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PLANNING APPEAL OF WICKLOW COUNCIL DECISION TO REFUSE REF. 26/60748 FOR PERMISSION FOR REMOVAL OF EXISTING REAR GARDEN STORAGE BUILDING AND CONSTRUCTION OF THREE STOREY REAR EXTENSION COMPRISING 3 NO. 1-BED APARTMENTS AT NO. 2 WESTBOURNE TERRACE, QUINSBOROUGH ROAD, BRAY, CO. WICKLOW, A98 VF59.

Dear Sir/Madam,

1.0 Introduction

This Planning Appeal has been prepared on behalf of the Applicant, He & Yang Limited, in respect of the decision of Wicklow County Council to refuse permission under Reg. Ref. 26/60748 for residential development at No. 2 Westbourne Terrace, Quinsborough Road, Bray, Co. Wicklow.

The proposed development, as described in the statutory notices, comprises:

> *"(1) Removal of existing rear garden storage building along the east boundary; (2) Converting the existing first and second floors into two studio apartments; (3) Construction of a new three-storey rear extension comprising of three one-bedroom apartments on the ground, first and second floor levels (totalling two studio apartments and three one-bedroom apartments across the development); (4) Provision of all associated site works, including bicycle parking and bin storage facilities at ground floor level."*

Permission was refused by Wicklow County Council by Order dated 1 October 2026 for one reason, comprising a number of interrelated concerns regarding the standard of residential accommodation and the relationship of the proposed development with its immediate surroundings.

The refusal identifies concerns in relation to:

- the separation distances between windows serving apartments within the development and between the proposed development and the adjoining property to the north;
- the provision and quality of private amenity space;
- the absence of sufficient evidence demonstrating acceptable daylight and sunlight levels within the proposed apartments;
- the location of the proposed bin store within the courtyard;

- the proposed residential density of 217 units per hectare; and
- the level of information submitted demonstrating that the extension would not result in an unacceptable overbearing, overlooking or overshadowing impact on adjoining properties.

The Planning Authority concluded that these matters, when considered cumulatively, would result in an overdevelopment of the site and a substandard form of residential development contrary to Objectives CPO 6.3, CPO 6.4 and CPO 6.16 of the Wicklow County Development Plan 2022–2028.

The purpose of this appeal is to demonstrate that the proposed development represents an appropriate and sustainable form of residential intensification on a highly accessible, constrained town-centre infill site and that the concerns identified by the Planning Authority can be satisfactorily addressed having regard to the particular characteristics of the site, current national planning policy and the additional information now submitted with the appeal.

The appeal is accompanied by a revised set of architectural drawings prepared by ANCA Architects, dated 23 October 2026, which incorporate a number of targeted amendments and clarifications in response to the Planning Authority's assessment and the comments of the Chief Fire Officer. These revisions are limited in nature and do not materially alter the fundamental scale, height, floor levels, window positions or overall architectural form of the proposed development.

A separate *Daylight Assessment Report – Median Daylight Factor Assessment*, prepared by M Abbas and dated 26 October 2026, is also submitted alongside this appeal report. The assessment provides an objective technical evaluation of internal daylight performance across the ten proposed habitable rooms, having regard to BRE 209 (2022) and IS EN 17037:2018. While the assessment identifies areas of both compliance and shortfall against the recommended daylight targets, it provides technical evidence that was absent from the original planning application and enables a more informed consideration of the proposed residential accommodation. The assessment does not extend to direct sunlight availability, overshadowing or daylight and sunlight impacts on adjoining properties.

The appeal therefore seeks to address both the planning judgement underlying the refusal and the evidential gaps identified during the assessment of the application.

In particular, the appeal has regard to:

- the Town Centre zoning of the site and the Planning Authority's express acceptance that residential development is acceptable in principle at this location;
- the highly accessible location of the site within Bray Town Centre and in close proximity to Bray DART Station and high-frequency public transport;
- national and local planning policy supporting compact growth, brownfield development, residential intensification and the regeneration of underutilised town-centre sites;
- the exceptionally small site area of approximately 0.023 hectares and the need to assess the stated density of 217 units per hectare in the context of the actual scale and form of development proposed;
- the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, including the specific flexibility afforded to very small urban infill sites;

- the provisions of the Planning Design Standards for Apartments, including the flexibility afforded to building refurbishment schemes and urban infill development on sites of up to 0.25 hectares;
- the Planning Authority's acceptance of the proposed residential unit mix and the principle of a car-free development at this highly accessible location;
- the Planning Authority's conclusion that no material heritage or archaeological impacts arise;
- the revised architectural drawings submitted with this appeal, which provide additional clarification and respond to a number of the design and management concerns raised;
- the accompanying Daylight Assessment, which provides objective technical evidence regarding the internal daylight performance of the proposed apartments, including areas of compliance and shortfall against the recommended targets; and
- the wider objective of securing an efficient and sustainable use of an existing town-centre building and constrained brownfield/infill site.

It is respectfully submitted that, when the proposal is assessed having regard to the additional technical evidence, revised drawings and the current national policy framework applicable to compact urban development, the identified concerns do not warrant refusal of permission.

Rather, the proposal represents an opportunity to deliver additional residential accommodation within an established and highly sustainable town-centre location, while bringing underutilised upper-floor accommodation and backland space into productive residential use.

The following sections of this appeal examine the site context, relevant planning history, applicable national and local planning policy and the individual grounds upon which it is respectfully requested that the decision of Wicklow County Council be overturned and permission granted.

1.1 Compliance with Statutory Appeal Requirements

This appeal is made by He & Yang Limited, the Applicant under Wicklow County Council Reg. Ref. 26/60748, against the Planning Authority's decision to refuse permission for the proposed development at No. 2 Westbourne Terrace, Quinsborough Road, Bray, Co. Wicklow.

The Planning Authority's decision was made on 1 October 2026. In accordance with the statutory four-week appeal period, the final date for receipt of an appeal by An Coimisiún Pleanála is Wednesday, 28 October 2026. This appeal is being lodged within the prescribed statutory period.

The appeal sets out the full grounds upon which the Planning Authority's decision is contested, together with the relevant supporting documentation, including revised architectural drawings and a Daylight Assessment. The prescribed first-party appeal fee of €1,500 (Class A3) accompanies this submission.

Accordingly, it is respectfully submitted that the appeal complies with the applicable statutory requirements for the making of a first-party planning appeal.

2.0 Site & Receiving Environment

The subject site comprises No. 2 Westbourne Terrace, Quinsborough Road, Bray, Co. Wicklow, A98 VF59. The site extends to approximately 0.023 ha and contains an existing part single-storey / part three-storey mid-terrace period building. The ground floor is currently in commercial use as a café, while the upper floors comprise underutilised accommodation proposed for conversion to residential use as part of the subject development.

The site is located within Bray Town Centre, approximately 56 metres from Bray Main Street and approximately 500 metres (as the crow flies) from Bray DART Station. The site occupies a highly central and accessible urban location, with a wide range of retail, commercial, service, recreational and public transport facilities available within walking distance.



Figure 2.1: Site Location Map, (subject site indicatively annotated in Red)

The immediate surrounding area is characterised by a dense and varied town-centre urban form. Existing retail and service properties adjoin or are located immediately adjacent to the subject site, while the rear of the property interfaces with the service yard associated with the Royal Hotel. The Planning Authority records that access is also available to the rear of the site via this service yard.

The receiving environment is therefore distinctly urban in character, comprising a mix of commercial, residential and service uses, together with buildings of varying scale, age and architectural character. This mixed-use character is consistent with the established function of Bray Town Centre and provides an appropriate context for residential intensification and the reuse of upper-floor and underutilised town-centre accommodation.



Figure 2.2: Street View of the Subject Site (annotated in Red)

The subject site is zoned "Town Centre" under the Wicklow County Development Plan 2022–2028. The applicable zoning objective seeks:

> *"To provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use."*

The associated zoning description seeks to develop and consolidate existing town centres, improve vibrancy and vitality, and facilitate the densification of appropriate commercial and residential development while prioritising public transport, pedestrians and cyclists and minimising reliance on private car-based travel.

Residential development is therefore acceptable in principle on the subject site. This was expressly acknowledged by the Planning Authority in its assessment, which confirmed that housing is acceptable in principle on Town Centre zoned lands and that upper-floor residential uses are appropriate at this location, subject to compliance with the relevant development and design standards.



Figure 2.3: Wicklow County Development Plan Zoning Map

The site is also located within the identified core retail area of Bray and within an area of archaeological interest. The Planning Authority did not identify any adverse architectural heritage impacts arising from the proposed development and confirmed that no Protected Structures or Architectural Conservation Areas would be affected.

