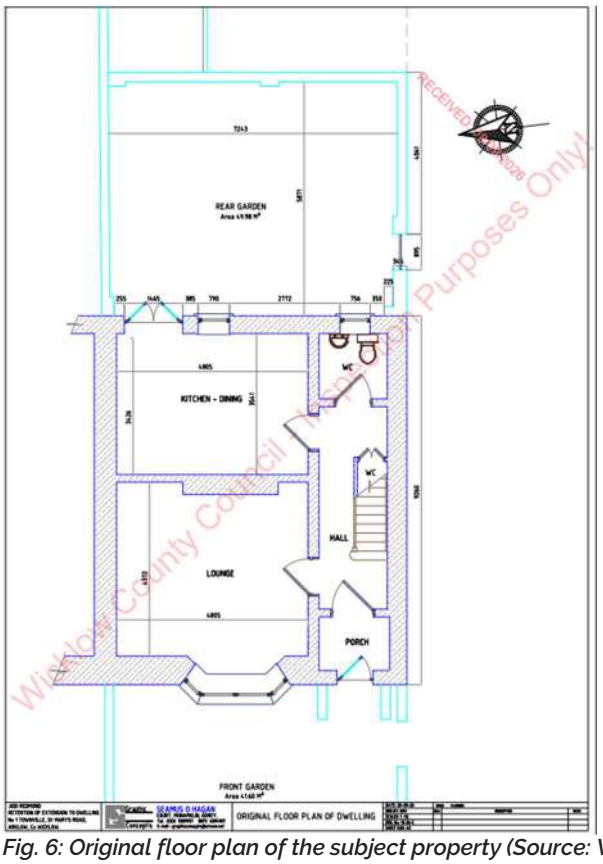


Fig. 6: Original floor plan of the subject property (Source: WCC planning application reg. ref. 2660808)

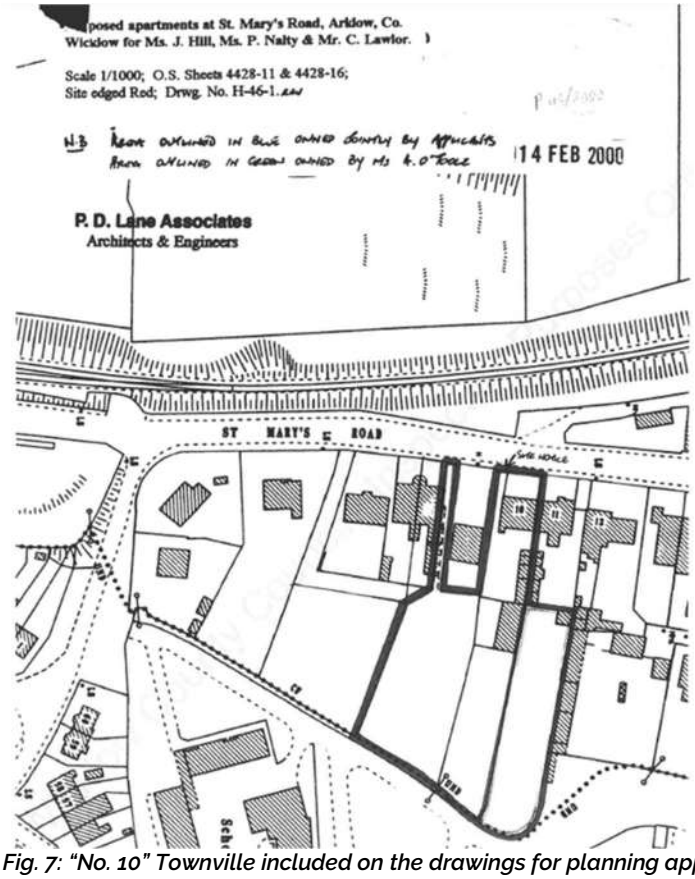


Fig. 7: "No. 10" Townville included on the drawings for planning application, reg. ref. P19/2000 (Source: WCC archives - P.D. Lane H-46-1, 14 Feb 2000 - plot marked No. 10)

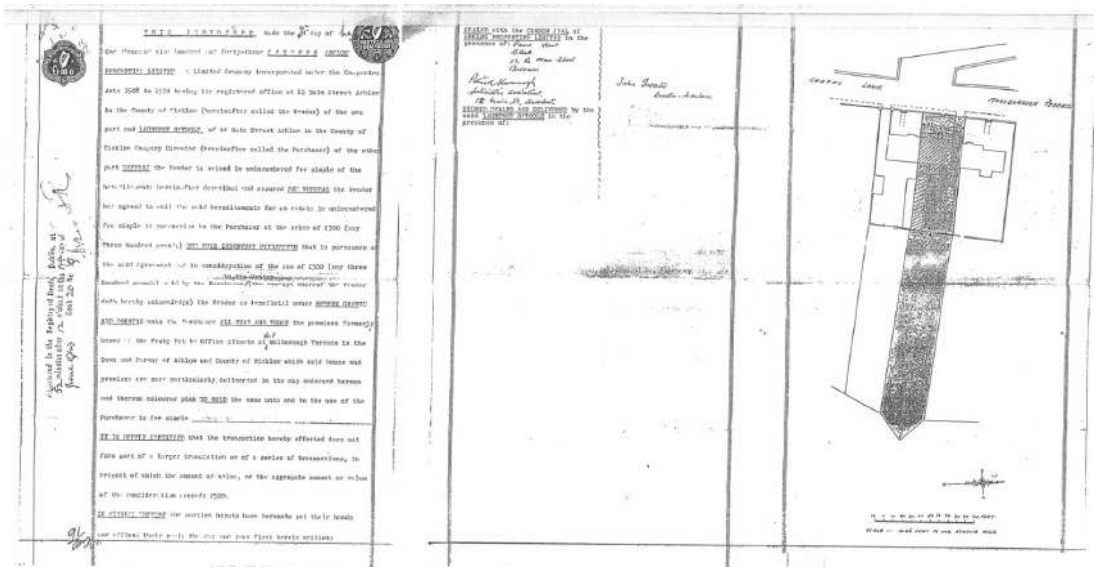
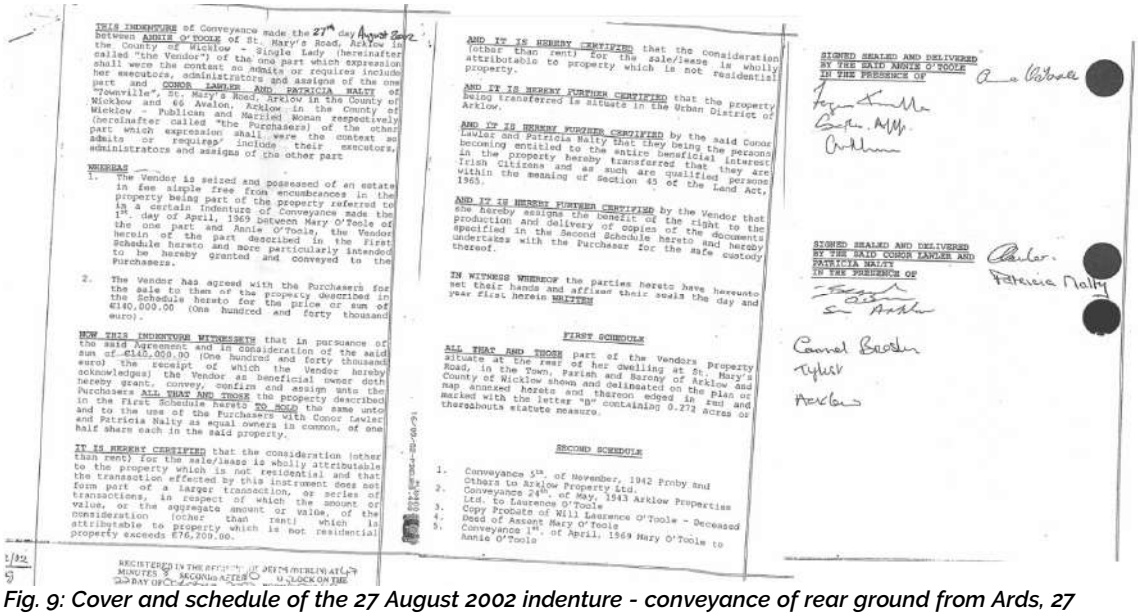


Fig. 8: 1943 Proby Office deed in the Section 5 showing the extent of the subject property (Source: Client records)



THIS INDENTURE of Conveyance made the 27th day August Two Between ANNIE O'TOOLE of St. Mary's Road, Arklow in the County of Wicklow - Single Lady (hereinafter called "the Vendor") of the one part which expression shall were the context so admits or requires include her executors, administrators and assigns of the one part and CONOR LAWLER AND PATRICIA MALTY of "Townville", St. Mary's Road, Arklow in the County of Wicklow and 66 Avalon, Arklow in the County of Wicklow - Publican and Married Woman respectively (hereinafter called "the Purchasers) of the other part which expression shall were the context so admits or requires include their executors, administrators and assigns of the other part

WHEREAS

1. The Vendor is seized and possessed of an estate in fee simple free from encumbrances in the property being part of the property referred to in a certain Indenture of Conveyance made the 1st. day of April, 1969 between Mary O'Toole of the one part and Annie O'Toole, the Vendor herein of the part described in the First Schedule hereto and more particularly intended to be hereby granted and conveyed to the Purchasers.

2. The Vendor has agreed with the Purchasers for the sale to them of the property described in the Schedule hereto for the price or sum of €140,000.00 (One hundred and forty thousand euro).

NOW THIS INDENTURE WITNESSETH that in pursuance of the said Agreement and in consideration of the said sum of €140,000.00 (One hundred and forty thousand euro) the receipt of which the Vendor hereby acknowledges) the Vendor as beneficial owner doth hereby grant, convey, confirm and assign unto the Purchasers ALL THAT AND THOSE the property described in the First Schedule hereto TO HOLD the same unto and to the use of the Purchasers with Conor Lawler and Patricia Malty as equal owners in common, of one half share each in the said property.

IT IS HEREBY CERTIFIED that the consideration (other than rent) for the sale/lease is wholly attributable to the property which is not residential and that the transaction effected by this instrument does not form part of a larger transaction, or series of transactions, in respect of which the amount or value, or the aggregate amount or value, of the consideration (other than rent) which is attributable to property which is not residential property exceeds €76,209.00.

AND IT IS HEREBY CERTIFIED that the consideration (other than rent) for the sale/lease is wholly attributable to property which is not residential

AND IT IS HEREBY FURTHER CERTIFIED that the property being transferred is situate in the Urban District of Arklow.

AND IT IS HEREBY FURTHER CERTIFIED by the said Conor Lawler and Patricia Malty that they being the persons becoming entitled to the entire beneficial interest in the property hereby transferred that they are Irish Citizens and as such are qualified persons within the meaning of Section 45 of the Land Act, 1965.

AND IT IS HEREBY FURTHER CERTIFIED by the Vendor that she hereby assigns the benefit of the right to the production and delivery of copies of the documents specified in the Second Schedule hereto and hereby undertakes with the Purchaser for the safe custody thereof.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and affixed their seals the day and year first herein WRITTEN

FIRST SCHEDULE

ALL THAT AND THOSE part of the Vendors Property situate at the rear of her dwelling at St. Mary's Road, in the Town, Parish and Barony of Arklow and County of Wicklow shown and delineated on the Plan or map annexed hereto and thereon edged in red and marked with the letter "B" containing 0.272 Acres or thereabouts statute measure.

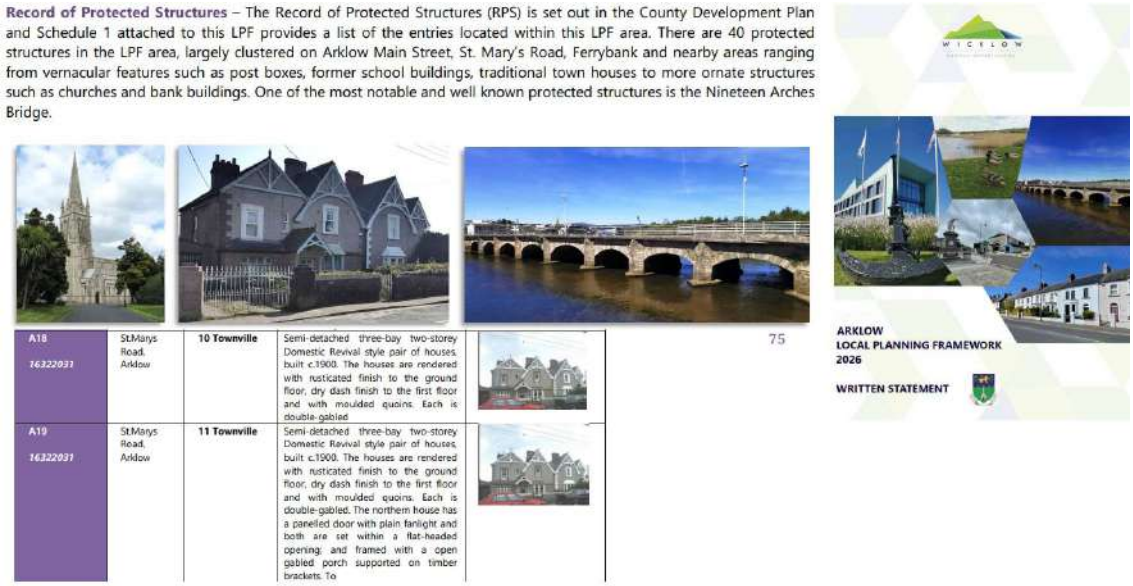
SECOND SCHEDULE

1. Conveyance 5th of November, 1942 Proby and Others to Arklow Property Ltd.
2. Conveyance 24th. of May, 1943 Arklow Properties Ltd. to Laurence O'Toole
3. Copy Probate of Will Laurence O'Toole - Deceased
4. Deed of Assent Mary O'Toole
5. Conveyance 1st. of April, 1969 Mary O'Toole to Annie O'Toole

SIGNED SEALED AND DELIVERED BY THE SAID ANNIE O'TOOLE IN THE PRESENCE OF

SIGNED SEALED AND DELIVERED BY THE SAID CONOR LAWLER AND PATRICIA MALTY IN THE PRESENCE OF

Fig. 9: Cover and schedule of the 27 August 2002 indenture - conveyance of rear ground from Ards, 27 August 2002 - context for the dividing wall (Source: Client records)

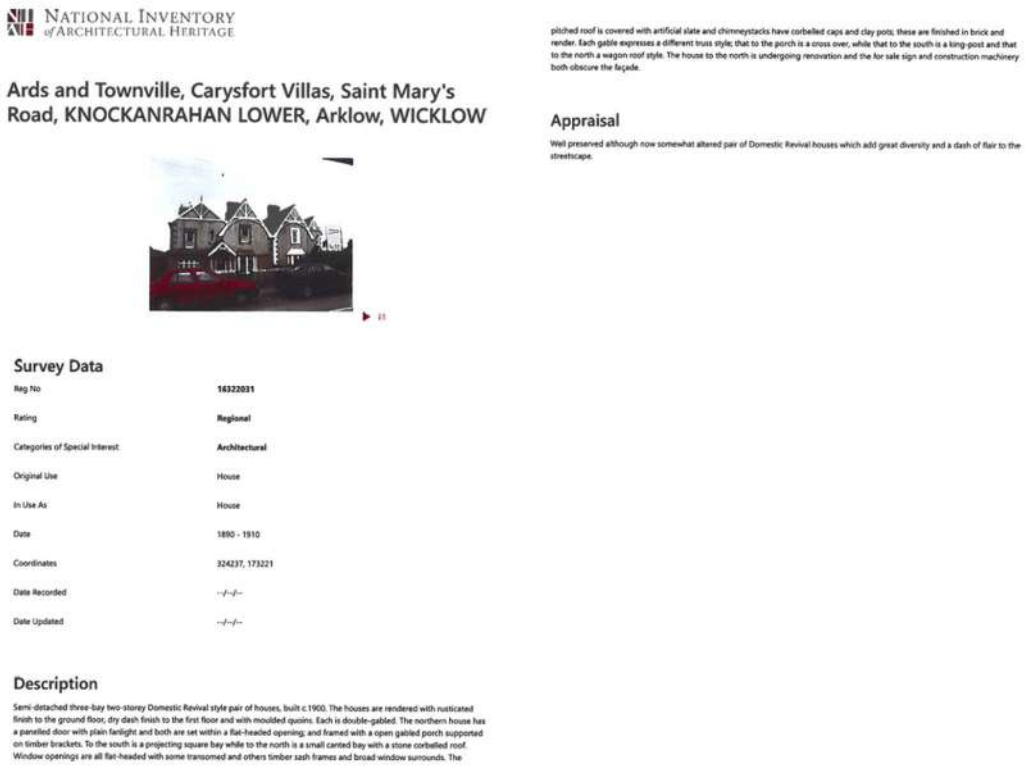


Record of Protected Structures – The Record of Protected Structures (RPS) is set out in the County Development Plan and Schedule 1 attached to this LPF provides a list of the entries located within this LPF area. There are 40 protected structures in the LPF area, largely clustered on Arklow Main Street, St. Mary's Road, Ferrybank and nearby areas ranging from vernacular features such as post boxes, former school buildings, traditional town houses to more ornate structures such as churches and bank buildings. One of the most notable and well known protected structures is the Nineteen Arches Bridge.