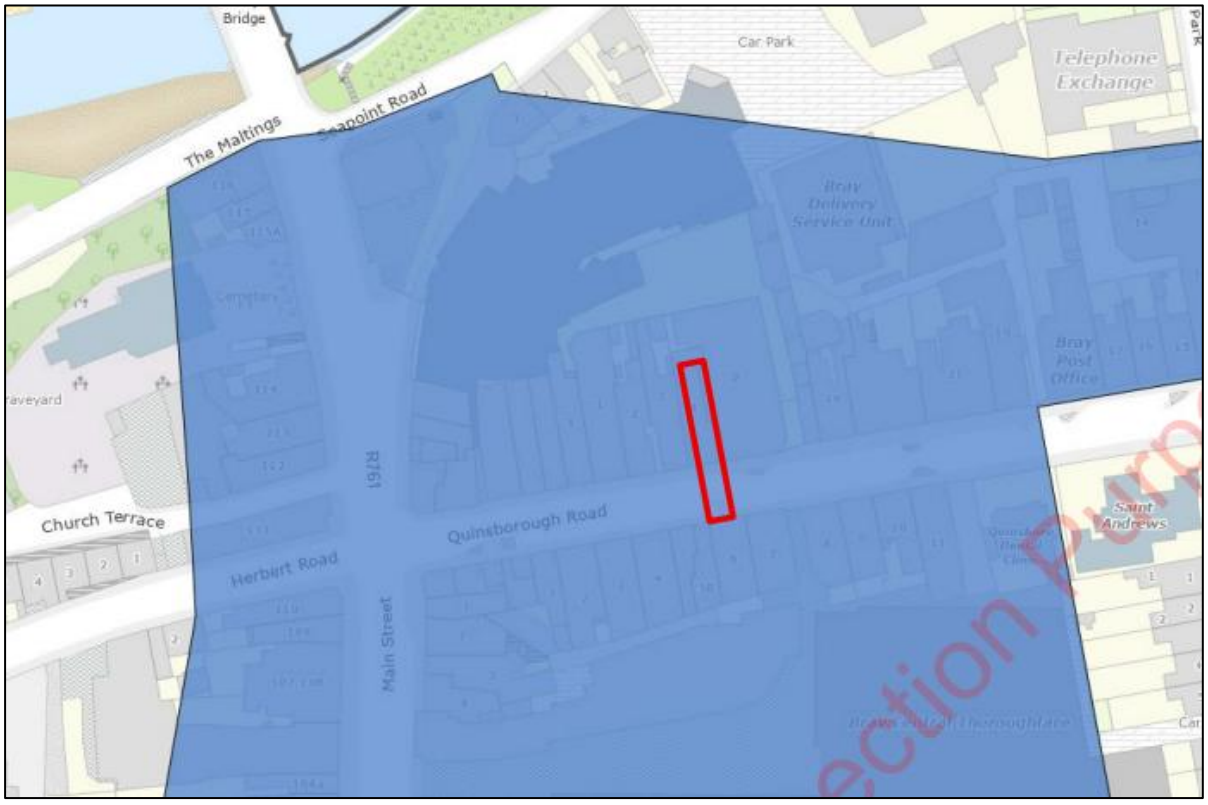


Figure 2.4: Core Retail Area / Archaeological Context

The existing development pattern surrounding the site is reflective of the compact, mixed-use nature of Bray Town Centre, where residential accommodation sits in close proximity to

commercial premises, service yards, established upper-floor uses and public transport infrastructure. The proposal seeks to make more efficient use of an existing town-centre property through the conversion of upper-floor accommodation and the development of constrained rear lands.

The proposed development retains the existing commercial use at ground-floor level and introduces residential accommodation above and to the rear, thereby reinforcing the established “living over the shop” character promoted within the Bray planning framework. The Bray Municipal District Local Area Plan specifically supports higher residential densities within town-centre zones and promotes the active use of upper floors for residential purposes.

The principal planning considerations arising from the appeal therefore relate not to the acceptability of residential use in principle, but to the detailed design and residential amenity of the proposed development, including its relationship with adjoining properties, internal privacy and separation distances, private amenity provision, daylight performance, the treatment of ancillary bicycle and refuse storage, and the appropriateness of the proposed density within this exceptionally small and highly constrained town-centre infill site.

These matters are addressed in detail within the following sections of this appeal and are supported by the revised architectural drawings and the accompanying Daylight Assessment submitted as part of the appeal documentation.

3.0 Planning History

A review of the planning history of the subject site and surrounding area has been undertaken, having regard to Wicklow County Council's online planning records and the planning history identified within the Planner's Report for Reg. Ref. 26/60748.

3.1 Subject Site

The Planning Authority's Report identifies one previous planning application relating to the subject site at No. 2 Westbourne Terrace, Quinsborough Road, Bray.

Reg. Ref.	**26/60491**
Description	Permission for the material change of use of the existing ground-floor retail unit to a café, new external signage and shopfront alterations, together with associated site works.
Decision Date	15 July 2026
Decision	Grant (Conditional)

The above permission relates to the established ground-floor commercial accommodation at the subject property, which is proposed to be retained as part of the current development.

It is noted that the Planner's Report for the subject application identifies this planning history under Reg. Ref. "2652". However, the correct planning reference for the café permission is **26/60491**, as recorded in the planning register.

The permission establishes the planning basis for the café use at ground-floor level and provides relevant context for the proposed residential accommodation above and to the rear of the existing building.

4.0 Proposed Development

The proposed development, as described in the statutory notices, consists of the following:

> *"(1) Removal of existing rear garden storage building along the east boundary; (2) Converting the existing first and second floors into two studio apartments; (3) Construction of a new three-storey rear extension comprising of three one-bedroom apartments on the ground, first and second floor levels (totalling two studio apartments and three one-bedroom apartments across the development); (4) Provision of all associated site works, including bicycle parking and bin storage facilities at ground floor level."*

The proposal therefore comprises a mixed conversion and extension scheme, retaining the existing ground-floor commercial use while providing a total of five residential units above and to the rear of the property. The development seeks to bring the existing upper floors of the building into active residential use and to make more efficient use of the underutilised rear portion of the site through the construction of a three-storey rear extension.

The appeal is accompanied by a revised set of architectural drawings. These revised drawings incorporate a number of limited amendments and clarifications arising from the Planning Authority and Chief Fire Officer comments, including revisions to the bicycle and refuse storage arrangements, additional privacy/boundary treatment, and further dimensioned contextual information. Importantly, the revised drawings do not materially alter the overall scale, height, floor levels, window locations or architectural form of the proposed development. The proposal as assessed in this appeal therefore remains the same in its essential planning terms.

The revised drawings also omit the bicycle-storage provision originally proposed within the protected stair enclosure, in direct response to the Chief Fire Officer's recommendation that the protected stair be maintained free from storage and obstruction. Given the exceptionally constrained nature of the existing building and the absence of a suitable alternative location within the site, dedicated on-site bicycle storage has not been incorporated into the revised appeal proposals.

In this regard, the Applicant notes that Bray is served by the Wicklow County Council/MOBY public e-bike-sharing scheme, introduced in March 2025, which provides access to shared electric bicycles through designated public parking locations within the town. The availability of this service, together with the site's central location, proximity to Bray DART Station and access to local services, provides future residents with an alternative cycling option without requiring private bicycle ownership.

While acknowledging the general requirements of SPPR 4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, the Applicant respectfully requests that the omission of dedicated on-site bicycle storage be considered having regard to the particular constraints of this existing town-centre refurbishment and infill development, the Chief Fire Officer's comments and the availability of alternative sustainable transport options.