A18 16322031	St.Marys Road, Arklow	10 Townville	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled
A19 16322031	St.Marys Road, Arklow	11 Townville	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled. The northern house has a panelled door with plain fanlight and both are set within a flat-headed opening; and framed with a open gabled porch supported on timber brackets. To

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Fig. 10: Photo of Ards and Townville within the Arklow Local Planning Framework (Variation No. 6, adopted 6 July 2026)



NATIONAL INVENTORY of ARCHITECTURAL HERITAGE

Ards and Townville, Carysfort Villas, Saint Mary's Road, KNOCKANRAHAN LOWER, Arklow, WICKLOW

pitched roof is covered with artificial slate and chimneystacks have corbelled caps and clay pots; these are finished in brick and render. Each gable expresses a different truss style; that to the porch is a cross over, while that to the south is a king-post and that to the north a wagon roof style. The house to the north is undergoing renovation and the for sale sign and construction machinery both obscure the façade.

Appraisal

Well preserved although now somewhat altered pair of Domestic Revival houses which add great diversity and a dash of flair to the streetscape.

Survey Data

Reg No	16322031
Rating	Regional
Categories of Special Interest	Architectural
Original Use	House
In Use As	House
Date	1890 - 1910
Coordinates	324237, 173221
Date Recorded	--/--/--
Date Updated	--/--/--

Description

Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled. The northern house has a panelled door with plain fanlight and both are set within a flat-headed opening; and framed with a open gabled porch supported on timber brackets. To the south is a projecting square bay while to the north is a small canted bay with a stone corbelled roof. Window openings are all flat-headed with some transomed and others timber sash frames and broad window surrounds. The

Fig. 11: The inclusion of Ards and Townville within the National Inventory of Architectural Heritage



Fig. 12: Historic print of Ards and Townville (Source: Client's own image)

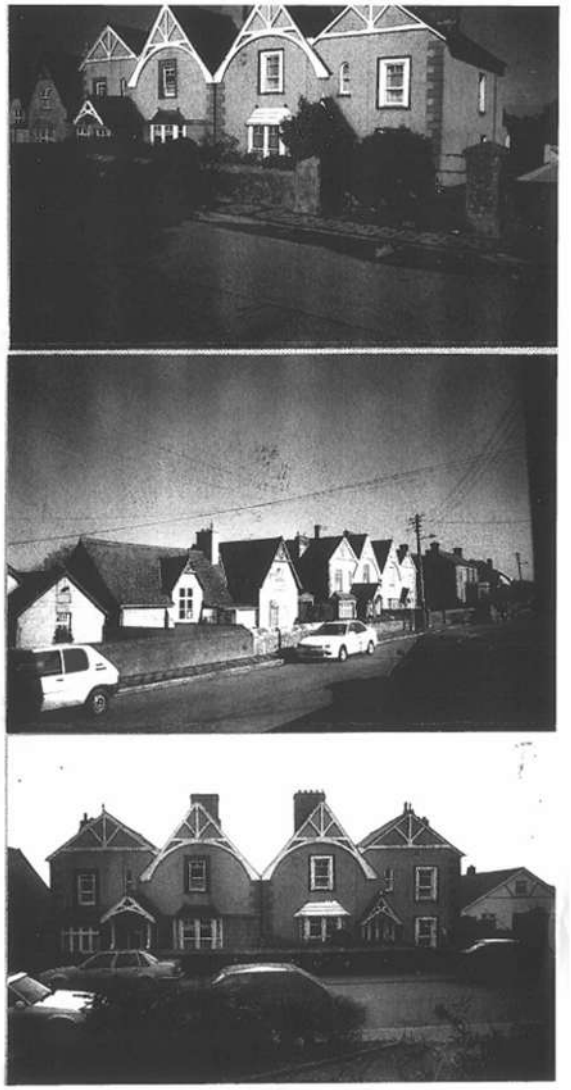


Fig. 13: Historic photo of Ards and Townville (Source: Wicklow Co. Co. planning archives)

5.0 Development to be retained (as applied for)

PRR 26/60808 seeks retention of an existing 15.70 sq.m single-storey rear extension at 1 Townville, St Mary's Road, Arklow, and "minor alterations to rear elevation." Drawings 13-26-A to 13-26-H are dated 4 September 2026 which infers that they are accurate up to the lodgement of the planning application.

As-built extension

The drawings show a flat-roofed single-storey volume of 15.70 sq.m, described as a sensory room, built against the original rear wall of Townville and against the 2.0 m party wall with Ards. The original rear wall is opened with uPVC double doors. Walls are 215 mm block with insulation and knapped render. The roof is a warm deck with single ply / membrane, black uPVC fascia and matching soffit. Floor is a raft with PIR insulation. Internal ceiling height on section A–A is in the order of 2.5 m. Remaining rear garden is stated as 21.42 sq.m.

WCC enforcement file UD11012 measured the same structure at 12 sq.m. That discrepancy is not explained.

Works shown on the drawings but not in the public notices

The elevations and section annotate capping and rendering of the existing 2.0 m boundary wall, cream / light-green triple-glazed uPVC windows and doors, and the as-built extension edged red. They do not show, and the notices do not name:

- the shared roof valley and historic drain.
- the L-shaped pipe on the new flat roof.
- the cut pillar.
- building into the party wall.
- discharge of water onto Ards.

What is not included in the planning application

There is no drainage design, no making-good of the pillar or drain, no conservation method statement, and no works to the front elevation on St Mary's Road.

The application asks the WCC only to retain a small rear volume on a party line and to treat everything else as invisible.

5.1 Interface with Ards

WCC is asked to consider the existing and proposed interface with Ards:

- ***Party wall:*** The as-built extension sits on the 2.0 m wall that divides Townville from the Ards car park. The second pillar has been cut. The drawings propose to cap and render that wall. Our client has not consented.

- ***Roof and water:*** The historic valley and downpipe served both houses and discharged on the Townville side. That arrangement has been replaced by an L-pipe on the new flat roof with no drop into the old drain. Water that previously soaked or ran on the Townville side now reaches the Ards side of the wall and the car park.

- ***Outlook and character of the pair:*** The rear of Townville is no longer the original rear wall of a listed pair. It is a flat-roofed as-built extension and new openings hard on the boundary. Ards is the other half of that pair (A19 / P.06/136 proposed protected structure). The interface is not a generous garden setback. It is a wall.

- ***Residual garden:*** 21.42 sq.m on the applicant's figure, about 21 sq.m on WCC's measure, against a Class 1 yardstick of 25 sq.m. The as-built extension consumes the last useful rear space of Townville and presses the whole of that space onto Ards.

- ***Apartments to the rear:*** Access to the 113/2000 apartments still runs past the side of Townville. The as-built extension does not change that access. It does change the enclosed rear of the original house.

- ***No consultation:*** Works to the shared wall, pillar and drain were not agreed. Planning permission cannot supply that consent.

- ***The layout does not respect Ards:*** Retention of the as-built extension on these drawings would lock in a party-line structure, a cut pillar and a drainage arrangement that throws water onto the adjoining house. That is the interface WCC is being asked to authorise.

Appendix 4 of this report contains photographs of the 'as built' extension sited alongside our client's property.

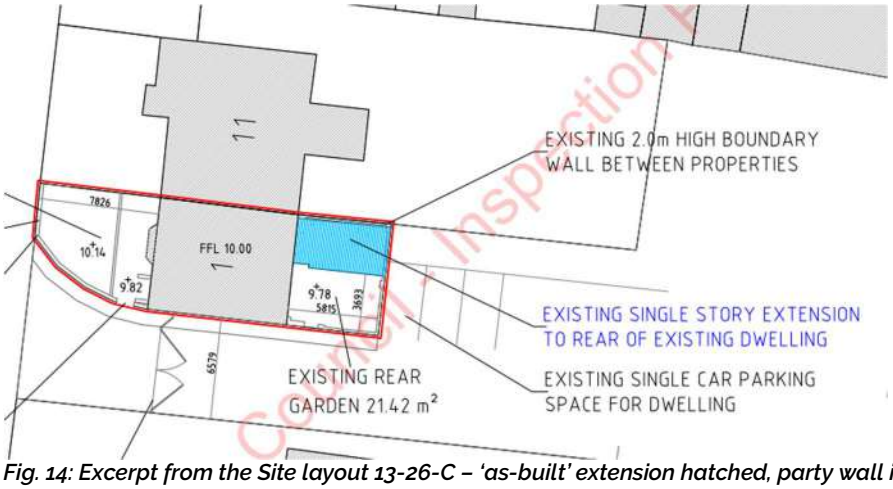


Fig. 14: Excerpt from the Site layout 13-26-C – 'as-built' extension hatched, party wall indicated at 2m (with no further details), residual garden 21.42 sq.m

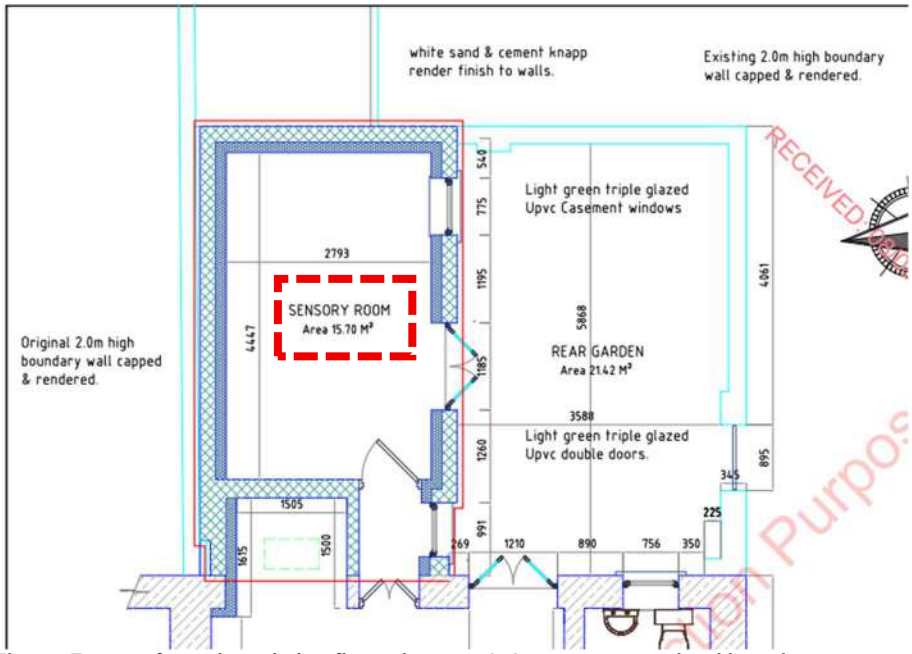


Fig. 15: Excerpt from the existing floor plan 13-26-G - 15.70 sq.m edged in red

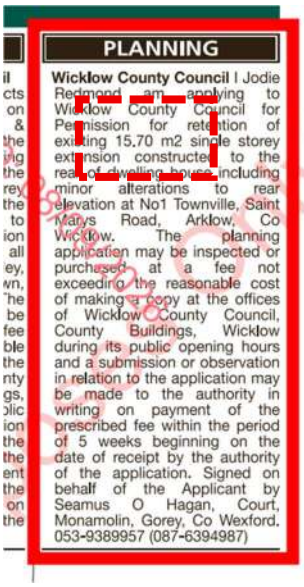


Fig. 16: Public notices refer to 15.70 sq.m - edged in red (and the notice refers only to other "minor alterations to rear elevations" and nothing else)

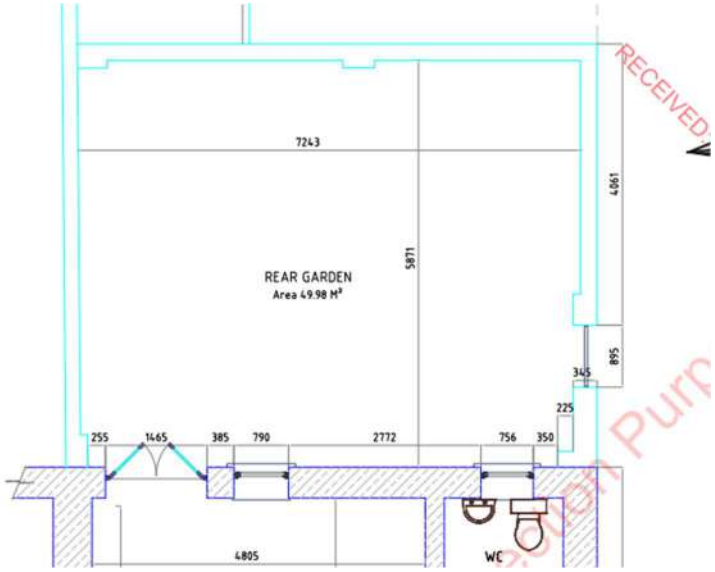


Fig. 17: Excerpt from original floor plan 13-26- E - no rear floor area

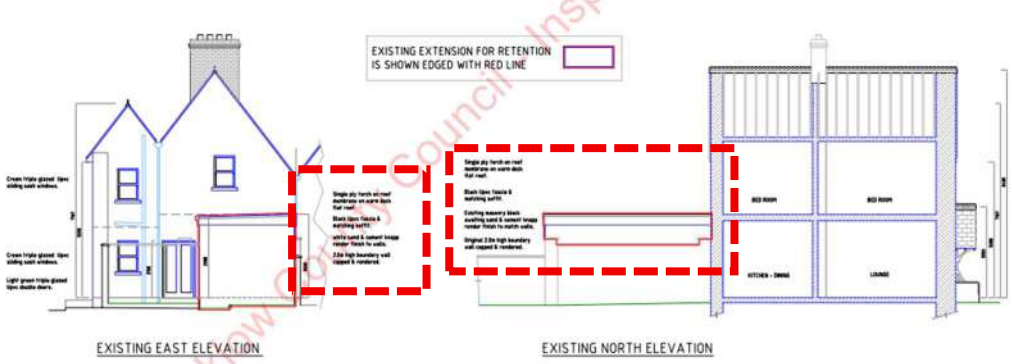


Fig. 18: Existing elevations – 'as-built' extension boxed on east and north elevations 'as built' (works listed on the drawings which are not on the public notices)