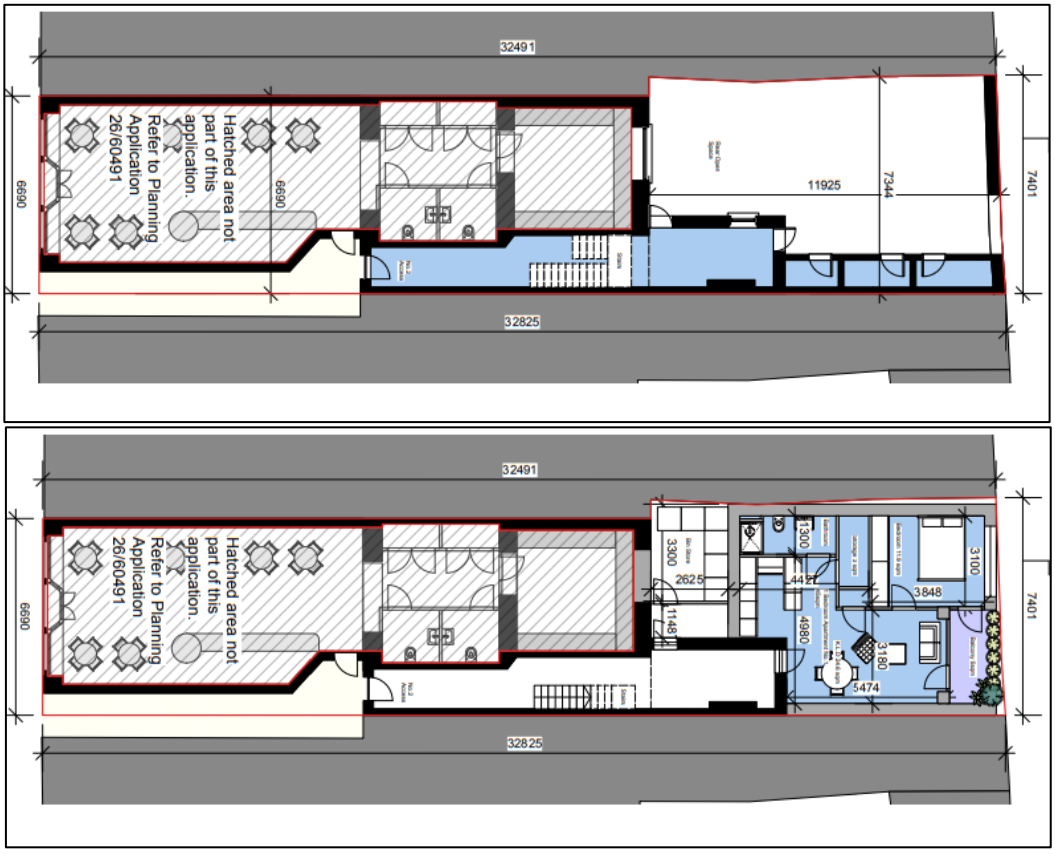
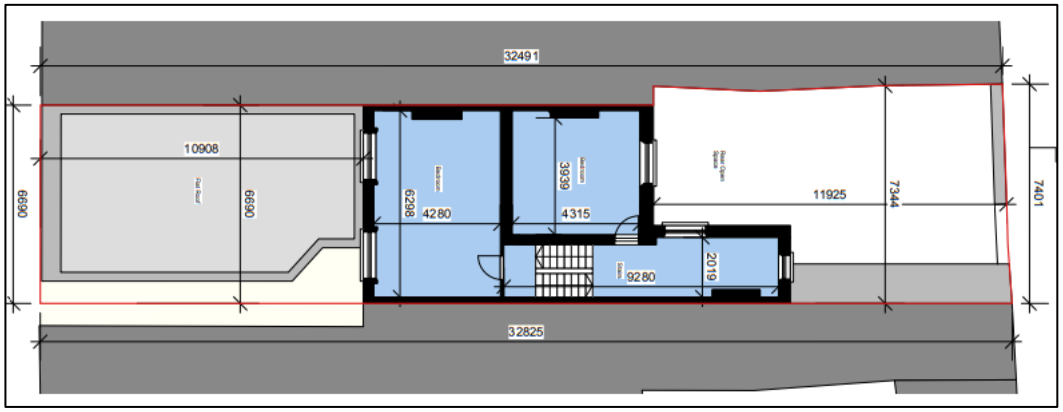


Figure 4.1: Existing (top) and Proposed (bottom) Ground Floor Plan

At ground-floor level, the existing commercial use at No. 2 Westbourne Terrace is retained. To the rear, the proposed extension accommodates one new one-bedroom apartment. The ground-floor apartment is served by a private external amenity area located immediately to the north of the extension. The appeal drawings also show revised treatment of the associated external amenity and service areas, including updated boundary/privacy treatment and revised ancillary storage arrangements.

At first- and second-floor levels, the proposal comprises a combination of conversion and extension works. Within the existing building envelope, the first and second floors are converted to form two studio apartments. To the rear, the first- and second-floor levels of the new extension each provide one additional one-bedroom apartment. The submitted drawings indicate that each of the three one-bedroom apartments within the extension has a gross floor area of approximately 45 sq.m and is served by a private balcony of approximately 5 sq.m.



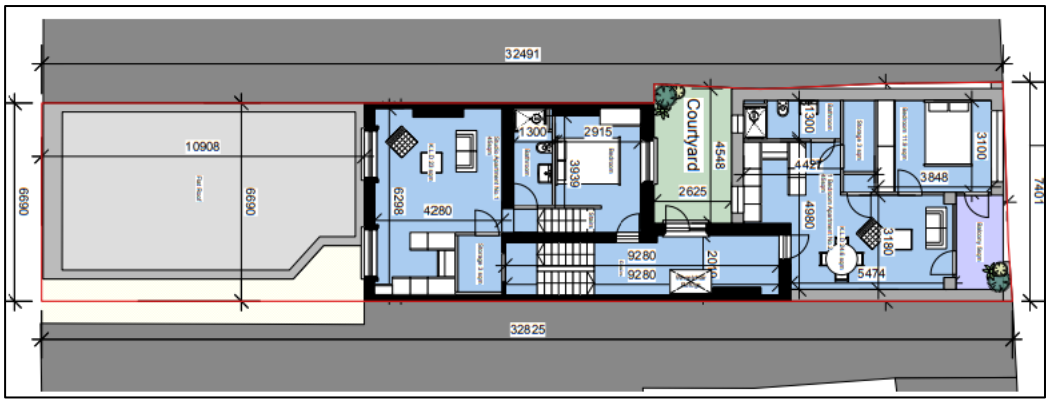
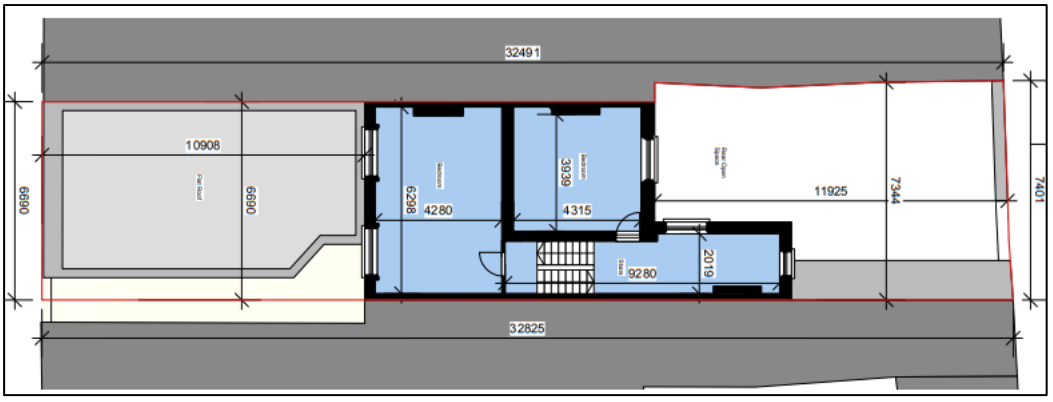