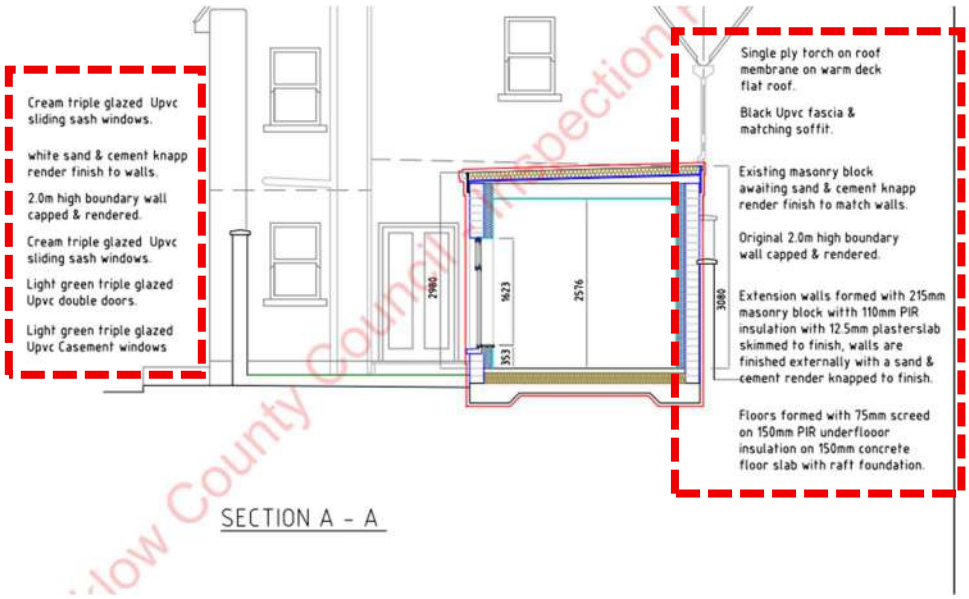
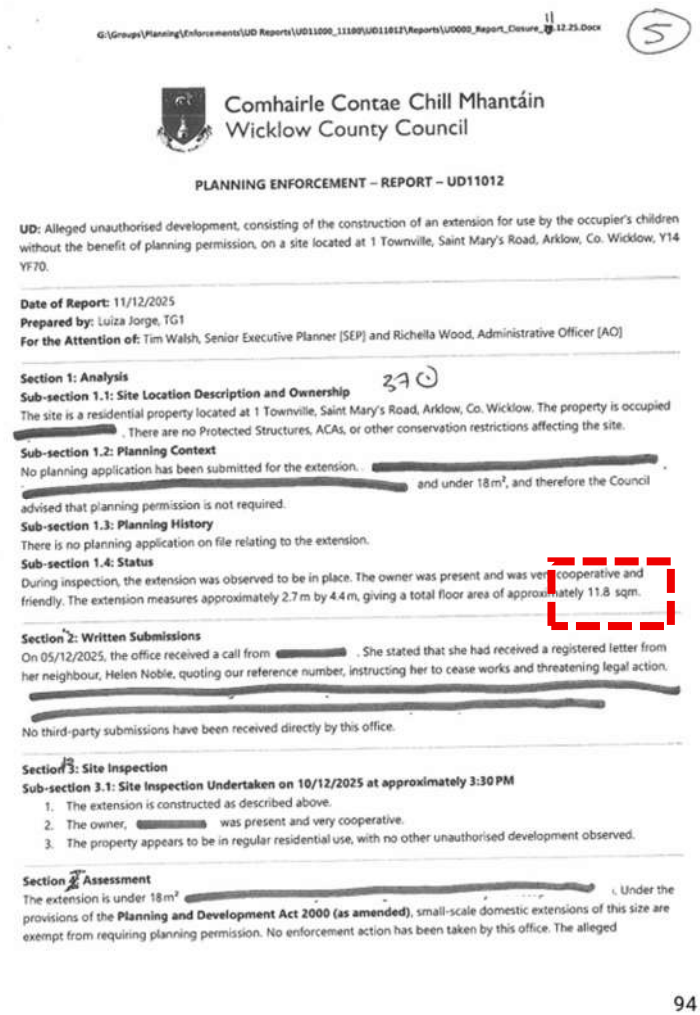


Fig. 19: Section drawing showing the 'as built' extension and other works (works not included in the public notices)



Comhairle Contae Chill Mhantáin
Wicklow County Council

PLANNING ENFORCEMENT – REPORT – UD11012

UD: Alleged unauthorised development, consisting of the construction of an extension for use by the occupier's children without the benefit of planning permission, on a site located at 1 Townville, Saint Mary's Road, Arklow, Co. Wicklow, Y14 YF70.

Date of Report: 11/12/2025
Prepared by: Luiza Jorge, TG1
For the Attention of: Tim Walsh, Senior Executive Planner [SEP] and Richella Wood, Administrative Officer [AO]

Section 1: Analysis
Sub-section 1.1: Site Location Description and Ownership
The site is a residential property located at 1 Townville, Saint Mary's Road, Arklow, Co. Wicklow. The property is occupied [redacted]. There are no Protected Structures, ACAs, or other conservation restrictions affecting the site.
Sub-section 1.2: Planning Context
No planning application has been submitted for the extension. [redacted] and under 18m², and therefore the Council advised that planning permission is not required.
Sub-section 1.3: Planning History
There is no planning application on file relating to the extension.
Sub-section 1.4: Status
During inspection, the extension was observed to be in place. The owner was present and was very cooperative and friendly. The extension measures approximately 2.7m by 4.4m, giving a total floor area of approximately 11.8 sqm.

Section 2: Written Submissions
On 05/12/2025, the office received a call from [redacted]. She stated that she had received a registered letter from her neighbour, Helen Noble, quoting our reference number, instructing her to cease works and threatening legal action. [redacted]
No third-party submissions have been received directly by this office.

Section 3: Site Inspection
Sub-section 3.1: Site Inspection Undertaken on 10/12/2025 at approximately 3:30 PM
1. The extension is constructed as described above.
2. The owner, [redacted] was present and very cooperative.
3. The property appears to be in regular residential use, with no other unauthorised development observed.

Section 4: Assessment
The extension is under 18m² [redacted]. Under the provisions of the **Planning and Development Act 2000 (as amended)**, small-scale domestic extensions of this size are exempt from requiring planning permission. No enforcement action has been taken by this office. The alleged

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Fig. 20: UD11012 inspection note – approx. 12 sq.m 'as built' extension and c. 21 sq.m remaining garden (redacted)

6.0 Planning history

The history that matters for this objection is the pair, the 2000–2002 apartment scheme that cut the gardens, the Record, EX10/2026, the enforcement files, and this retention application. Other permissions on St Mary's Road are omitted except the file on Ards.

6.1 The pair and the Record

Townville and Ards are the Domestic Revival pair on St Mary's Road, c.1900, NIAH 16322031. They appear on the Record of Protected Structures and on the Heritage Schedule of the Arklow Local Planning Framework (Variation No. 6, 6 July 2026) as:

- A18 – 10 Townville, St Mary's Road
- A19 – 11 Townville, St Mary's Road

Postal and application addresses have since used Townville, 1 Townville and Townsville. That is a labelling issue. It is not a different building.

6.1.2 P19/2000 / ATC 113/2000 - Townville and Reenmore

Arklow UDC P19/2000 (P.D. Lane Associates) sought apartments at Townville and Reenmore. Drawing H-46-1 (14 February 2000) labels the Townville plot No. 10.

Anne O'Toole of Ards appealed the grant to (the then) An Bord Pleanála on 23 May 2000. The appeal described Ards as the semi-detached house adjoining Townville.

ATC reg. ref. 113/2000 was granted on 20 January 2001 for demolition of part of Townville, alterations to the remainder, and 20 no. two-bedroom apartments. EX10/2026 records commencement on 10 June 2002. The OS sheet identified the structure as No. 10. The site notice used "Townville." The layout used "1 Townville."

6.1.3 Conveyance 27 August 2002

The then owner of Ards objected to An Bord Pleanála in March 2000 against the scheme then proposed to the rear (twelve houses at that time). The papers of that appeal are on this objection file.

The rear garden of Ards was transferred by indenture dated 27 August 2002 for €140,000. Two indentures show the land held with Ards before that sale and the land transferred. The title deeds to Ards have since been lost. No better historic map is likely to emerge. The maps that remain are the 2000 appeal drawings (including P.D. Lane H-46-1, 14 February 2000) and those indentures.

The client's position is that the rear wall dividing Townville from the car park, including a second pillar, was built around the time of that sale. Part of that wall has since been taken down onto the standing pillar. That demolition is visible on the photographs in Appendix 4.

The 2002 sale reduced the Ards garden. It did not authorise a later as-built extension on the Townville side of the wall, interference with the shared downpipe and drain, or discharge of water onto Ards.

6.1.4 EX10/2026 - 23 February 2026

Our client sought a declaration on whether works were exempted development under section 4(1)(h) and section 57. WCC held that the RPS wording and photograph do not coincide with the postal address "1 Townville," that section 55 notices may not have been served at that address, and that protected status was "uncertain."

That declaration is not accepted as a finding that Townville is off the Record. It did not decide the as-built extension, the drain, the pillar or the party-wall works. A concurrent section 5 now asks those questions. This objection relies on the same facts.

6.1.5 PRR 26/60808 - received 8 September 2026

This is the application under objection. Jodie Redmond seeks retention of a 15.70 sq.m single-storey as-built extension and minor alterations to the rear elevation at "No 1 Townville / Townsville." Drawings 13-26-A to 13-26-H show the as-built extension on the 2 m party wall, the original rear wall opened, a flat roof, and proposed capping and rendering of that wall. The public description does not name the shared valley, the L-pipe, the cut pillar, building into the wall, or discharge of water onto Ards.

6.1.6 P.06/136 / 06610136 - Ards as a proposed protected structure

On 1 December 2006 Larry and Deirdre Burke applied to reinstate original use at "Ards," a then proposed protected structure at 11 St Mary's Road. Arklow Town Council granted P.06/136 on 1 February 2007 (county register 06610136), subject to six conditions.

Three points follow for this application:

- In 2006–2007 the planning authority named Ards as a proposed protected structure. That is the other half of the same pair.
- Numbering has moved (11 St Mary's Road / 10 and 11 Townville / 1 Townville). That does not take either house off the Record.
- Works on Townville that cut the shared pillar, alter the shared drain and throw water onto Ards are works on the boundary of a structure WCC has already processed as a proposed protected structure.

6.2 Enforcement history

The following enforcement cases arise as regards the two adjoining properties:

- ***UD11012*** - complaint 28 November 2025, closed 6 January 2026. The 11 December 2025 report measured a flat-roofed as-built extension at 12 sq.m and remaining amenity at about 21 sq.m. The file was closed on the basis that a small domestic extension was exempt. It did not determine the drain, pillar or water onto Ards.

- ***UD11058*** - complaint 24 March 2026, open when reg. ref. 26/60808 was lodged. It covers alleged unauthorised development at 1 Townville / 10 St Mary's Road, including the as-built extension and a shed to the front. No warning letter was copied to our client within the section 152 six-week period.

- ***UD134A*** - historic file on Ards (P.06/136), enforcement notice 14 December 2010 and warning letter 6 September 2013. It is Ards, not Townville. It shows WCC has already enforced on this pair.

Granting reg. ref. 26/60808 for a 15.70 sq.m as-built extension would not, without more, close UD11058 on the drain, pillar, capping or water. Those works are the subject of the concurrent section 5 and of this objection.

6.3 Pre-planning

The Planning Application Form confirms that no pre-planning discussions have taken place with WCC.

7.0 Planning Policy

7.1 Wicklow County Development Plan 2022–2028

Arklow is a Level 3 Key Town (Chapter 4). Townville and Ards sit inside the town, on St Mary's Road.

Variation No. 6 / Arklow Local Planning Framework 2026 (in effect 6 July 2026) is the settlement plan. Confirm the zoning colour on LPF Map No. 1. This block of St Mary's Road is established housing in the built-up envelope and will be Existing Residential (RE) or Town Centre (TC). Either way, extensions and alterations must protect the amenity of adjoining houses. ARK2(B) supports improvement of the central area from the Parade Grounds to St Mary's Park. That is not a licence to retain unauthorised rear works on a listed pair.

Built heritage - Chapter 8 and the LPF Heritage Schedule

- ***CPO 8.13*** - protect structures, items and features on the Record of Protected Structures.

- ***CPO 8.14*** - alterations to protected structures may be considered where they keep the building in viable use, subject to architectural quality.

- ***Appendix 4 / LPF Heritage Schedule*** - A18 10 Townville and A19 11 Townville, NIAH 16322031.

- ***Section 57 of the Act*** - works that materially affect the character of a protected structure are not exempt under section 4(1)(h).

Our client's position is that those planning policies and section protect this pair of protected structures. EX10/2026 is not accepted by our client as taking Townville off the Record of Protected Structures.

Retention of an as-built extension on the original rear wall, with works to the party wall and valley, must be tested against CPO 8.13 and, if section 57 applies, against that extra test. We note how there is no heritage impact assessment submitted with planning application reg. ref. 26/60808.

Residential amenity

Development on an existing house must not seriously injure the amenity of the house next door. Water that previously fell or drained on the Townville side and now reaches Ards is an amenity and a water-quality issue.

Water and SuDS

Chapter 13 and the LPF require runoff to be managed on the site that generates it. There is no drainage design submitted with planning application reg. ref. 26/60808 that shows the flat roof, the L-pipe or a connection that keeps water off Ards.

Development management (Appendix 1)

Standards on extensions, private open space, boundary walls and protection of adjoining amenity apply. A residual rear garden of 21.42 sq.m (21 sq.m on the UD11012 measure) sits below the Class 1 yardstick of 25 sq.m and is a cramped rear on a party boundary line.

7.2 Architectural Heritage Protection Guidelines for Planning Authorities (2011)

The Guidelines are issued under section 28 and apply to works to protected structures, proposed protected structures, and structures that contribute to a pair or a setting. The following passages are engaged.

Duty of the owner and of the planning authority

- ***Paragraph 6.3.1***: "The placing of a structure on the Record of Protected Structures does not mean that it must be preserved exactly as it is. The aim is to find a use, or a continuation of use, which is compatible with the character of the structure and to ensure that any works carried out are appropriate to that character."

- ***Paragraph 6.4.1***: permission is required for works that would materially affect the character of the structure or of any element that contributes to its special interest. That is the same test as section 57 of the Act.

Curtilage, fixtures and the pair

- ***Paragraph 13.1.1***: the protection extends to the interior, the land within the curtilage, other structures within that curtilage, and all fixtures and features that form part of the interior or exterior.

- ***Paragraph 13.2.3***: "The curtilage of a protected structure may also include structures which were built as part of the original composition, such as … walls, gates and railings." The dividing wall and second pillar between Townville and Ards, built when the garden was cut in 2002 but forming the present rear enclosure of a listed pair, fall to be treated as features of that composition.

- ***Paragraph 7.2.1***: where buildings were designed as a pair or a group, "the effect of proposed works on the character of the group as a whole should be considered." Townville and Ards are one NIAH pair (16322031) and one RPS pair (A18 / A19). Works on the shared wall and valley are works to the group.

Additions and drainage

- ***Paragraph 6.8.4***: "New work should not dominate the original building. It should generally be smaller in scale, of a simple design and should not mimic the original." A flat-roofed as-built extension on the original rear wall, with uPVC openings, is a new volume on the rear of a double-gabled Domestic Revival house.

- ***Paragraph 6.8.1***: additions should be the minimum necessary and, where possible, reversible. Cutting a pillar and replacing a shared valley with an L-pipe on a warm-deck roof is not reversible without further works to Ards.

- ***Paragraph 7.6.1 (services):*** new services should be routed so that they do not harm historic fabric or throw problems onto an adjoining structure. The application shows no designed fall from the new roof into a Townville-side drain.

What the Guidelines require of WCC's assessment of reg. ref. 26/60808

There is no heritage impact assessment. There is no method statement for the party wall. There is no demonstration that the as-built extension is the minimum necessary, or that the valley and pillar can be put back. As regards the Guidelines, that is not an acceptable application for works on a listed pair.

8.0 Grounds for objection

BPS has reviewed all relevant background material (including UD11012, UD11058, EX10/2026, the 2000 appeal, the 2002 indenture and the client's photographs of the wall, pillar and water), has reviewed PRR 26/60808 in full, and has assessed the as-built works against the County Plan, Variation No. 6, Chapter 8, the Architectural Heritage Protection Guidelines and the 2001 Regulations. A section 5 referral is being lodged with this observation so that the WCC decides, in the same week, what on this site is development and what is not exempted development. The grounds below are written so that the two submissions can be reviewed side by side.

8.1 Ground 1: The notices do not describe the development

The public description is only "retention of existing 15.70 m² single storey extension … including minor alterations to rear elevation." The drawings go further (capping and rendering of the 2.0 m wall, new openings, flat roof, raft). The ground goes further still: shared valley and drain removed or rerouted, L-pipe on the new roof, pillar cut, as-built extension built into the wall, water on the Ards side. Articles 17 and 18 require the notice to describe the development. A grant in the words of this notice would not retain the drain, the pillar or the water. Those works would remain unauthorised. That is why the section 5 asks a separate question on items (2) to (5).

The applicant asks WCC to grant permission for only some of the development that requires retention permission while leaving the property in a state of planning non-compliance.

Articles 17 and 18 of the Planning and Development Regulations 2001 require the site notice and newspaper notice to describe the nature and extent of the development. A retention permission can only authorise what those notices, and the application form, put before the public. Anything left out stays unauthorised.

What the notices name

Item	On the notices / form?
15.70 sq.m single-storey rear as-built extension	Yes
Minor alterations to rear elevation	Yes - no list of what those alterations are

Fig. 21: What is and what is not included in the planning application's notices

What the drawings add (Drawing Nos. 13-26-A to 13-26-H)

Item	Where to see it (Drawings)
As-built extension edged red, 15.70 sq.m	Floor plan 13-26-G; layout 13-26-C
Original rear wall opened with uPVC double doors	Elevations 13-26-F; section 13-26-H
Flat warm-deck roof, ply / membrane, black fascia and soffit	Section 13-26-H
Raft foundation and insulated floor	Section 13-26-H
2.0 m boundary wall "capped and rendered"	Elevations 13-26-F & notes on 13-26-H
New cream / light-green triple-glazed uPVC windows and doors	Elevation notes, 13-26-F

Fig. 22: What is not included in the planning application's notices but is listed on the submitted drawings

None of those notes except the floor area appear in the public description. Capping and rendering a party wall is not a "minor alteration to rear elevation."

What is on the ground on site and is not named in either the notices or the drawings?

Item	Where to see it	Concurrent Section 5 question
Shared roof valley, downpipe and drain removed or rerouted	Client photographs – see Appendix 4.	# 2
L-shaped pipe on the new flat roof, no drop into the old drain	Client photographs – see Appendix 4.	# (2) / (3)
Water on the Ards side of the wall and in the car park	Client photographs – see Appendix 4.	# 3
Second pillar cut	Client photographs - see Appendix 4.	# 4
As-built extension built to and into the party wall	Section drawing 13-26-H and client photographs – see Appendix 4.	# 4
Excavation against the wall / Ards	Client photographs – see Appendix 4.	# 5

Fig. 23: What is on the ground on site and is not named in either the notices or the drawings?

UD11012 measured the as-built extension at 12 sq.m, not 15.70 sq.m. That discrepancy is also absent from the notices.

Consequence

A grant in the words of the public notices would retain, at most, a 15.70 sq,m of floor area. It would not retain the drain, the L-pipe, the cut pillar, the capping of the party wall, or the discharge of water onto Ards. Those works would remain unauthorised. Again. the applicant is asking WCC to authorise a slice of what has been built and to leave the rest in default.

That is why the concurrent section 5 asks a separate declaration on items (2) to (5), and why this objection asks that reg. ref. 26/60808 be refused as lodged. If the applicant wishes to retain everything that has been done, the notices must say so, the drawings must show the drain and the pillar, and the application must be re-advertised. Until then the planning application is incomplete.

8.2 Ground 2: The as-built extension is not exempted development

WCC's UD11012 site visit measured the floor area of the 'as-built' extension as just under 12 sq.m and about 21 sq.m of rear garden. The application seeks 15.70 sq.m and states 21.42 sq.m remaining as a rear garden. Class 1 of Schedule 2 requires the rear garden not to be reduced below 25 sq.m. That limitation is failed. The structure was built before permission was sought.

Article 9(1)(a)(viii) removes exemption for the extension of an unauthorised structure.

Section 4(1)(h) does not cover a new rear volume, new openings and a new roof. The section 5 asks WCC to declare that.

This objection asks WCC not to grant retention as if exemption were already decided.

8.3 Ground 3: Protected structure and the pair

Townville and Ards were built as one composition. That is how they read on St Mary's Road, how the NIAH records them (16322031), and how the planning authority has listed them. The Record of Protected Structures and the Heritage Schedule of the Arklow Local Planning Framework, including Variation No. 6 which came into effect on 6 July 2026, enter the pair as A18 – 10 Townville and A19 – 11 Townville. Those entries have not been deleted. They have not been confined to a photograph of one house. They describe both buildings, their curtilage, and the fixtures that belong to the pair.

WCC has itself used that language of the pair. Drawing H-46-1, lodged with reg. ref. P19/2000, labels the Townville plot No. 10. When Larry and Deirdre Burke applied in 2006 to reinstate original use at Ards, the decision notice on reg. ref. P.06/136 / 06610136 described that house as a proposed protected structure at 11 St Mary's Road. Numbering on the street and on the Record of Protected Structures has

moved between 10, 11, 1 Townville and Townsville. That is a labelling problem. It is not evidence that either house was never intended to be protected.

Declaration EX10/2026 treated the mismatch between the RPS wording, the photograph and the postal address "1 Townville" as leaving protected status "uncertain." Our client does not accept that as a determination that Townville is off the Record. The declaration did not rewrite the Heritage Schedule. It did not decide the as-built extension, the party wall or the valley. Those questions are now asked in the concurrent section 5. This objection proceeds on the basis that CPO 8.13 still applies to the pair, and that section 57 of the Act remains the correct test if the authority treats either house as a protected or proposed protected structure.

CPO 8.13 requires WCC to protect structures on the Record. Section 57 provides that works to a protected structure are not exempt under section 4(1)(h) if they would materially affect the character of the structure or of any element that contributes to its special interest. The original rear wall of Townville, the shared valley, the downpipe and the dividing wall and pillar are elements of that character. They are also fixtures within the meaning of section 2. Replacing the rear wall with a flat-roofed as-built extension, opening it with uPVC doors, cutting the pillar and substituting an L-pipe for the historic drain are not invisible maintenance. They change the rear of the pair and the way the two houses meet.

The Architectural Heritage Protection Guidelines (2011) say the same thing in language WCC is required to have regard to. Paragraph 7.2.1 requires the effect of works on a group to be considered where buildings were designed as a pair. Paragraph 13.2.3 treats walls that form part of the original or historic composition as part of the protected curtilage. Paragraphs 6.8.1 and 6.8.4 require new work to be the minimum necessary, reversible where possible, smaller in scale than the original, and not dominant of it. A warm-deck box on the original rear wall, built to and into the party line, is not minimum and is not reversible without further interference with Ards.

Planning application reg. ref. 26/60808 contains no architectural heritage impact assessment, no method statement for the party wall, and no analysis of the pair. WCC is being asked to retain works on a Heritage Schedule building, and on the boundary of a building it has already processed as a proposed protected structure, as if those documents were optional. They are not. Until that assessment exists, and until the section 5 has stated whether section 57 is engaged, permission should be refused.

8.4 Ground 4: Surface water onto Ards

Before the as-built extension, water from both roofs ran in the valley and drain on the Townville side, after the 2002 wall was built when the Ards garden was sold. That arrangement has been broken. Water now reaches the Ards car park and the face of the wall. County water policy requires runoff to be managed on the site that generates it. The application contains no drainage design.

Before the as-built extension there was a rear wall between Townville and the car park and a second pillar. Demolition of part of that wall onto the remaining pillar is visible on the photographs. The shared downpipe and drain that served the pair have been interfered with. The title deeds to Ards are lost. Even without those deeds, the long use of that drain and downpipe is consistent with an implied easement for that apparatus. That easement is a civil matter. It is recorded here because the notices and drawings do not name the drain, the downpipe, the pillar or the discharge onto Ards.

Our client's position, stated to her solicitor and repeated here, is:

- no water that previously fell to ground on the Townville side of the wall is to be permitted to drain onto Ards; and
- no water from the new or altered roof is to discharge onto the Ards side of the wall.

That stance is not conceded in the absence of a designed engineering solution that keeps all such water on Townville, and not until the works order and this application have been challenged. This is a planning objection. WCC does not permit development that discharges surface water onto adjoining land.

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8.5 Ground 5: Impacts on the residential and visual amenity of Ards

The test for WCC as regards development control policy contained in Variation 6 and the CDP more generally is whether the as-built extension and the works that came with it protect the amenity of the house next door. They do not.

What the boundary was

Until the as-built extension, the rear of Townville met Ards at a wall about 2 m high and a second pillar. That wall dates from the 2002 sale of the Ards garden. It was a boundary, not a building. Our client's car

park sits immediately on her side. She could use that space without a roof, a warm deck or uPVC doors looking across the line.

What is there now

The as-built extension sits on that line. Residual rear garden on Townville is 21.42 sq.m on the applicant's figure and about 21 sq.m on the UD11012 measure. The original rear wall of a listed pair has been opened. A flat-roofed volume and new doors stand hard against the car park. That is overbearing. It is also a permanent change to outlook. The rear of Ards is no longer enclosed by a neighbour's garden wall. It is enclosed by someone else's room.

Construction that has already happened

These works were not the subject of a granted permission. They were built first. Our client had no Construction Management Plan, no agreed hours, no protection of the party wall, no method for the pillar, and no notice of when excavation would take place against her side. Dust, vibration, cutting of the pillar and the breaking of the drain were experienced as a fait accompli. That is itself an amenity injury. It is also why she cannot accept a grant that treats the end state as if it had been designed with her in mind.

Uncertainty about what else is coming

The notices still do not say whether the wall is to be capped and rendered as a finished elevation, whether further excavation is proposed, whether the L-pipe is temporary, or how water is to be kept off Ards. The drawings annotate finishes. They do not bind a sequence of making-good. Our client is asked to live with a structure on her wall without knowing whether more work, more water or more opening of the original house will follow. Amenity includes certainty. This application does not give it.

Privacy and use of the car park

New openings in the original rear wall face toward Ards. Even at single storey they sit on the boundary. The car park is working space and access, not a deep garden that can absorb overlooking. A room built to the wall changes how that space can be used.

Policy

Existing Residential / town-centre zoning, Appendix 1 of the County Plan and ordinary development-management practice all require extensions to respect adjoining amenity. A 15.70 sq.m (or 12 sq.m) volume on a party line, with 21 sq.m of residual garden, built without consultation and without a drainage design, does not meet that test. The injury is not theoretical. Water is already on her side of the wall. The pillar is already cut. The room is already there.

Permission should be refused. If any part of the as-built extension were ever to be contemplated, it would have to come off the party line, put the valley and pillar back, and keep every litre of roof water on Townville. That would be a different application. It is not this one.

8.6 Ground 6: Two measurements, two files, one incomplete application

Enforcement said it measured the floor area of the as built extension at just under 12 sq.m. The applicant now says 15.70sq.m. UD11012 was closed as if the as-built extension were an ordinary exempt add-on. UD11058 was opened after EX10/2026 and was live on 8 September 2026. No warning letter was copied to our client within the section 152 period. Planning application reg. ref. 26/60808 then appeared, still silent on the drain and the pillar.

WCC cannot treat those three processes as if they described the same thing. The section 5 is the place to say what is development. This objection is the place to refuse a notice that does not match the ground.

8.7 Ground 7: No consent to the party wall, pillar or drain

The as-built extension is drawn to the 2.0 m wall between Townville and Ards. The second pillar has been cut. The elevations annotate that wall as capped and rendered. The historic valley and drain, which served both roofs, have been replaced by an L-pipe that does not drop into the old system. Our client owns Ards. She has not consented to any of those works. She has said so in writing to her solicitor and to WCC.

Planning permission is not a substitute for that consent. Section 34 authorises development. It does not confer a right to build on, cut, cap or render a structure that stands on the neighbour's title, or to use the

neighbour's land to finish an elevation. If the wall is a party structure, each owner has an interest in it. If any part of the wall, the pillar or the drain sits on Ards, works to that part are works on land that is not in the applicant's control. The application form's declaration of legal interest cannot cover land she does not own.

There is also a practical problem the drawings ignore. Completing the south or east face of the as-built extension, capping the wall, making good the pillar, or installing a proper drain would require access to the Ards side: scaffolding, over-sailing, excavation, or both. No consent for that access has been given. None will be given for the scheme as drawn. A permission that assumes those works can be finished from Townville alone is a permission that cannot be implemented without trespass.

Conditions cannot cure that. The High Court has been clear that measures which go to the heart of whether development is acceptable cannot be left to a later agreement with a third party who has already refused. Asking our client to "agree a method statement" after a grant would be asking her to authorise what this objection is written to prevent.

The concurrent section 5 treats the pillar, the wall and the drain as separate questions of development and exemption. Even if WCC were minded to retain the 15.70 sq.m volume, it cannot treat the annotated "wall capped and rendered" as part of that volume unless the applicant shows title to the wall and a means of finishing it without Ards. She has shown neither.

Permission should be refused. A grant that paints the party wall as if it were the applicant's elevation would authorise what our client has already refused, and would leave a permission that cannot lawfully be completed.

8.8 Ground 8: Precedent and the Record of Protected Structures

Structures are placed on the Record for a reason. Section 51 of the Act requires every development plan to include that Record. CPO 8.13 of the County Plan, carried into Variation No. 6, requires the Council to protect the structures on it. Section 57 then takes most ordinary exemptions away. Works that would materially affect the character of a protected structure, or of an element that contributes to its special interest, are not section 4(1)(h) maintenance and are not Class 1 by default. That is the point of listing. It is not an inconvenience to be worked around with a short retention notice.

A18 and A19 are on the Heritage Schedule of the CDP including variation 6. NIAH 16322031 is the pair. Reg. ref. P.06/136 described Ards as a proposed protected structure. If a notice that names only a 15.70 sq.m as-built extension and "minor alterations to rear elevation" is enough to keep a flat-roofed volume on the original rear wall of that pair, to keep a cut pillar, and to keep an L-pipe that throws water onto the other listed house, the Record does not do what the Plan says it does.
The precedent would not be confined to St Mary's Road. It would be that, in Arklow, a Key Town, a small rear addition to a Heritage Schedule building can be built first, measured later at two different floor areas, described in notices that omit the party wall and the drain, and then retained as if section 57 and CPO 8.13 were optional. Every owner of a modest listed house would be entitled to the same sequence. Enforcement files could be closed on a 12 sq.m measure and reopened as a 15.70 m^2 retention without the public ever being told about the wall.

The Council should not set that precedent. It should apply its own Plan. If the pair is on the Schedule, works to the rear wall, the valley and the party structure require a full description, a heritage assessment and a decision that faces section 57. If the Council considers EX10/2026 to have taken Townville off the Record, it should say so in a form that amends the Schedule, not in a grant that pretends the Schedule is irrelevant. Until one or other course is taken, reg. ref. 26/60808 should be refused.

8.9 Ground 9: The proposal would depreciate the value of our client's property

Our client is concerned that the as-built extension, and the works to the party wall, pillar and drain that came with it, would seriously injure the amenities of Ards and depreciate its value.

The Planning and Development Act 2000 recognises that injury. Fourth Schedule, reason 10(c), lists as a reason for refusal that excludes compensation:

> *In the case of development including any structure or any addition to or extension of a structure, the structure, addition or extension would— (c) seriously injure the amenities, or depreciate the value, of property in the vicinity.*

Ards is not a distant house. It is the other half of a listed pair. It shares the wall, the valley and the drain. The as-built extension sits on that wall. The pillar has been cut. Water that previously stayed on the Townville side now reaches her car park. The rear of her property is no longer enclosed by a garden

wall. It is enclosed by a neighbour's room. Those are the facts from which a loss of amenity, and a loss of value, can be inferred.