Figure 4.2: **Existing (top) and Proposed (bottom) First Floor Plan**



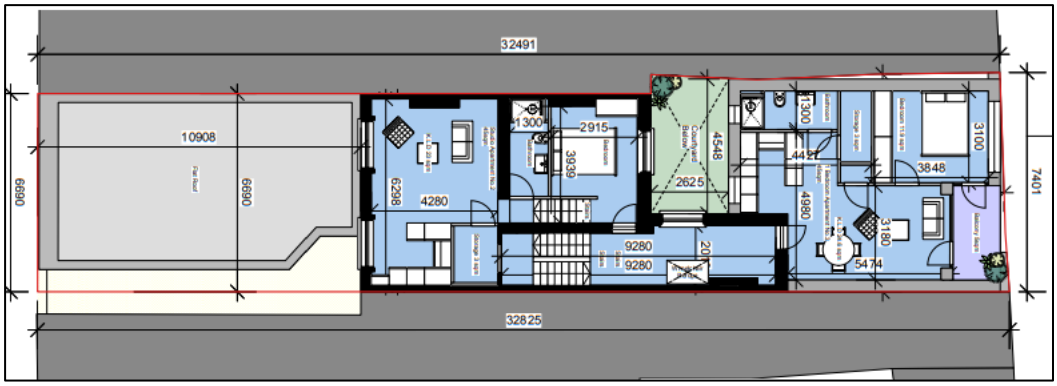
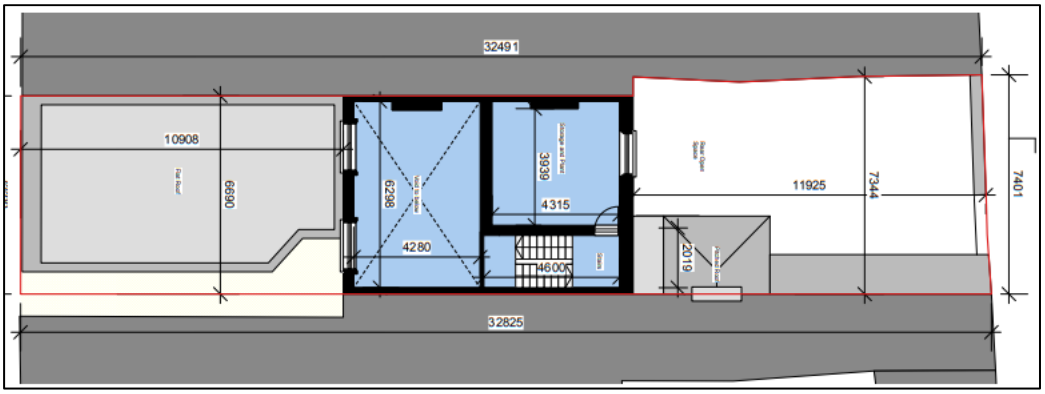


Figure 4.3: **Existing (top) and Proposed (bottom) Second Floor Plan**



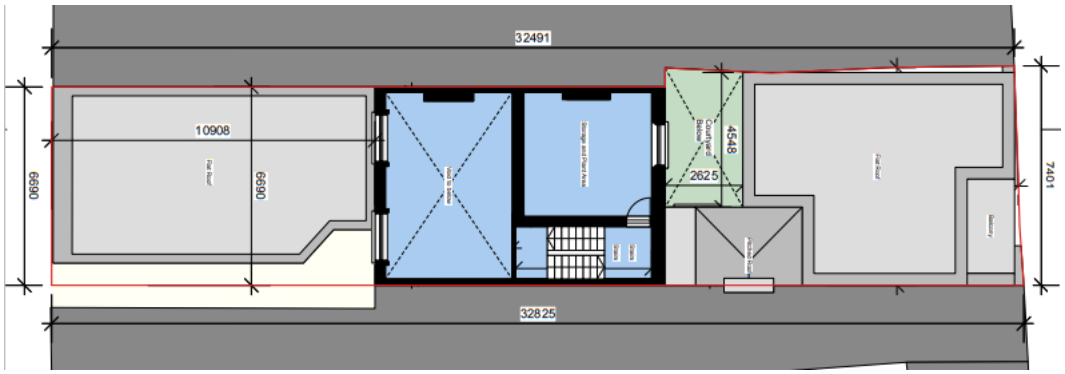


Figure 4.4: Existing (top) and Proposed (bottom) Third Floor Plan

The proposal is therefore organised as follows:

- ground floor: retained commercial unit to the front and one new one-bedroom apartment within the rear extension;
- first floor: one studio apartment within the existing building and one new one-bedroom apartment within the rear extension; and
- second floor: one studio apartment within the existing building and one new one-bedroom apartment within the rear extension.

The rear extension is three storeys in height and is positioned behind the existing building, replacing the existing rear garden storage structure and utilising the backland portion of the site. As shown on the submitted drawings, the extension is subordinate to the established townscape when viewed in the context of the existing three-storey building fronting Quinsborough Road and the surrounding built form to the rear.

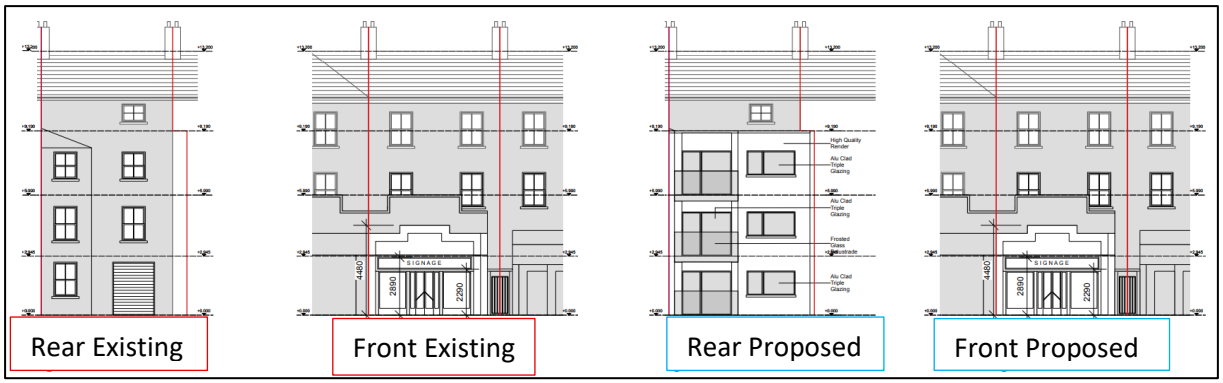
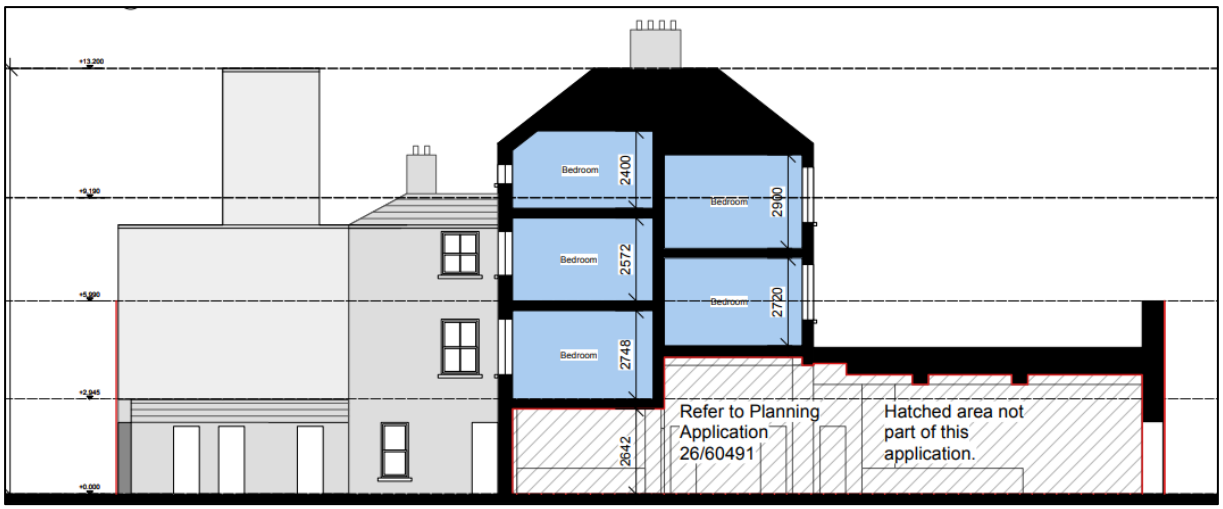


Figure 4.5: Proposed Elevations



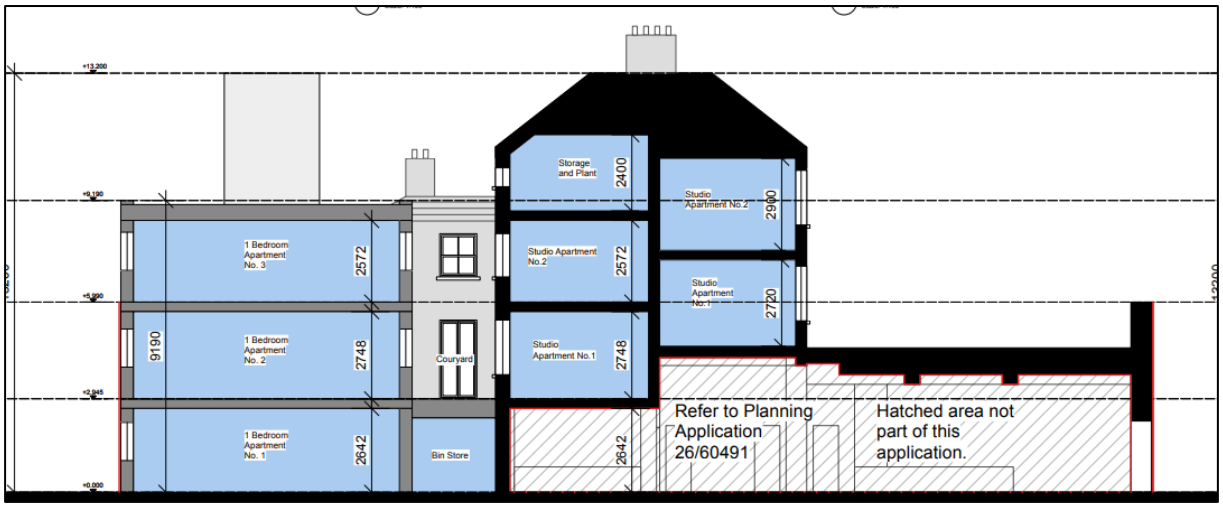


Figure 4.6: Existing (top) and Proposed (bottom) Sections

The architectural treatment of the extension is contemporary but simple in character, comprising a flat-roofed three-storey form with a regular window pattern and external balcony provision to the northern elevation. The revised appeal drawings maintain this overall design approach while providing additional clarity regarding the treatment of ancillary facilities and the relationship of the proposal with adjoining properties.