It is sometimes said that an objector must produce a valuer's report. The High Court in *Gleann Fia Homes Ltd v An Bord Pleanála* [2019] IEHC 618 held that detailed valuation evidence is not required. It is enough that there is some evidence from which the decision-maker can objectively conclude that a reduction in value could arise. The weight of that evidence is a matter for the planning authority.

The evidence here is the party-line siting, the cut pillar, the broken drain, the water on her side, the absence of any designed remedy, and the fact that Ards is itself a structure the Council has processed as a proposed protected structure (P.06/136). A purchaser of Ards would not take a house whose rear boundary is now another person's extension, that receives roof-water and ground-water from Townville that previously fell on Townville's side of the wall, with an unresolved enforcement file and an unresolved section 5 on the same works. That is not the title or the setting she bought.

The only basis on which reg. ref. 26/60808 could proceed as lodged is if the interest in keeping an as-built extension outweighed the amenities and value of Ards. That is not the proper planning of this pair. Permission should be refused.

9.0 Conclusion

Our client has spent the better part of a year on UD11012, EX10/2026, UD11058, photographs of water on her side of the wall, and a neighbour who has now applied to keep an as-built extension without naming the drain. This objection and the section 5 are the same facts stated two ways.

The planning application does not describe the development that has been carried out. The as-built extension is not exempted development. The pair remains on the Heritage Schedule. The works injure the amenity of Ards, throw water onto her land, and cannot be finished without her consent, which will not be given. Two official measurements of the same structure do not match. UD11058 is still the right file for the unnamed works.

Wicklow County Council is asked to refuse PRR 26/60808. It is asked to declare on the section 5 that items (1) to (5) are development and are not exempted development. It is asked not to close UD11058 on the drain, the pillar or the water by reason only of this application.

A different scheme, off the party line, with the valley and pillar reinstated and every litre of roof water kept on Townville, would be a different application. This is not that application.

10.0 Recommendation

Having regard to the above, BPS recommends that permission be refused for the reasons and considerations set out below.

Reasons and considerations

1. The public notices describe only the retention of a 15.70 m^2 single-storey rear extension and minor alterations to the rear elevation. Works comprising the alteration of the shared roof valley and drain, the L-shaped pipe on the new roof, cutting of the pillar, building to and into the party wall, capping and rendering of that wall, and discharge of water onto the adjoining property at Ards are not described. A grant in the terms of the notices would not authorise those works. The application as lodged is incomplete and contrary to articles 17 and 18 of the Planning and Development Regulations 2001 and to the proper planning and sustainable development of the area.

2. The as-built extension reduces the rear garden of 1 Townville to 21.42 sq.m on the applicant's drawings and to about 21 sq.m on the measurement recorded under enforcement file UD11012. Class 1 of Part 1 of Schedule 2 to the 2001 Regulations requires that the rear garden remaining shall not be less than 25sq.m. The structure was erected before permission was sought. The development is not exempted development under section 4(1)(h) of the Planning and Development Act 2000 or under article 6 of the Regulations, and article 9(1)(a)(viii) applies. Retention of the as-built extension on that basis would be contrary to the proper planning and sustainable development of the area.

3. 1 Townville and Ards form a pair entered on the Record of Protected Structures and on the Heritage Schedule of the Arklow Local Planning Framework 2026 as A18 (10 St Mary's Road / Townville) and A19 (11 St Mary's Road / Ards), NIAH 16322031. Permission P.06/136 described Ards as a proposed protected structure. Having regard to CPO 8.13 of the Wicklow County Development Plan 2022–2028, section 57 of the Act and the Architectural Heritage Protection Guidelines for Planning Authorities (2011), it is considered that the as-built extension, the opening of the original rear wall, and works to the party wall, pillar and valley would materially affect the character of the pair. No

architectural heritage impact assessment has been submitted. The development would therefore be contrary to CPO 8.13 and to the proper planning and sustainable development of the area.

4. By reason of its siting on the party boundary with Ards, the cutting of the pillar, the absence of a designed drainage arrangement that keeps roof water on 1 Townville, and the discharge of water onto Ards, the development would seriously injure the residential amenities of Ards and would depreciate the value of that property. The development would therefore be contrary to the zoning objective for the area, to Appendix 1 of the County Development Plan, to reason 10(c) of the Fourth Schedule to the Act, and to the proper planning and sustainable development of the area.

5. The applicant has not demonstrated sufficient legal interest in the party wall, pillar and drain, and has not shown that the annotated capping and rendering of that wall can be completed without access to Ards, which has not been and will not be consented. A permission that cannot be implemented without works on land outside the applicant's control would be contrary to the proper planning and sustainable development of the area.

6. Enforcement file UD11058 remains the appropriate vehicle for works that are not described in this application. A grant of PRR 26/60808 would not regularise the drain, the pillar or the discharge of water onto Ards. The application is premature pending the concurrent section 5 declaration on those works and would be contrary to the proper planning and sustainable development of the area.

Signed,

Brendan Byrne Buck

Brendan Byrne Buck
BPS Planning & Development Consultants LTD
Members of the Irish Planning Institute
17 September 2026

Appendix 1: Relevant details and drawings pertaining to planning application reg. ref. 26/60808

WICKLOW COUNTY COUNCIL [1]

SITE NOTICE

I, **Jodie Redmond** [2], intend to apply for **retention permission**

[3] for development at this site No 1 Townsville, Saint Marys Road, Arklow, Co Wicklow [4]

The development will consist/consists[5] of Permission for retention of existing 15.70 m² single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation.

[6]

The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours.

A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

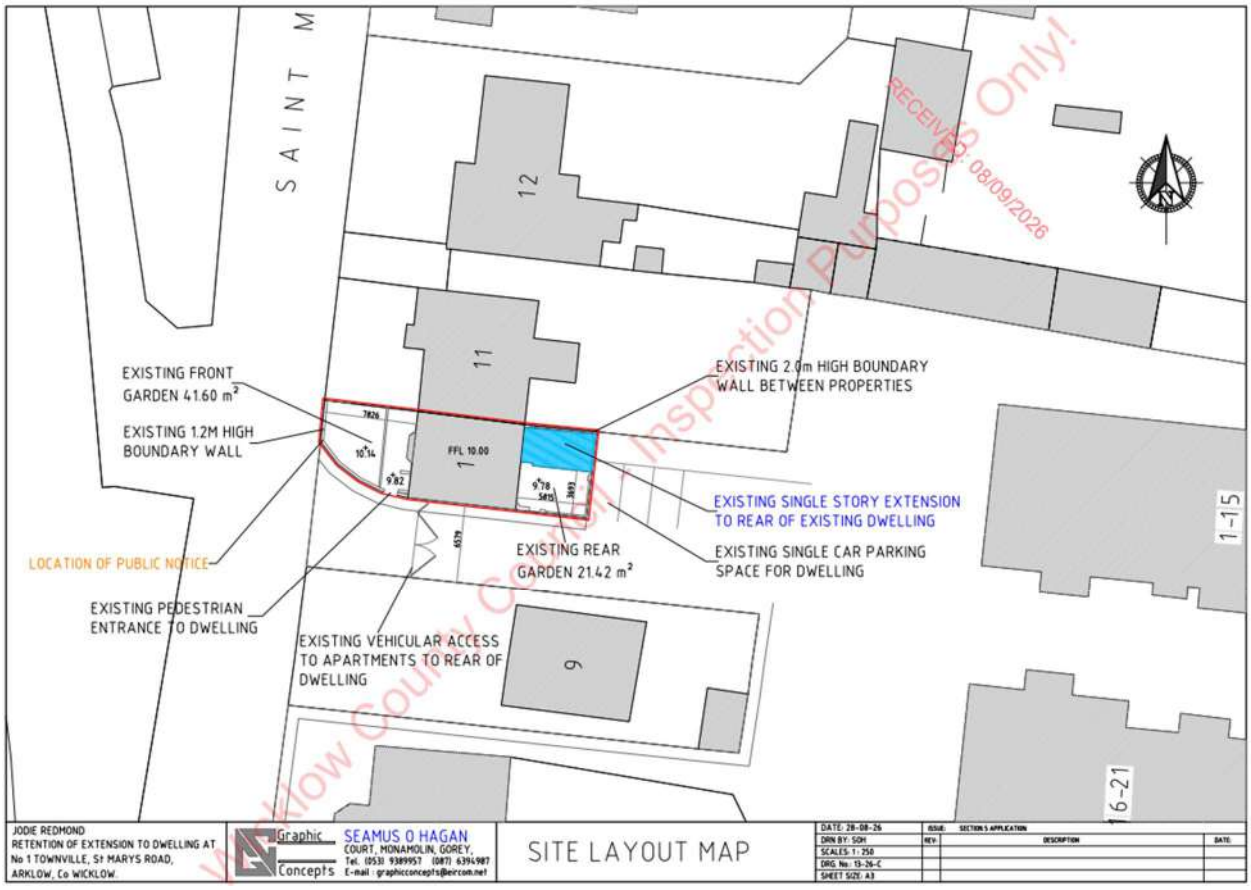
Signed: .....[7]

Seamus O Hagan. Court, Monamolin, Gorey, Co Wexford.

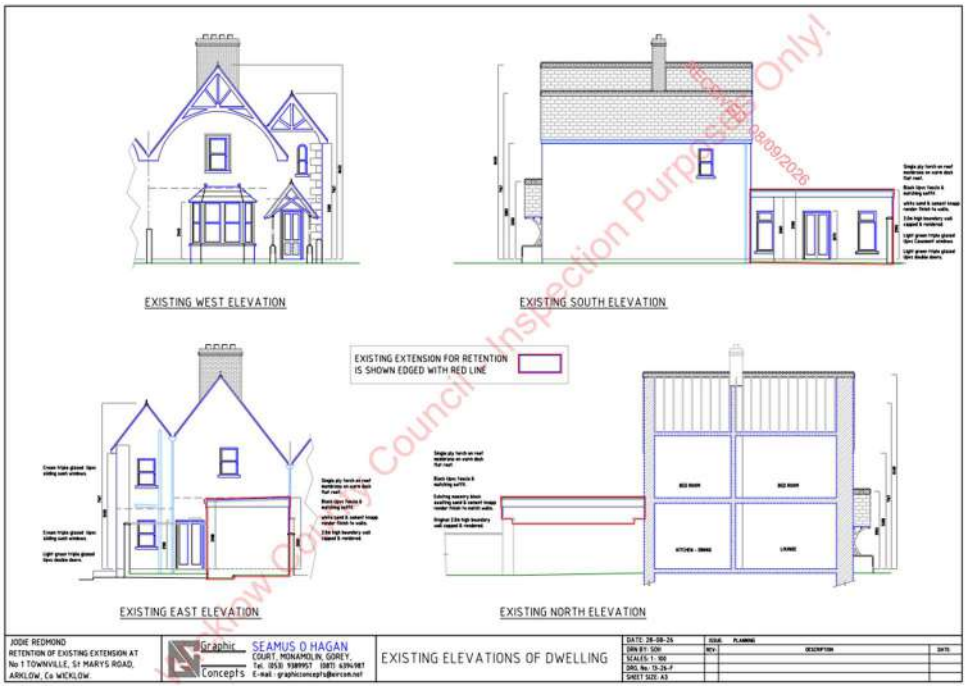
Date of erection of site notice 03rd September 2026 [8]

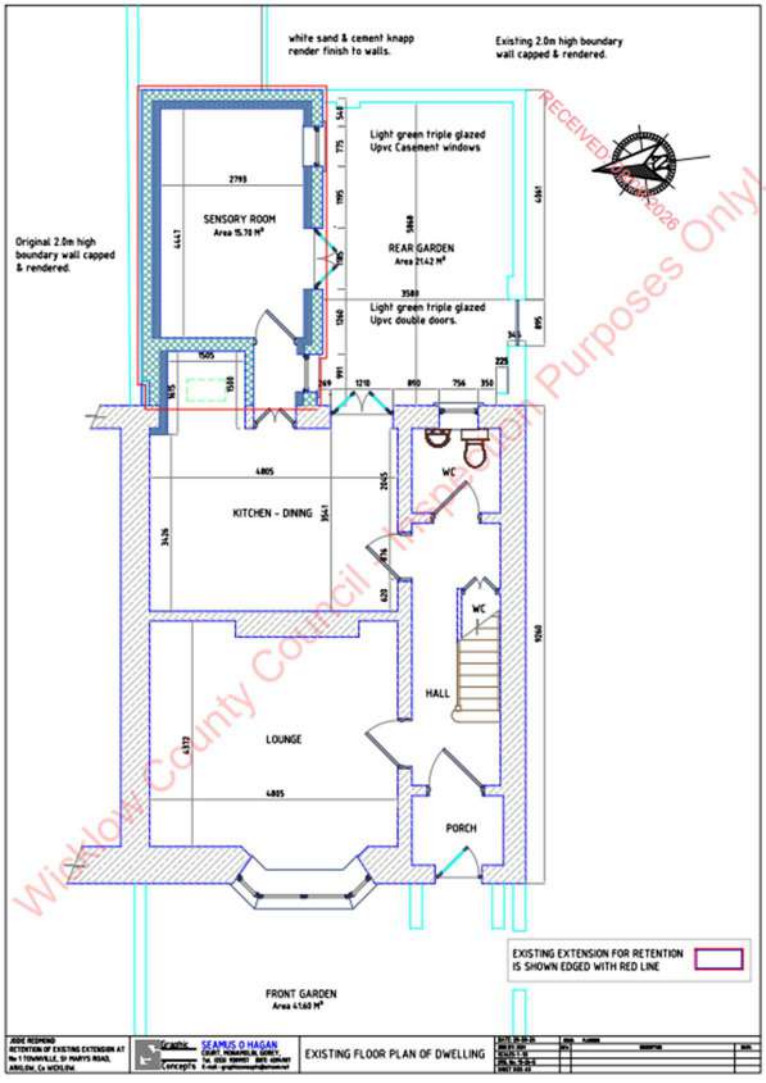
WICKLOW COUNTY COUNCIL Page 13 of 14

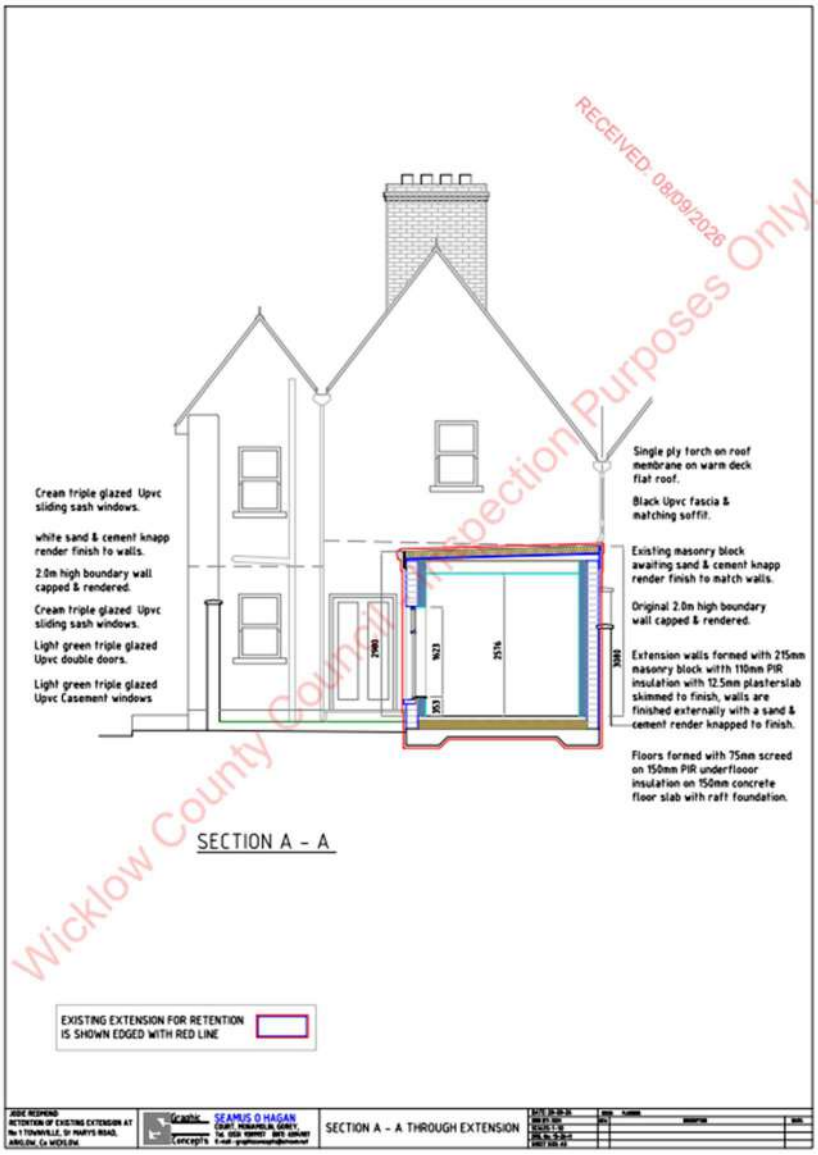
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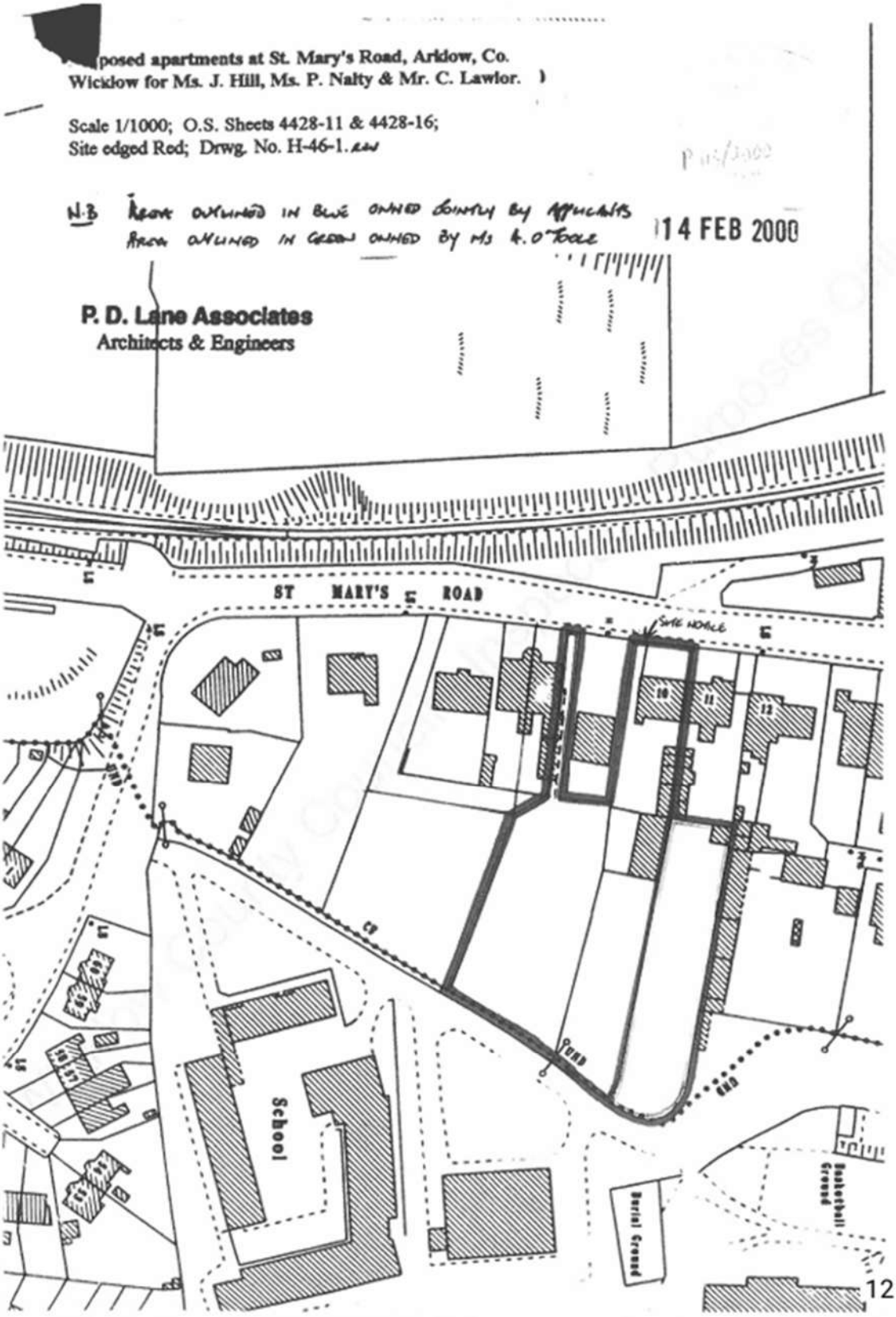
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EXISTING WEST ELEVATION
EXISTING SOUTH ELEVATION
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
EXISTING EAST ELEVATION
EXISTING NORTH ELEVATION
JODIE REDMOND
RETENTION OF EXISTING EXTENSION AT No 1 TOWNVILLE, ST MARYS ROAD, ARKLOW, Co WICKLOW.
Graphic Concepts
SEAMUS O HAGAN
COURT, MONAMOLIN, GOREY.
EXISTING ELEVATIONS OF DWELLING
RECEIVED 08/09/2026
Wicklow County Council Inspection Purposes Only!

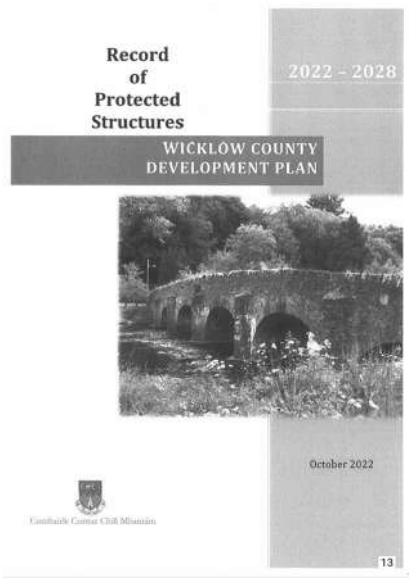

white sand & cement knapp render finish to walls.
Existing 2.0m high boundary wall capped & rendered.
Light green triple glazed Upvc Casement windows
SENSORY ROOM
Area 15.78 M²
REAR GARDEN
Area 21.42 M²
Original 2.0m high boundary wall capped & rendered.
Light green triple glazed Upvc double doors.
WC
KITCHEN - DINING
WC
HALL
LOUNGE
PORCH
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
FRONT GARDEN
Area 47.60 M²
SEAMUS O HAGAN
EXISTING FLOOR PLAN OF DWELLING
RECEIVED 08/09/2026
Wicklow County Council Inspection Purposes Only!


RECEIVED: 08/09/2026
Wicklow County Council Inspection Purposes Only!
Cream triple glazed Upvc sliding sash windows.
white sand & cement knapp render finish to walls.
2.0m high boundary wall capped & rendered.
Cream triple glazed Upvc sliding sash windows.
Light green triple glazed Upvc double doors.
Light green triple glazed Upvc Casement windows
Single ply torch on roof membrane on warm deck flat roof.
Black Upvc fascia & matching soffit.
Existing masonry block awaiting sand & cement knapp render finish to match walls.
Original 2.0m high boundary wall capped & rendered.
Extension walls formed with 215mm masonry block with 110mm PIR insulation with 12.5mm plasterslab skimmed to finish, walls are finished externally with a sand & cement render knapped to finish.
Floors formed with 75mm screed on 150mm PIR underflooor insulation on 150mm concrete floor slab with raft foundation.
SECTION A - A
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
SEAMUS O HAGAN
SECTION A - A THROUGH EXTENSION

Appendix 2: P.D. Lane drawing of 14 February 2000 labelling the plot No. 10



Appendix 3: Excerpts from the Wicklow County Development Plan's Record of Protected Structures & Arklow Town Council minutes, 13 February 2008



			heavy moulded surround with keystone motif.	
A16 16322029	Arklow	**Arklow Railway Station**	Detached four-bay two-storey Railway Station, built 1863. The building is finished in roughcast render with surrounds to the openings; to the north and south are small lean-to and flat-roofed recent additions. The timber sheeted door opening on to the platform is set below a gabled bracketed roof. Window openings are flat-headed and mainly with two over two timber sash frames.	
A17 16322030	North Quay, Arklow	**Navigation Beacon,**	Free standing tall navigation beacon set on the north quay of the Arklow harbour within the tidal estuary of the Avoca River, built in the first half of the 20th century.	
A18 16322031	St.Marys Road, Arklow	**10 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled	
A19 16322031	St.Marys Road, Arklow	**11 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled. The northern house has a panelled door with plain fanlight and both are set within a flat-headed opening; and framed with a open gabled porch supported on timber brackets. To	
A20 16322032	Saint Mary's Road	**Arklow School (Former)**	Detached four-bay two-storey former school, built 1878, and now in use as a house. The building is finished in roughcast render with a projecting two-storey gabled bay to the south side. The front door is now covered with a glazed porch addition which abuts a flat-roofed addition	
A21 16322033	St.Marys Road, Arklow.	**Saint Marys and Saint Peters Convent (Apartments)**	Detached nine-bay two-storey former convent built c.1880, and now converted to apartments. The building is constructed in squared semi-coursed basalt rubble with straw coloured brick dressings. To either side is a projecting hipped roof square bay in symmetrical arrangement. To the south is a chapel addition dating from the 1930s while to the rear north is a very long return	
A22 16322034	Main Street , Arklow	**48 Main Street**	Terraced five-bay two-storey former house, built c.1840, now in use as two shops. The façade is finished in painted render, whilst the pitched roof is slated and has a large rendered chimneystack to the east. To the ground floor are two non-identical timber shopfonts of c.1880	

15

Schedule of Proposed Additions to the Record of Protected Structures

Building Number or Name	Street	Ref No
St Saviours Church	Coolgreaney Road	16322001
3a	Vale Road	16322002
3b	Vale Road	16322002
6	Wexford Road	16322003
26 Shamrock House	Coolgreaney Road	16322004
Rosemont House	Coolgreaney Road	16322005
Clarmont House	Coolgreaney Road	16322005
11 Valeview House	Coolgreaney Road	16322006
4	Coolgreaney Road	16322007
Lamberton Water Tower	Coolgreaney Road	16322008
Lamberton Gate Lodge	Coolgreaney Road	16322009
Cemetery Gate Lodge	Cemetery Road	16322011
Morgan Doyle Ltd	Main Street	16322013
St Mary's and St Peter's Church	Parade Ground	16322014
Fr Michael Murphy Statue	Parade Ground	16322015
Ormonde Cinema	Parade Ground	16322016
1	Upper Main Street	16322017
2	Upper Main Street	16322018
Rose's Florist	Upper Main Street	16322019
1 Gethsemane	St Mary's Terrace, St Mary's Road	16322020
2	St Mary's Terrace, St Mary's Road	16322021
3	St Mary's Terrace, St Mary's Road	16322022
4	St Mary's Terrace, St Mary's Road	16322023
5	St Mary's Terrace, St Mary's Road	16322024
6	St Mary's Terrace, St Mary's Road	16322025
7	St Mary's Terrace, St Mary's Road	16322026
8	St Mary's Terrace, St Mary's Road	16322027
Reenmore	St Mary's Road	16322028
Railway Station Buildings	St Mary's Road	16322029
Navigation Beacon	North Quay	16322030
10	St Mary's Road	16322031
11 Townville	St Mary's Road	16322031
12	St Mary's Road	16322032
Apartment Block (Old Convent Bldg)	St Mary's Road	16322033
48	Main Street	16322034
86	Lower Main Street	16322036
85	Lower Main Street	16322037
71	Lower Main Street	16322039
62	Lower Main Street	16322040
13	Back Street	16322041
24-24a	Lower Main Street	16322042
23	Lower Main Street	16322043
2 The Nineteen Arches Pub	Lower Main Street	16322044
2	Bridge Street	16322045

Appendix 4: Photographs of the party wall, pillar, downpipe arrangement and water discharge onto Ards





















Appendix A – Site Inspection Photographs

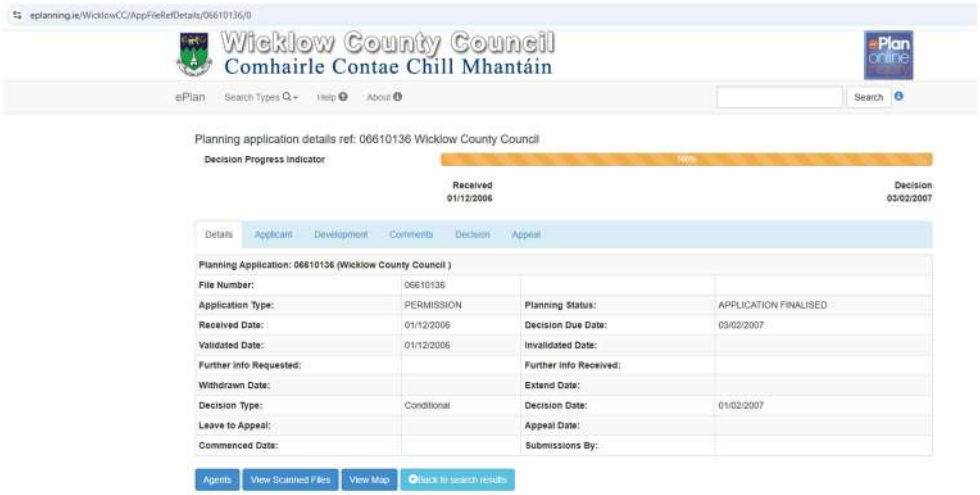
(Inspection undertaken on 10/12/2025- 3:30 pm)



Photograph 1 – Outside (taken on 11/12/2025)

Wicklow County Council's Site Inspection Photograph of the site on 10/12/2025

Appendix 5: Planning permission reg. ref. 06610136 – relevant excerpts



eplanning.ie/WicklowCC/AppFileRefDetails/06610136/0

Wicklow County Council
Comhairle Contae Chill Mhantáin

ePlan Search Types Help About Search

Planning application details ref: 06610136 Wicklow County Council

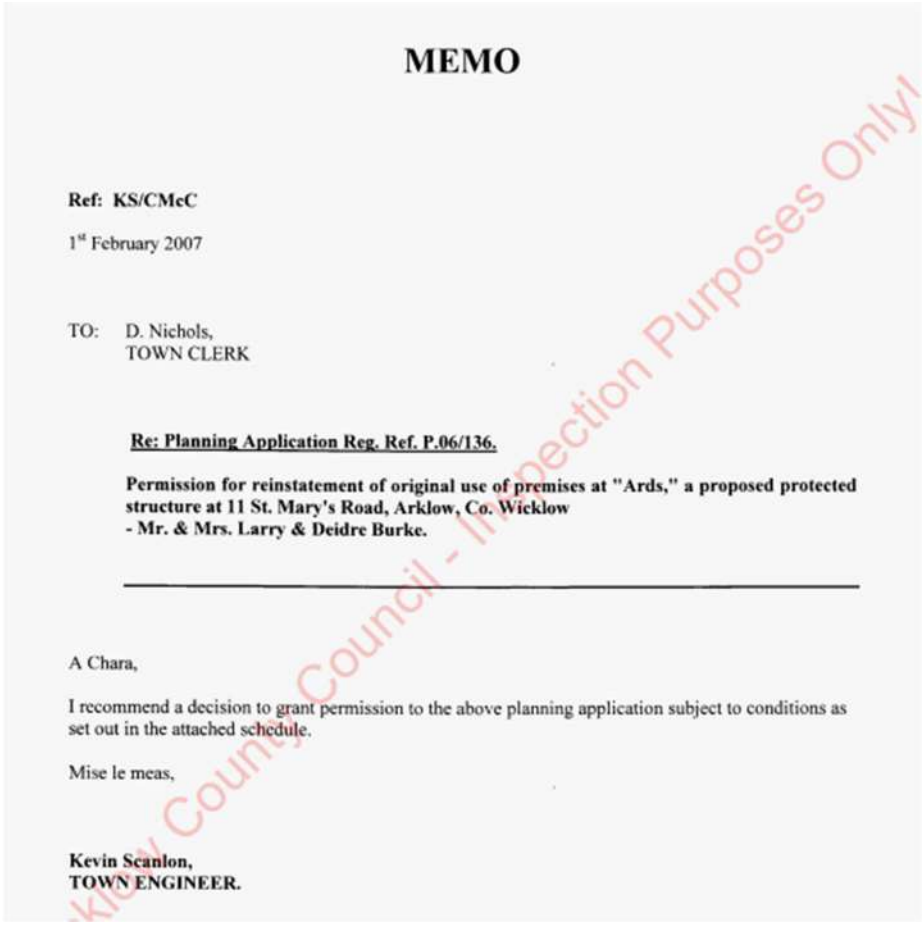
Decision Progress Indicator

Received 01/12/2006 — Decision 03/02/2007

Details | Applicant | Development | Comments | Decision | Appeal

Planning Application: 06610136 (Wicklow County Council)			
File Number:	06610136		
Application Type:	PERMISSION	Planning Status:	APPLICATION FINALISED
Received Date:	01/12/2006	Decision Due Date:	03/02/2007
Validated Date:	01/12/2006	Invalidated Date:	
Further Info Requested:		Further Info Received:	
Withdrawn Date:		Extend Date:	
Decision Type:	Conditional	Decision Date:	01/02/2007
Leave to Appeal:		Appeal Date:	
Commenced Date:		Submissions By:	

Agents | View Scanned Files | View Map | Back to search results



MEMO

Ref: KS/CMcC

1st February 2007

TO: D. Nichols,
TOWN CLERK

Re: Planning Application Reg. Ref. P.06/136.