In response to the issues identified by the Planning Authority, the revised drawings submitted with this appeal also provide:

- removing cycle storage from the protected stair;
- revised refuse storage arrangements and associated access treatment;
- additional privacy/boundary treatment in relation to the ground-floor apartment amenity area;
- additional dimensioned information showing the relationship between the proposed development and adjoining buildings/windows; and
- further contextual plans/sections to assist in assessing the physical relationship of the extension with the surrounding built environment.

These revisions are intended to clarify and refine the proposal rather than materially alter its scale or overall design concept.

The appeal is also accompanied by a Daylight Assessment Report prepared by M Abbas, dated 26 October 2026, which examines the internal daylight performance of the ten proposed habitable rooms having regard to BRE 209 (2022) and IS EN 17037:2018. The assessment identifies six rooms which achieve the recommended daylight targets and four which fall below them. These findings are considered in detail under Ground 3 of this appeal. The assessment does not extend to direct sunlight availability, overshadowing or effects on adjoining properties.

Level	Room	Use	Area (m2)	Grid points	Median DF (%)	Target (%)	Points >= target	Min / mean DF (%)	Result
Level 0	Apt 1 - Bedroom	Bedroom	12.0	91	2.69	0.7	100 %	1.14 / 3.41	PASS
Level 0	Apt 1 - K-L-D	Kitchen / Living / Dining	24.7	224	0.57	1.4	22 %	0.07 / 0.94	FAIL
Level 1	Apt 2 - Bedroom	Bedroom	11.9	89	2.65	0.7	100 %	1.14 / 3.40	PASS
Level 1	Apt 2 - K-L-D	Kitchen / Living / Dining	24.7	224	0.62	1.4	25 %	0.13 / 1.06	FAIL
Level 2	Apt 3 - Bedroom	Bedroom	12.0	91	2.82	0.7	100 %	1.22 / 3.55	PASS
Level 2	Apt 3 - K-L-D	Kitchen / Living / Dining	24.7	224	0.64	1.4	25 %	0.08 / 1.02	FAIL
Level 1	Studio 1 - Bedroom	Bedroom	9.0	67	0.54	0.7	37 %	0.29 / 0.70	FAIL
Level 1	Studio 1 - K-L-D	Kitchen / Living / Dining	22.4	202	2.03	1.4	69 %	0.84 / 2.31	PASS
Level 2	Studio 2 - Bedroom	Bedroom	9.0	67	1.59	0.7	88 %	0.61 / 1.92	PASS
Level 2	Studio 2 - K-L-D	Kitchen / Living / Dining	23.1	216	1.57	1.4	59 %	0.67 / 2.06	PASS

Figure 4.7: Daylight Analysis

Overall, the proposed development represents a compact residential conversion and extension scheme on a constrained town-centre infill site. It retains the existing active commercial use at ground-floor level, secures the productive residential reuse of the existing upper floors, and provides additional new-build residential accommodation to the rear. The proposal is therefore consistent with the established “living over the shop” character of the area and the wider objective of consolidating and intensifying residential development within Bray Town Centre.

5.0 Positive Assessment of the Proposed Development by Wicklow County Council

Notwithstanding the decision to refuse permission, the Planner's Report contains a number of positive findings which are directly relevant to the present appeal and materially narrow the matters in dispute.

Most importantly, Wicklow County Council expressly accepted the principle of residential development on the Town Centre zoned site, noting that:

> ***"Housing is acceptable in principle on town centre zoned sites."***

The Planner further confirmed that upper-floor residential accommodation was appropriate at this location and concluded that the proposal was acceptable in principle, subject to compliance with relevant development and design standards.

The assessment also acknowledged the policy support for regeneration of underutilised town-centre buildings, brownfield development and the concept of living over the shop. These are central elements of the proposed development, which retains the existing ground-floor commercial use while introducing five residential units within and to the rear of the building.

In addition, the Planning Authority accepted the proposed mix of two studios and three one-bedroom apartments, together with the car-free approach having regard to the site's proximity to high-frequency public transport. The Roads Section raised no observations, and no substantive architectural heritage, Part V or environmental assessment objections formed part of the final refusal.

The Chief Fire Officer raised a number of detailed fire-safety and accessibility matters. However, the Planner's Report expressly identified these as falling outside the remit of the planning application, and they were not included as a separate statutory reason for refusal.

Accordingly, the matters remaining for determination by the Commission relate principally to separation distances and privacy, private amenity space, daylight and sunlight, refuse storage, residential density and the relationship of the proposed extension with adjoining properties.

These matters are addressed individually under the following Grounds of Appeal, having regard to the revised architectural drawings, accompanying Daylight Assessment and the flexibility afforded to constrained urban infill and refurbishment developments under the relevant national planning guidance.

6.0 Grounds of Appeal

The following section sets out the grounds of appeal in response to each of the matters identified in Wicklow County Council's Reason for Refusal. Each matter is addressed individually, having regard to the relevant national and local planning policy, the established town centre context and the revised architectural drawings and supporting documentation submitted with this appeal. It is respectfully submitted that, when assessed in the context of the site's constraints and the wider policy support for compact urban development and the reuse of existing buildings, the proposed development represents an appropriate and sustainable form of residential development at this location.

6.1 Ground 1: Response to Reason for Refusal 1(a): Separation Distances and Overlooking

6.1.1 Reason for Refusal

Reason for Refusal 1(a) states:

> *"Having regard to:*
>
> *a) The inadequate separation distances between the windows serving the proposed apartments within the site itself and between the windows serving the upper floor one-bedroom units and the existing property to the north;"*

The Planner's Report provides further detail regarding the basis for this concern. In relation to the internal relationship between the proposed apartments, the Planner states:

> *"Window separation distances between the proposed studios and one-bedroom units are c.2.65 meters which is unacceptable. The windows are slightly offset from direct facing and in some cases may comprise of obscured glazing however, this is not adequate given the minimal separation distance proposed."*

In relation to the property to the north, the Planner further states:

> *"The proposed north facing windows associated with the upper floor one-bedroom units appear to face directly onto the existing windows associated with the Royal hotel. No distances between the windows are provided by the applicant but appears to be less than 6m which is wholly inadequate."*

The Planner subsequently concludes that:

> *"The proposal does not achieve adequate separation distances throughout the overall scheme."*

The Applicant acknowledges that the site is exceptionally constrained and that the separation distances arising within the scheme are below those ordinarily associated with conventional suburban residential development. However, it is respectfully submitted that the assessment undertaken by the Planning Authority does not sufficiently distinguish between the very

different relationships involved, does not fully apply the flexibility expressly provided for under current national planning policy, and does not have regard to the particular urban, town-centre and infill context within which the proposal is located.

The revised appeal drawings and additional contextual information now submitted also directly address the Planner's concern that insufficient information had been provided to allow the relationship with surrounding development to be properly understood.

6.1.2 Relevant National and Local Policy

The Wicklow County Development Plan includes general privacy guidance which states that a separation distance of 22 metres will normally be required between opposing windows serving private living areas above ground-floor level. Importantly, however, the same provision expressly confirms that this requirement is not intended to operate as an inflexible numerical standard. The Development Plan states:

> *"However, this rule **shall be applied flexibly**: **the careful positioning and detailed design of opposing windows can prevent invasion of privacy even with short back-to-back distances."***

The Development Plan further requires the nature of the particular window and room served to be considered when assessing overlooking and privacy.