Permission for reinstatement of original use of premises at "Ards," a proposed protected structure at 11 St. Mary's Road, Arklow, Co. Wicklow
- Mr. & Mrs. Larry & Deidre Burke.

A Chara,

I recommend a decision to grant permission to the above planning application subject to conditions as set out in the attached schedule.

Mise le meas,

Kevin Scanlon,
TOWN ENGINEER.

Wicklow County Council - Inspection Purposes Only!



P136-2006 Burke
Report on the submitted Planning Application.

Consideration of this application is subject to the Arklow Town Development Plan 2005-2011.

Application Received: 01/12/06

Development: Reinstatement of usage of the property. The building is currently a dwelling house. The application proposes office usage along with 4 car-parking spaces to the rear.

Location: "Arde", 11 St Mary's Road, Arklow.
Applicant: Larry and Deirdre Burke.

Planning History: No relevant history.

Site Inspection: Site notice was in place.

Objections received: None.

Observations received: None.

Site Description: The site is a 2-storey semi-detached dwelling on a residential/commercial street, St. Mary's Road. The site is relatively level, rising gently from front to rear.

The site is bounded by: -
North-Dwelling (12 St. Mary's Road),
East-St Michael's Girls School buildings,
South-Dwelling (10 St. Mary's Road),
West-Public road (St. Mary's Road).

Zoning: RA-Existing Residential.
The proposed development of Offices (approx. 111m2 nett floor area) within Land Use Zoning RA is open for consideration in accordance with Section 5.2 of the Arklow Town Development Plan 2005.

It is considered that the proposed development would be compatible with the overall policies and objectives for the Zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

Site Details:
The site is located in an area, which is defined in Map V of the Arklow Town Development Plan 2005 as a Town Centre location.

Site size = 549m2.

Area covered by the existing buildings i.e. the existing building footprint = 104.8m2.
Area covered by the proposed buildings i.e. the proposed building footprint = 0m2.
Area covered by the existing plus the proposed buildings i.e. the building footprint = 104.8m2
Site Coverage = 104.6/548 = 19%.
This is acceptable.

Gross floor area of the existing = 201.8m2
Gross floor area of the proposed = 0m2
Gross floor area of the existing plus the proposed buildings = 201.8m2
Plot Ratio = 201.8/548 = 0.37
This is acceptable.

Flooding: Not Applicable.

Residential Development Density: Not Applicable.

Arklow Town Council — Report on Planning application received — Page 1 of 3

Proposed Boundary Treatment: No proposed alterations. The existing details will remain. This is acceptable.

Building Height of the proposed: No proposed alterations. This is acceptable.

Proposed building finishes: No proposed alterations. This is acceptable.

Appearance: No proposed alterations. This is acceptable.

Overlooking: Assessed as having no impact.

Public Open Space provision: Not Applicable.

Private Open Space provision: Not Applicable.

Archaeology: The site is not within a zone of Archaeological Potential.

Protected Structure: The site contains a proposed protected structure, reference number 16122031, as recommended by the Minister for Arts, Culture, Heritage and the Gaeltacht.

This application relates to a change of use and no other alterations to the property. It is my opinion that, for the purposes of this application and considering the building's status as a PPS, the proposed development is acceptable.

It should be noted, however, that at the time of reporting, the owners of the property had commenced work inside the building and ATC are currently treating this as unauthorised development and following up on the works in accordance with Section 57 of the P & D Act. This issue is not strictly associated with this application for change of use.

Roads Report: There is an existing vehicle access from St Mary's Road to the rear of the property. This access is narrow, at 2.7m, along the gable end. However, it is my opinion that the volume of traffic using the property will be small enough to accommodate this single lane.

Sanitary Services Report: No objections subject to the usual requirements of the sanitary authority and subject to the adequate protection of existing sewers, drains and water supply apparatus.

However, the details of all connections to utilities shall be agreed with ATC.

Public Lighting: Not Applicable.

On-site Parking: In accordance with the requirements of Table 6.3, within Section 6.11.1 of the Arklow Town Development Plan 2005 the proposed development requires the provision of xx on-site car parking spaces in order to facilitate the development.
This is calculated as: -
Office:
(111 x 3) / (100) = 3.33 car-parking spaces. This is based on the requirement of 3 spaces per 100m2 of nett office area in Town Cell locations.

The application proposes 5 spaces to the rear of the building. This is acceptable.

Health Officer's Report: Requested, but no reply.

Chief Fire Officer's Report: Requested, but no reply. However, it is my opinion that the proposed development should be subject to a Fire Cert.

Section 96 of P&D Act 2000: Not Applicable.

Bond: A cash bond of **€2,000** is required for the satisfactory completion of works carried out to: -
Adjacent public road and footpath, which will be affected by the proposed development and which, will require restoration.
(a) Sanitary Services (sewers, watermains, pumping facilities, stormwater attenuation facilities and associated facilities for the provision of sanitary services facilities).
(b) Roads.
(c) Footpaths.

Development Contributions:
A) In accordance with the Town Council's Development Contribution Scheme, adopted on 9th March 2004, as modified by Section 5.4 of the Scheme by way of Manager's Order no. 03/2006 dated 24/01/06, the following contributions, in respect of the provision of proposed infrastructure, which benefits the proposed development, are applicable to the proposed development. The Contribution Scheme is in accordance with Section 48(1) of the Planning and Development Act 2000.

Commercial: -
€43 per m2
201.8m2@ €43 per m2= **€8,677.40**

The contribution due is **€8,677.40. (A)**

General assessment
The proposal to use residentially zoned buildings as small (<200m2) offices is open to consideration.

It is my opinion that, considering the location of the building and proximity to the Town Centre, the proposal is acceptable.

In relation to the PPS, there are no alterations being made to the building. Although there is currently an application under Section 57 of the P & D Act to carry out works, it is my opinion that the proposed use will not adversely affect the architectural and heritage importance of the site. The Section 57 application should be considered separately to this development.

I Recommend a Decision to Grant permission subject to the following conditions:

Preamble: (a) and (m)
Condition 1: P01 (a) xx=01/12/06
Condition 2: P02
Condition 3: L01 xx=€8,677.40 yy=€0 zz=€8,677.40
Condition 4: B01 delete (a) and (c) €2,000
Condition 5: OC04
Condition 6: The details of all water, surface water and foul sewer connections shall be agreed, in writing, with the Planning Authority prior to the commencement of development.
Reason: In the interests of the proper management of the water supply distribution and sewerage network system.

Signed: Ken Scard. Date: 01/02/07

1/2/07.

Arklow Town Council — Report on Planning application received — Page 3 of 3

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 GRANT

Jodie Redmond
C/O Seamus O Hagan
Court,
Monamolin, Gorey,
Co Wexford
Y25HX36

Planning Register Number: 26/60808

Valid Application Received: 08/09/2026

Further Information Received Date:

In pursuance of the powers conferred upon them by the above-mentioned Act, Wicklow County Council has by Order dated 20/10/2026 decided to GRANT RETENTION for development of land, namely: -

of existing 15.70 m2 single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation at No 1 Townville, Saint Marys Road, Arklow, Co Wicklow,

Subject to the 2 conditions set out in the attached schedule.

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.

Esther Reader
_____
SENIOR EXECUTIVE OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Date: 20/10/2026

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PLANNING & DEVELOPMENT ACT 2000 (as amended)
Reference Number in Register: 26/60808

S C H E D U L E

Having regard to the location and zoning of the site and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. This permission refers to the development as described in the documents lodged save as the conditions hereunder require.

REASON: For Clarification and to ensure that the development shall be in accordance with the permission.

2. The existing dwelling and proposed extension shall be jointly occupied as a single housing unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

REASON: To restrict the use of this extension in the interests of residential amenity.



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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

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WICKLOW COUNTY COUNCIL Planning Department	
Ref:	**26/60808**
Name:	**Jodie Redmond**
Type:	**Retention**
Proposal:	Retention of existing 15.70 m2 single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation.
Location:	No 1 Townville Saint Marys Road Arklow, Co Wicklow
Received	**08/09/2026**
Submissions by:	**12/10/2026**
Date Due:	**02/11/2026**
Site Notice:	**In place and acceptable.**

SITE LOCATION AND DESCRIPTION

The application site is located on the eastern side of St. Marys Road in Arklow and comprises of a semi-detached 2 storey semi-detached dwelling with front and rear amenity space. No. 11 St. Marys Road, also known as Ards, A protected structure, is located to the north of the application site. The entrance and parking area associated with an apartment development known as Townville, is located to the southern and eastern boundary of the site.

RELEVANT PLANNING HISTORY

Application Site

00/610113 -ATC PRR113/2000: Planning permission GRANTED to Jennifer, Patricia, Conor, Hill, Nalty, Lawton for (1) Demolition of part of existing house and alterations to remaining part of "Tarnville", (2) Construction of 2 No. buildings to rear comprising of 20 No. two bedroom apartments (total) and ancillary site development works including access road, c/p facilities, bin storage, and (3) demolition of part of existing house at "Reenmore" to provide pedestrian access to development.

No Appeal.

Relevant Section 5 Exempt Development Declarations for No. 1 Townville, St. Mary's Road, Arklow, Co. Wicklow.

EX117/2026: A question arises as to whether the following, taken separately and together. constitute development and are or are not exempted development:

(1) The construction and retention of the single-storey rear extension of stated area 15.70sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall:

(2) The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;

(3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall. including onto the car park of Ards;

(4) Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall;

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(5) Excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and

(6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX 10/2026 on this property.

Decision: Split Decision as Follows:

The Planning Authority consider that the:

A : The construction and retention of the single-storey rear extension of stated area 15.70sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall, which includes works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall and the excavation and foundation works for the extension adjoining the party wall and the structure at Ards, which are form an extension is development and **is Not Exempted development.**

B : The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall including onto the car park of Ards **is not Development.**

C : The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain **is Development and is Exempted Development.**

Main Reasons with respect to Section 5 Declaration:

i. The construction and retention of the single-storey rear extension of stated area 15.70sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall, which includes works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall and the excavation and foundation works for the extension adjoining the party wall and the structure at Ards, are all intrinsic elements and integral to the construction of the extension to the rear of 1 Townsville, and therefore come within the extension development.

ii. The construction of the rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended) and these works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).

iii. The rear extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (SI 600 of 2001), but as the rear private space is reduced to 21.42 sqm it would not meet Limitation 5 which provides that *the construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

iv. The alteration or removal of the shared roof-valley arrangement, down pipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain are works, and therefore development having regard to Section 2 and Section 3 of the Planning and Development Act 2000 (as amended). The works of alteration would not materially affect the external appearance of the structure so as to

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render the appearance inconsistent with the character of the structure or of neighbouring structures, and therefore is exempted development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

v. The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall, including onto the car park of Ards, would not come within the definition of works, as the discharge of roof and surface water does not refer to any operation of construction, excavation, demolition, extension, alteration, repair or renewal, and is therefore not development given the definition under Section 2 of the Planning and Development Act 2000.

vi. The Record of Protected Structures includes no 10 Townville St. Mary's Road, Arklow, with the associated picture referring to 11 Townville St Mary's Road. At the date of inclusion in the Record of Protected Structures of no. 1 Townville, St Mary's RRoad, thereference in the newspaper notice referred to 10 St. Mary's Road, Arklow and 11 Townville, St Mary's Road Arklow. Section 55 of the Planning and Development Act 2000(as amended) requires the Planning Authority to give notification of inclusion of a structure in the Record to the owner of the property. The identified flaw in the address of the Protected Structure in notices and subsequently in the Record, was such that the required notifications could not have issued to the correct address, and it is therefore concluded that 1 Townville has not been included in the Record of Protected Structures to accord with the legislation and therefore could not form part of the Record given this legal impediment. Thus the provisions of Section 57 are not applicable in this instance.

vii. The query as to whether

> *Queries (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX 10/2026 on this property*,

would it is considered relate to the planning application process under Section 34 of the Planning and Development Act 2000 (as amended) and Related Regulations. A query on the administration of the planning application is not a matter for Section 5 and therefore this element does not form part of the assessment under this declaration.

EX97/2026: The construction of a single storey extension to rear constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Decision: The Planning Authority considered that the construction of a rear flat roofed single storey extension **is Development and is Not Exempted development.**

Main Reasons with respect to Section 5 Declaration:

(i) The construction of a rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)

(ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).

(iii) Article 1 (3) of SI 338 of 2026 provides that

(3) These Regulations shall come into operation on the 27th day of July 2026,

there is no provision for these Regulations to be retrospective.

(iv) The relevant exemption at the date the single storey extension was constructed was that set out under Class 1 of Part 1 of Schedule 2 of SI 600 of 2001 Planning and Development Regulations 2001

(v) The extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (SI 600 of 2001), but as the rear private space is reduced to 21.42 sqm it would not meet Limitation 5 which provides that *the construction or erection of any*

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such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

(vi) The Record of Protected Structures, wherein the description refers to 10 Townville St. Mary's Road, Arklow, and the associated picture which refers to 11 Townville St Mary's Road, and not to 1 Townville, St Mary's Road

(vii) The provisions of Section 55 of the Planning and Development Act 2000(as amended), and the lack of confirmation that the notices required by reference to Section 55 of the Planning and Development Act 2000(as amended) were properly issued to the correct address. The protected status of 1 Townville , St Mary's Road is uncertain.

EX10/2026: The construction of a rear flat roofed single storey extension at 1 Townville, St Mary's Road , Arklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Decision: The Planning Authority considered that the construction of a rear flat roofed single storey extension **is Development and is Not Exempted development.**

The main considerations

(i) The construction of a rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)

(ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).

(iii) The extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), but as the rear private space is reduced to 21 sqm it would not meet Limitation 5 which provides that *the construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

(iv) The Record of Protected Structures, wherein the description refers to 10 Townville St.Mary's Road, Arklow, and the associated picture which refers to 11 Townville St Mary's Road, and not to 1 Townville, St Mary's Road

(v) The provisions of Section 55 of the Planning and Development Act 2000(as amended), and the lack of confirmation that the notices required by reference to Section 55 of the Planning and Development Act 2000(as amended) were properly issued to the correct address. The protected status of 1 Townville , St Mary's Road is uncertain.

Enforcement:

UD11012 File closed on basis extension exempt.

UD11058 File open relating to the construction of a lean to singe storey extension of circa 12sq.m in floor area to the rear/eastern wall of 1 Townville.