This local policy must now also be read in the context of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. These Guidelines were issued under Section 28 of the Planning and Development Act and contain Specific Planning Policy Requirements which planning authorities and An Coimisiún Pleanála are required to apply. The Guidelines were expressly introduced to facilitate more compact forms of residential development and greater flexibility in conventional development standards within appropriate urban locations.

SPPR 1 is particularly relevant. It provides that statutory development plans shall not include a minimum separation distance greater than 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplexes or apartment units. It further provides that:

> *"Separation distances below 16 metres may be considered acceptable in circumstances **where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces**."*

The Guidelines further confirm that there is no specified minimum separation distance at ground level and that planning applications are to be assessed on a case-by-case basis, with the ultimate consideration being whether a high standard of residential amenity is achieved and whether significant adverse impacts on existing occupiers arise.

Accordingly, the relevant national policy does not support a mechanical application of a conventional 16 metre or 22 metre standard to every window-to-window relationship. The assessment must instead have regard to the type of rooms involved, whether habitable-room windows directly oppose one another, the nature of the receiving environment, the positioning of the windows and any measures incorporated to protect privacy.

This is particularly important in the present case given the exceptionally small site area of approximately 0.023 hectares, its Town Centre zoning, its location within the established built fabric of Bray and the express policy support for compact urban infill and living-over-the-shop development.

6.1.3 Internal Courtyard Relationship

The first element of Reason 1(a) relates to the approximately 2.625 metre separation between windows within the proposed development itself.

The revised floor plans clearly identify the internal courtyard relationship and confirm a courtyard width of approximately 2.625 metres between the existing building and the proposed rear extension.

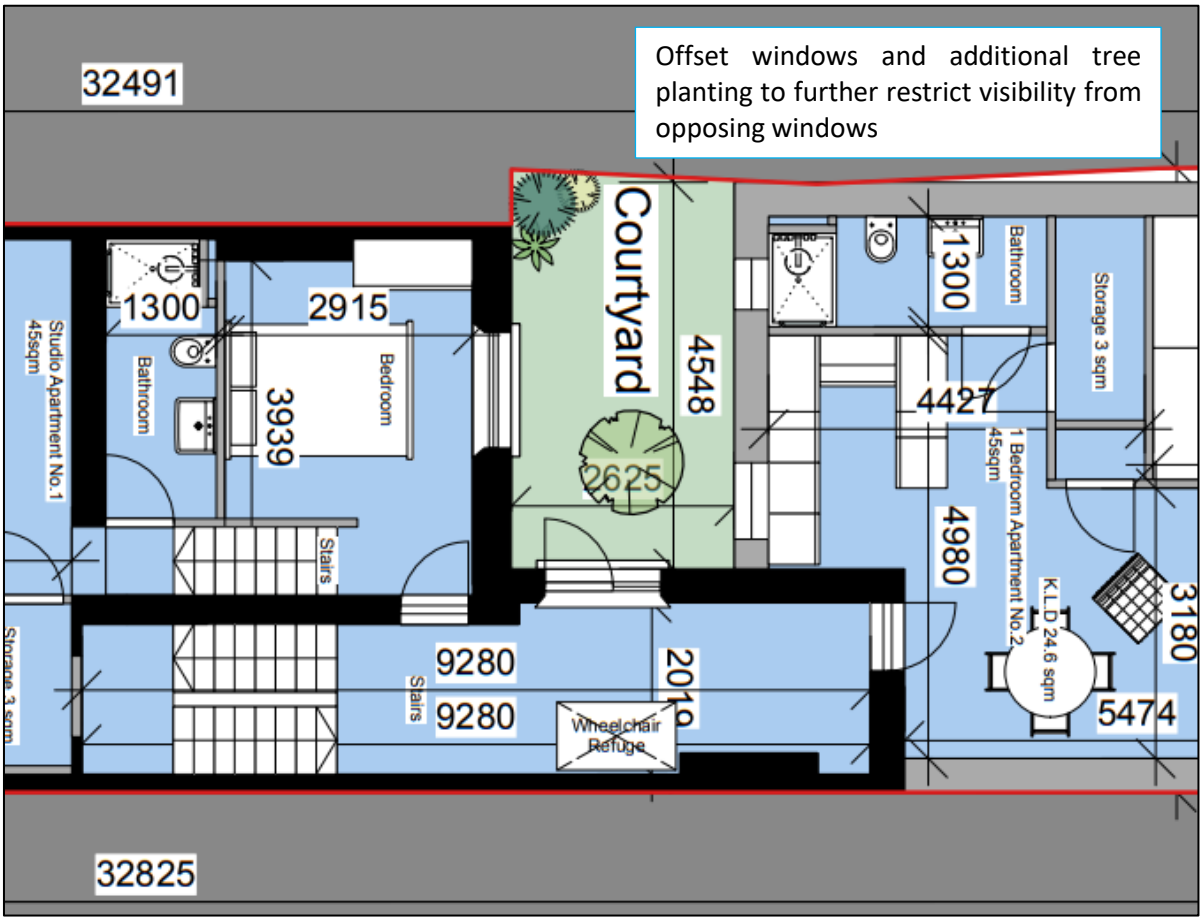


Figure 6.1: Internal Courtyard Relationship

While this is clearly a close physical relationship, it is important that the nature of the opposing rooms is correctly understood.

The Planner's own assessment elsewhere in the report expressly identifies the relevant first-floor relationship as being between:

> *"the bedroom of the first-floor studio apartment and the bathroom of the first-floor one-bedroom apartment."*

This distinction is directly relevant to SPPR 1.

The 16 metre separation standard under SPPR 1 applies specifically to "opposing windows serving habitable rooms". The courtyard relationship identified by the Planning Authority does not comprise two directly opposing habitable-room windows. On one side is a bedroom within the studio apartment, while the opposing window serves a bathroom within the one-bedroom apartment. A bathroom is not a habitable room for the purposes of the separation-distance assessment.

The repeated arrangement at the upper floors follows the same fundamental layout relationship, with the bathroom/service accommodation within the one-bedroom units positioned toward the courtyard side of the extension rather than the principal bedroom or kitchen/living accommodation.

The circumstances therefore fall within precisely the category of relationship for which SPPR 1 allows separation distances below 16 metres to be considered.

Furthermore, the Planning Authority itself acknowledges that the relevant windows are:

> *"slightly offset from direct facing"*

and that:

> *"in some cases* [they] *may comprise of obscured glazing".*

Furthermore, as illustrated in Figure 6.1, the revised architectural drawings incorporate additional tree planting within the internal courtyard, positioned between the opposing windows. In addition to the existing offset in their alignment, the proposed planting would provide a further degree of visual screening, helping to interrupt direct sightlines and reduce opportunities for overlooking between the apartments. While the Applicant acknowledges that planting cannot provide the same permanent level of privacy as fixed screening or obscure glazing, it represents an additional measure which, together with the offset window arrangement and the nature of the rooms concerned, would further improve the privacy relationship within the courtyard.

The internal relationship should therefore not be assessed solely by reference to the numerical distance of approximately 2.625 metres. The correct assessment requires consideration of the rooms served, the degree of direct alignment and the ability to address privacy through detailed window treatment.

If considered necessary by the Commission, any residual privacy concern relating to a bathroom window could readily be addressed through a condition requiring obscure glazing and/or restricting opening sections below an appropriate level. Such a measure would not require any material alteration to the layout, scale or form of the development and would provide a proportionate response to the particular privacy concern identified.

It is therefore respectfully submitted that refusal of the overall development on the basis of the internal separation distance would be disproportionate, having regard to the absence of directly opposing habitable-room windows, the offset window arrangement, the additional courtyard planting proposed and the availability of further privacy measures, including obscure glazing, if considered necessary.

6.1.4 Relationship with the Royal Hotel

The second element of Reason 1(a) concerns the relationship between the north-facing windows of the proposed one-bedroom apartments and the existing Royal Hotel to the north.

The original application did not clearly dimension this relationship, and the Planner expressly relied upon an estimate that the separation "appears to be less than 6m".

The revised appeal drawings now provide substantially greater clarity.

The revised Site Layout Plan dimensions the separation between the northern elevation of the proposed extension and the irregular rear building line of the Royal Hotel at approximately 5.17 metres at the western side and approximately 6.615 metres at the eastern side.