Planning History Adjoining Sites

Site to the north known as Ards
06/610136: Planning permission GRANTED to Mr. & Mrs. Larry & Deidre Burke for reinstatement of original use of premises at "Ards," a proposed protected structure to office use, together with the provision of car parking to the rear.

Site to the South 9 St. Mary's Road
09/610027: Planning permission GRANTED to Eftim Hurley for the conversion of bungalow to offices.

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INTERNAL REPORTS: None received at the time of writing.

EXTERNAL REPORTS: None received at the time of writing.

THIRD PARY SUBMISSIONS:
One received during the prescribed period. The planning concerns raised in this submission relate to the following:

- It is submitted that the **notices do not describe the development**.
  - Names only a 15.70 sq.m as-built extension and "minor alterations to the rear elevation."
  - Does not name the shared valley and drain, the L-shaped pipe on the new flat roof, water onto Ards, the cut pillar, building into the party wall, or capping and rendering of that wall. Submitted that these works are development. They are not exempted development.
  - Articles 17 and 18 require the notice to describe the development. A grant in these words would retain a slice of what has been built and leave the rest unauthorised. Noted that a concurrent section 5, has been lodged by the observer.

- Reference also made in this submission to the **spelling of the address** noting that the application form and some drawings use 1 Townville. The site notice uses Townsville. The RPS / live ArcGIS map and the 2008 RPS vote use 10 St Mary's Road. "10 Townville" on some schedule extracts is that plot number, not the rear duplex. P19/2000 labelled the plot No. 10. P.06/136 used 11 St Mary's Road for Ards. The correct address is 10 St Mary's Road (also described in records as Townville, 1 Townville, and on the 2000 OS extract - provided in Appendix 2 - as plot No. 10). The planning application does not explain which legal parcel is edged red or whether the notice was erected at the correct property. That is a validation risk under article 17.

- **The as-built extension is not Class 1 exempted development** as the remaining rear garden is 21.42 sq.m on the applicant's drawings and about 21 sq.m on the UD11012 inspection. Class 1 requires not less than 25 sq.m.

- **Protected Status of the dwelling on site and the adjoining property, Ards:** Submitted that Ards and Townville were built as one composition and that is how they read along St. Marys Road and are recorded on the NIAH and the record of protected structures. Submitted that A18 and A19 remain on the Heritage Schedule of the CDP including Variation 6. P.06/136 treated Ards as a proposed protected structure. P19/2000 labelled this plot No. 10. EX10/2026 is not accepted as taking Townville off the Record. CPO 8.13 and section 57 require works that materially affect the rear wall, the party wall and the valley to be assessed as works to a listed pair. There is no architectural heritage impact assessment with reg. ref. 26/60808. The Architectural Heritage Protection Guidelines require minimum, reversible work that respects the group. Cutting a pillar and replacing a shared valley with an L-pipe is not that work. Submitted that a Architectural Heritage Impact Assessment should have been submitted including a method stated for the party wall.

- **Surface water onto Ards.** Submitted that before the as-built extension, water from both roofs ran in the valley and drain on the Townville side. That arrangement has been broken. Water now reaches the Ards car park and the face of the wall. County water policy requires runoff to be managed on the site that generates it. There is no drainage design. Our client's position is that no water that previously fell or drained on the Townville side should be permitted onto Ards. Submitted that this is a planning objection, not only a private claim. The planning pack submitted does not include dated

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photographs of the shared drain before and after, or of the pillar. The client's photographs should sit on the objection file. The applicant should have supplied them.

- **Protecting the residential and visual amenities of Ards.** It is submitted that the as-built extension sits on the party line. The residual garden on Townville is about 21 sq.m. The rear of a listed pair is now a flat-roofed volume and uPVC doors hard against our client's car park. The works were built first, without a construction plan, without agreed hours and without protection of the party wall. The notices still do not say how the wall is to be finished or how water is to be kept off Ards. It is submitted that amenity includes certainty. This application does not give it.

- **Two measurements, two files.** Noted that enforcement measured 12 sq.m. The application seeks 15.70 sq.m. UD11012 was closed as if the as-built extension were an ordinary exempt addition. UD11058 was live on 8 September 2026. A grant confined to the red-edged volume on drawing 13-26-G would not close UD11058 on the drain, the pillar or the water.

- Submitted that the extension leaves a **cramped rear garden space.**

- **Shared boundary wall.** Submitted that planning permission does not authorise works on a neighbour's half of a wall, or access to finish an elevation from her side. Completing the annotated capping and render would require scaffolding or excavation on Ards. That consent has not been given and will not be given for this scheme. A permission that cannot be implemented without trespass should not be granted.

- **Precedent and the Record of Protected structures.** Structures are listed so that section 57 and CPO 8.13 apply. If a short retention notice is enough to keep an as-built extension, a cut pillar and an L-pipe on a Heritage Schedule pair, the Record does not do what the Plan says it does. That precedent should not be set in a Key Town.

- **Depreciation of value.** Fourth Schedule reason 10(c) and Gleann Fia Homes Ltd v An Bord Pleanála [2019] IEHC 618 are engaged. The evidence is the party-line siting, the cut pillar, the broken drain, the water on her side, and an unresolved enforcement file on the same works. A purchaser of Ards would not take a house whose rear boundary is now another person's room, that receives roof water and ground-water from Townville that previously fell on Townville's side of the wall. The third party is concerned that the as-built extension, and the works to the party wall, pillar and drain that came with it, would seriously injure the amenities of Ards and depreciate its value.

- The observer considers that PRR 26/60808 be refused, and that the section 5 be determined first or in parallel so that the two files are consistent.

The planning concerns raised in this Third-Party Submission will be considered in the assessment of this planning application for retention.



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POLICY

LAND USE PLAN: ARKLOW LOCAL PLANNING FRAMEWORK 2026.
Zoning: RE: Existing Residential.
Objective: To protect, provide and improve residential amenities of existing residential areas.
Flooding: Flood Zone C.

WICKLOW COUNTY DEVELOPMENT PLAN 2022-2028

The following provisions of the CDP 2022-2028 are particularly relevant to this application:

Chapter 6: Housing
CPO 6.21- In areas zoned 'Existing Residential' house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space.). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

CPO 6.22- In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously un-serviced, low-density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

Appendix 1: Development and Design Standards

Section 3.1.8 - House Extensions
The construction of extensions to existing houses will be encouraged generally as it usually provides a less resource intensive method of expanding living space than building a new structure. Given the range of site layouts prevailing, it is not possible to set out a set of 'rules' that can be applied to all extensions, but the following basic principles shall be applied:

- The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure;
- The extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed;
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities. If for example a two-storey dwelling already directly overlooks a neighbour's rear garden, a third storey extension with the same view will normally be considered acceptable;
- New extensions should not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. In this regard, extensions directly abutting property boundaries should be avoided;
- While the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

PLANNING ASSESSMENT

Principle of Development
Retention permission is sought for a single storey 15.70 m2 single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation. The application site is zoned RE-Existing Residential Existing Residential with an **Objective "t**o protect, provide and improve residential amenities of existing residential areas", therefore the principle of development for the alteration and extension to the dwelling in accordance with principles of good design and protection of existing residential amenity is considered acceptable principle.

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A number of issues have been raised in a third-party submission with regard to the protected status of the subject site, the development description on the public notices, the impact of the proposed development on the architectural heritage of the adjoining property known as Ards and the subject dwelling on site. Issues are also raised with regard to alterations to the boundary wall and the drainage arrangement from the shared shaped roof valley between the application site and the property to the north. These will be addressed as part of this assessment of this planning application.

Protected Status of Dwelling on site:
I note the details of the third-party submission received with regard to the protected status of the subject dwelling and the impact of the overall proposal on the adjoining property known as Ards, both in terms of amenity and its protected status.

Firstly, I note from a review of the Record of Protected Structures under Appendix 4 of the 2022-2028 Wicklow County Development Plan and the Section 5 Exempt Development Declarations issued in relation to the subject site, that the Protected Status of 1 Townville, the subject site, is unclear, in particular noting that there is no RPS Record relating to the address, 1 Townville. The error with regard to the address of the subject site as indicated on the RPS came to light as part of the assessment of a number of Section 5 Exempt Declarations relating to the subject site and the subject extension.

In this regard the most recent assessment under EX117/2026 notes the following

> *"The Record of Protected Structures includes no 10 Townville St.Mary's Road, Arklow, with the associated picture referring to 11 Townville St Mary's Road. At the date of inclusion in the Record of Protected Structures of no. 1 Townville, St Mary's Road, the reference in the newspaper notice referred to 10 St. Mary's Road, Arklow and 11 Townville, St Mary's Road Arklow. Section 55 of the Planning and Development Act 2000(as amended) requires the Planning Authority to give notification of inclusion of a structure in the Record to the owner of the property. The identified flaw in the address of the Protected Structure in notices and subsequently in the Record, was such that the required notifications could not have issued to the correct address, and it is therefore concluded that 1 Townville has not been included in the Record of Protected Structures to accord with the legislation, and therefore could not form part of the Record given this legal impediment. Thus the provisions of Section 57 are not applicable in this instance".*

It is therefore noted that No. 1 Townville, the subject dwelling, may not be considered to be a protected structure at this time. I note that the development description does not refer to a protected structure which is considered reasonable and acceptable noting the details of the most recent Section 5 Declaration assessment under EX117/2026

It is noted that the subject dwelling is of architectural merit and this will be considered in the assessment of the planning application.

Development Description.
I note the details of the third-party submission with regard to the wording of the development description in the public notices. In this regard it is noted that the development description only refers to a 15.70 sq.m as-built extension and minor alterations to the rear elevation. It is submitted that the development description should refer to the shared valley and drain, the L-shaped pipe on the new flat roof, water onto Ards, the cut pillar, building into the party wall, and the capping and rendering of that wall. Reference is also made to a spelling error on the site notices where the address refers to Townsville and not Townville. This is considered to be a typographical error which does not impact on the ability to the notice to inform the public or the ability of the Planning Authority to assess the development.

With regard to the detail of the development description I refer to Section 3.4 of the Development Management Guidelines which refers to the Purpose of Public Notices. The following is noted in this regard:

> *"The purpose of the notices, that is, the newspaper notice (Article 18 of the Planning Regulations) and the site notice (Article 19), is to inform the public of the proposed development and alert them as to its nature and extent. Third parties may then examine the files in detail at the planning office (or on the*

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authority's website, where applications are put on the website) and, if they so wish, may lodge a submission or objection. In recent years the amount of detail in the public notice has increased continuously to the extent that such notices frequently include every detail of the proposed development, rather than comprising a brief description of the proposed development. This level of detail is unnecessary and can cause confusion. In order to clarify the issues around the content of the public notice the Planning and Development Regulations 2006 amended Article 18 and Schedule 3, Form No. 1, to provide that the public notices should give "a brief description" of the nature and extent of a proposed development".

In this regard I consider that the public notices adequately describe the nature and extent of the development and that the inclusion of the additional detail as submitted by the third party would not be considered to be a brief description and would likely cause confusion to members of the public. It is considered that the public notices and development description were sufficient to alert members of public to the development on this site proposed for retention, including the third party, who then were able to examine the details of the planning application lodged and submit their submission during the prescribed period.

Structure Proposed for Retention

Retention permission is sought for a single storey extension to the rear of the dwelling on site to provide for a sensory room ancillary to the main use of the dwelling. The sensory room is constructed along the shared party wall with the adjoining property to the north. Double doors and a window are located on the southern side of the extension opening out onto the private rear yard of the dwelling on site. The roof of the extension has a slight lean towards the rear yard of the subject site. The rear/eastern wall of the extension now forms part of the rear boundary wall of the subject site.

I note that the extension on site appears to be constructed inside the party boundary wall of Ards with no overhang or oversailing of the adjoining property. From a comparison of a photograph taken on site on the day of the site visit, and a photograph submitted as part of a third-party submission which was taken prior to the construction of the extension (see below), I note that there are very little if any interventions made to the rear boundary wall associated with Ards along the extent of the extension.



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Changes appear to have been made further east along the wall where it adjoins the car parking area associated with apartment development. The removal of the double pillar appears to relate to the removal of the section of the pillar on the applicant's property in order to accommodate the extension on site. The alterations made to the boundary wall appear to have been carried out on the applicant's side including the removal of a section of the rear/east facing boundary where it addresses the car park associated with the adjoining apartment development.

From the images submitted and photographs taken on site I also note that the down pipe from the shared valley is still present and drains towards the subject site as was the case prior to the construction of the extension. The drainage arrangement therefore appears to be as it was prior to the construction of the extension in that the water from the shared valley in the roof between the two dwellings drains to the site of No. 1 Townville. This alteration does not materially alter the appearance of the properties or impact on the character of the existing dwelling or the adjoining property Ards.

Impact of the Extension on Residential Amenity and the Character of Ards
It is noted that there is an existing 2 storey flat roof extension constructed in a central position to the rear elevation of the adjoining property Ards which is finished in red brick.

The extension proposed for retention is single storey and rendered. It runs inside party wall of Ards for a distance of c.5.815 metres. The scale and depth of the extension is considered reasonable, noting the pattern of development in the area with regard to rear building lines of properties to the north and south. Due to its scale and height, it is considered that the extension does not have an undue visual, overbearing or overshadowing impact on the rear amenity space associated with Ards.

The render finish is considered appropriate given the existing render finish of the dwelling on site. The extension is only visible at a glance on approach to the subject site from the south along St. Mary's Road and does not have a visual impact on St. Mary's Road where there are a number of buildings of architectural interest included on the RPS. The issue with regard to the RPS regarding the subject site is noted. It is noted that the application site and property to the north form an attractive semi-detached pair of dwellings of architectural interest and character. This architectural interest and character relates mainly to the facades of the dwellings addressing the public realm. The extension proposed for retention does not detract from the character of the dwelling on site or the adjoining property to the north, Ards and does not detract visually from the streetscape of this section of St. Mary's Road.

The dwelling on site will retain a rear yard of c.21.42sq.m. I note that the dwelling on site has not been previously extended. The retained rear yard area is considered reasonable and sufficient to serve the extended dwelling on site noting that the extension significantly improves the amenity of the dwelling on site for its occupants while not detracting from the privacy and amenity of any adjoining properties. Therefore, on balance the extension is considered to be acceptable.

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Other Matters
It is considered that issues raised with regard to the rendering of the wall of the extension on the northern upper elevation and apparent repair works needed to the down pipe from the shared roof valley between the 2 properties are civil matters which are outside the remit of a planning application.

Environmental Assessment

Appropriate Assessment: Having regard to the nature and scale of the proposed development consisting of a single storey extension to an existing dwelling in an existing urban area, and its distance from designated Natura 2000 Sites, it is not considered that the proposed development which is served by public mains sewerage would give rise to any adverse impacts on the qualifying interests and conservation objectives of any Natura Site and therefore the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.

EIAR: Not required having regard to the nature and scale of the proposed development.

Development Contributions and Security	
Development Contribution	Floor area for retention: 15.70sq.m. Previous Extensions: No 40sq.m therefore applicable. No Development contributions due.
Security	N/A

Conclusion
Having regard to the nature and scale of the extension proposed for retention, it is considered that the development proposed for retention is acceptable as does not have an undue impact on the privacy and amenity of any adjoining properties; will serve to approve the amenity of the dwelling on site and due to its design and locations does not detract visually from the streetscape along this section of St. Mary's Road or the character of the dwelling on site or the adjoining property. The development therefore accords with the Zoning Objective of the site RE: To protect, provide and improve residential amenities of existing residential areas. It is therefore recommended that retention permission is granted.

Recommendation: GRANT RETENTION.
Having regard to the location and zoning of the site and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. This permission refers to the development as described in the documents lodged save as the conditions hereunder require.

   REASON: For Clarification and to ensure that the development shall be in accordance with the permission.

2. The existing dwelling and proposed extension shall be jointly occupied as a single housing unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

   REASON: To restrict the use of this extension in the interests of residential amenity.

Patrice Ryan
Executive Planner
19/10/2026

GRANT
H Dennehy DOS
20/10/26

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Site Photos



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Photographs on Third Party Submission



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