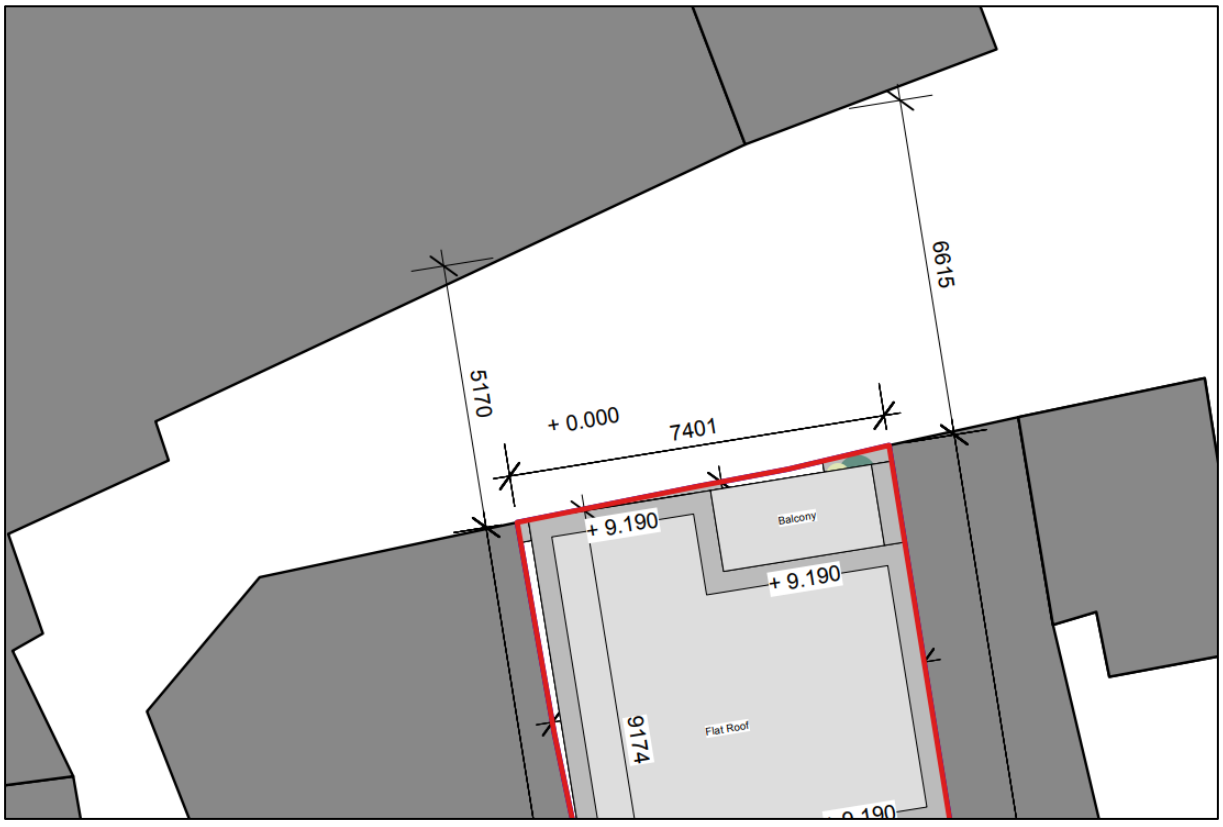


Figure 6.2: Separation Between Proposed Extension and Royal Hotel

The relationship therefore varies because of the irregular form of the adjoining hotel structure rather than comprising a uniform parallel building line.

The Applicant does not seek to suggest that these distances are generous. They are characteristic of a constrained backland relationship within an established town-centre block. The relevant question is whether the relationship would result in such an unacceptable loss of privacy or residential amenity that permission should be refused.

It is submitted that the circumstances must be distinguished from the conventional residential scenario contemplated by the numerical separation standard.

SPPR 1 specifically refers to opposing windows serving habitable rooms within "houses, duplex units and apartment units". The adjoining property in this instance is the Royal Hotel, forming part of a substantial commercial hotel complex and rear service-yard environment. It is not a house, duplex or apartment development to which the prescribed 16 metre residential separation standard directly applies.

This does not mean that privacy and amenity considerations are irrelevant. Rather, it means that the relationship should be assessed on its actual planning merits rather than treated as a failure to achieve a prescribed residential-to-residential separation distance.

The photographic evidence submitted with the appeal is particularly important in understanding this context.



Figure 6.3: Existing Royal Hotel and Rear Service Yard Context

The receiving environment to the north of the site comprises a heavily developed town-centre backland area characterised by the rear elevations of commercial buildings, service structures, hardstanding, refuse/service activity and irregular existing fenestration.

The photographs demonstrate that the adjoining hotel elevation does not present as a

conventional residential rear elevation addressing a private garden or residential amenity area. Instead, it forms part of an established commercial service environment within the interior of the urban block.

This distinction is significant. The proposal does not introduce overlooking toward an existing private residential garden, family living area or suburban rear amenity space. It introduces residential accommodation into an already highly enclosed and visually interconnected town-centre environment where relatively close building relationships are an established characteristic.

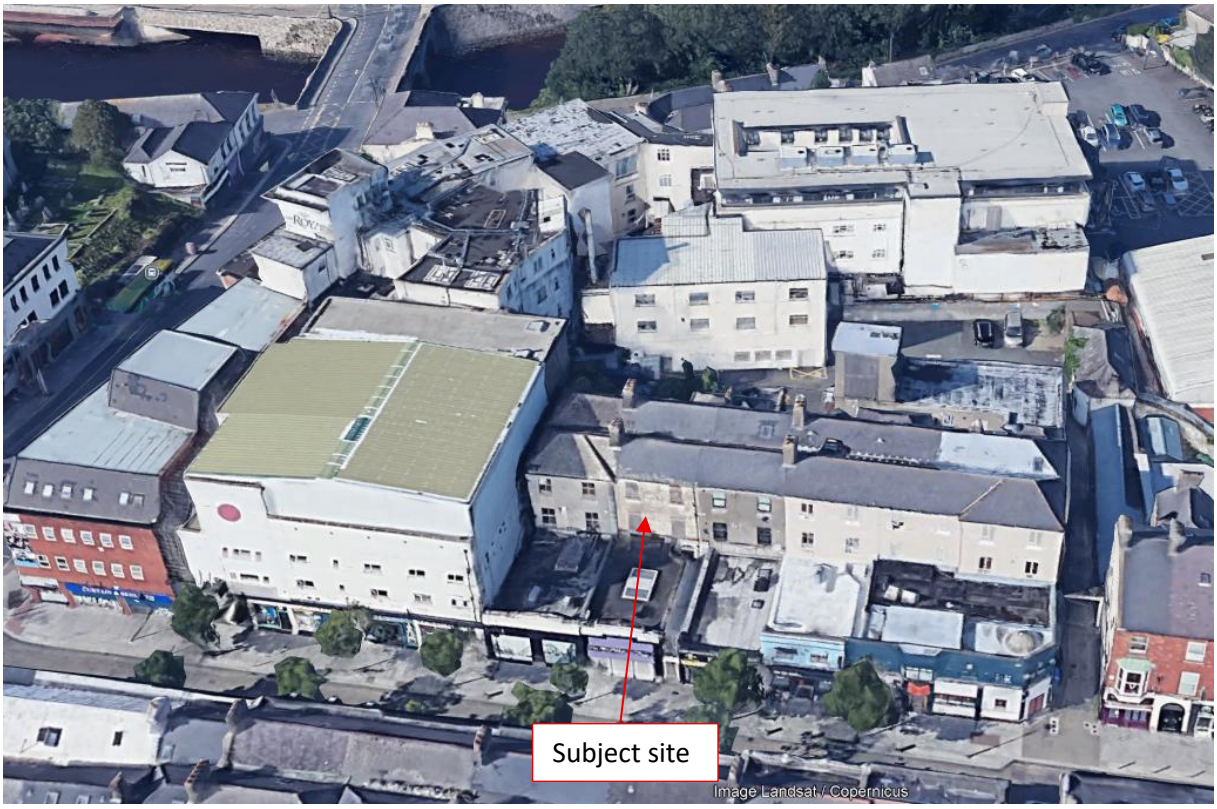




Figure 6.4: Subject Site in Relation to Royal Hotel

The aerial context further demonstrates the substantial footprint of the Royal Hotel and the constrained nature of the lands between the hotel and Quinsborough Road. The proposed development occupies a narrow existing plot within this established urban grain rather than creating a new relationship within an otherwise open or low-density environment.

6.1.5 Nature and Use of the Existing Hotel Windows

It is also notable that the Planner's Report does not establish the use of the particular rooms served by the existing Royal Hotel windows.

The report states only that:

> *"The existing windows look directly into the proposed bedrooms and private open space…"*

but does not identify whether those windows serve hotel bedrooms, corridors, ancillary accommodation, bathrooms, service areas or other non-habitable spaces.

This distinction is material when the stated planning concern is based upon inadequate separation between sensitive opposing windows.

No evidence is provided within the Planner's Report to demonstrate that the relevant hotel windows comprise opposing habitable-room windows of the type contemplated by SPPR 1. Nor does the refusal identify any specific existing residential occupier whose privacy would be adversely affected.

The photographs demonstrate a varied and irregular pattern of windows across the hotel/service elevations, rather than a regular arrangement of directly opposing residential windows.

It is therefore respectfully submitted that the Planning Authority placed undue weight on the numerical separation distance without first establishing the nature of the actual receiving windows or demonstrating that the relationship would result in an unacceptable privacy impact.

6.1.6 Existing Town-Centre Character and Compact Development Policy

The relationship must also be considered within the wider policy objective of securing compact development within existing urban centres.

The subject site is located within the core of Bray, is zoned Town Centre and is specifically identified as an appropriate location for residential development. The Planning Authority itself accepts that:

> *"Housing is acceptable in principle on town centre zoned sites"*

and that:

"It is acceptable to provide upper floor residential uses on lands prescribed with a town centre zoning designation."

The Bray planning framework also expressly encourages higher residential densities within the town centre and promotes "living over the shop". Objective TC3 specifically provides that relaxation of density, car parking and open-space standards can be considered in such schemes where a high-quality standard of accommodation is achieved.

National policy similarly seeks to move away from rigid application of suburban development standards where these would frustrate appropriate compact urban development. The Compact Settlements Guidelines expressly introduce greater flexibility in separation distances as part of this wider policy direction.

This does not remove the requirement to protect residential amenity. However, it requires that standards are applied intelligently and contextually.

A constrained town-centre infill site cannot reasonably be expected to reproduce the building separations characteristic of greenfield or suburban development. The appropriate test is whether the particular arrangement achieves an acceptable standard of privacy and amenity having regard to the nature of the rooms, existing surrounding uses, urban context and available mitigation.

6.1.7 Revised Appeal Information Addresses the Identified Information Deficit

A significant element of the Planning Authority's assessment was the perceived absence of sufficient information concerning the relationship between the proposed extension and surrounding development.

This information deficit has been addressed through the appeal.

The revised architectural package now provides a dimensioned site layout identifying the relationship with the adjoining Royal Hotel, revised plans clearly identifying the internal courtyard width and room layouts, and elevations and sections showing the vertical arrangement of the proposed accommodation.

This information is supplemented by the site photographs and aerial imagery included within this appeal, which allow the Commission to assess the relationship in its actual physical context rather than on the basis of an estimated separation distance alone.

It is therefore respectfully submitted that one of the principal concerns underpinning the Planning Authority's assessment, namely the lack of sufficient detail to properly understand the relationship, has now been materially addressed.

6.1.8 Absence of Identified Third-Party Impact

It is also relevant that no third-party submissions or observations were received during the statutory consultation period.

In particular, no objection was received from the Royal Hotel or from an adjoining occupier alleging a specific loss of privacy arising from the proposed window arrangement.

The absence of objection is not determinative and does not remove the Applicant's obligation to demonstrate an acceptable planning relationship. It is nevertheless relevant insofar as the refusal is based upon an anticipated privacy impact on adjoining property rather than a concern raised by an affected occupier.

6.1.9 Conclusion on Reason for Refusal 1(a)

It is respectfully submitted that Reason for Refusal 1(a) should not be upheld.

The internal courtyard relationship is undoubtedly compact; however, the closest relationship identified by the Planning Authority is between a studio bedroom and the bathroom of a one-bedroom apartment rather than between two opposing habitable-room windows. SPPR 1 expressly provides for separation distances below 16 metres where there are no opposing habitable-room windows and appropriate privacy measures are incorporated.

The relevant windows are also acknowledged by the Planning Authority to be offset and, in certain instances, capable of obscure treatment. Any residual concern associated with a bathroom window could therefore readily be addressed through an appropriate planning condition without altering the fundamental layout or form of the development.

With regard to the Royal Hotel, the revised drawings establish a variable separation of approximately 5.17–6.615 metres to the adjoining hotel structure. This is a close urban relationship but is not a conventional residential-to-residential relationship to which the prescribed 16 metre standard directly applies. The adjoining building forms part of a substantial commercial hotel and service-yard environment, and the Planning Authority has not established that the relevant opposing hotel windows serve habitable residential rooms.

The site photographs and aerial context demonstrate that the proposal sits within an already tightly developed and visually interconnected town-centre block where close relationships between buildings are an established characteristic.

Most importantly, current national policy specifically requires a more flexible and contextual approach to separation distances in order to facilitate compact urban development. The correct question is not simply whether the proposal achieves a conventional numerical separation standard, but whether the relationship results in an unacceptable loss of privacy or residential amenity having regard to its actual context.

For the reasons set out above, and having regard to the revised drawings and additional contextual information now submitted, it is considered that the proposed development can achieve an acceptable standard of privacy for future occupants without giving rise to an unacceptable impact on adjoining property.

The Commission is therefore respectfully requested to set aside Reason for Refusal 1(a).

6.2 Ground 2: Response to Reason for Refusal 1(b): Private Amenity Space and Residential Amenity

6.2.1 Reason for Refusal

Reason for Refusal 1(b) states:

> *"Having regard to:*
>
> *b) The lack of provision of private amenity space serving 2 apartments coupled with the poor quality of the private open space serving the remaining three units noting their north-facing aspect, proximity to existing opposing windows and in the case of the ground floor unit, directly addressing the rear service area of the adjoining hotel."*

The Planner's Report expands upon this concern and notes that private amenity space is provided to the three proposed one-bedroom apartments, while the two studio apartments within the existing building are not provided with dedicated private amenity space. The Planner additionally expresses concern regarding the orientation and quality of the spaces associated with the one-bedroom apartments and the relationship of the ground-floor amenity area with the adjoining service yard.

It is respectfully submitted that the conclusion reached by the Planning Authority does not have sufficient regard to the express provisions of the current Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025, which provide considerably greater flexibility in relation to private amenity space than is reflected in the refusal reason.

In particular, the proposal provides direct private amenity space to three of the five apartments, meaning that only two units, or 40% of the overall scheme, are without direct private amenity space. This falls within the express national policy provision that the number of apartments without direct access to private amenity space should not exceed 50%.

Furthermore, the subject development comprises both the refurbishment of an existing town-centre building and development on an exceptionally small urban infill site of approximately 0.023 hectares. The national Apartment Guidelines expressly provide additional flexibility in relation to private amenity space for both of these forms of development.

6.2.2 Current National Apartment Standards

The operative national planning guidance is the Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025, issued by the Minister in July 2025. These Guidelines replaced the previous 2023 Apartment Guidelines and remain the current Ministerial Guidelines at the date of this appeal. The proposed 2026 National Planning Statement on apartment standards remains in draft form and has not replaced the 2025 Guidelines. Government guidance expressly confirms that existing Ministerial Guidelines continue to have effect until revoked or replaced by a National Planning Statement.

The 2025 Guidelines represent an important change in approach to private amenity space provision. Rather than requiring every apartment in every circumstance to possess a balcony, terrace or private garden, the Guidelines expressly recognise that such requirements may need to respond to site context, development type and the amenity value of the space which can realistically be provided.

The Guidelines state that:

> *"The number of units without direct access to private amenity space within apartment schemes should not exceed 50%."*

They further provide that:

> *"For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be further relaxed, on a case-by-case basis, subject to overall design quality."*

Significantly, these provisions are reproduced within the Planning Authority's own Planner's Report.

The national policy position is therefore clear. The absence of private amenity space to an individual apartment does not, of itself, constitute non-compliance or a substandard form of development.

6.2.3 Private Amenity Space Provision Across the Scheme

The proposed development comprises five apartments in total:

- three one-bedroom apartments within the proposed rear extension; and
- two studio apartments formed through the refurbishment and conversion of the existing upper floors.

Each of the three one-bedroom apartments is provided with its own dedicated private amenity space. The revised architectural drawings identify private amenity areas of approximately 5 sq.m serving each of these units.

The remaining two studio apartments do not have direct access to dedicated private amenity space.

Accordingly:

- 3 of 5 apartments, or 60%, have direct private amenity space; and
- 2 of 5 apartments, or 40%, do not.

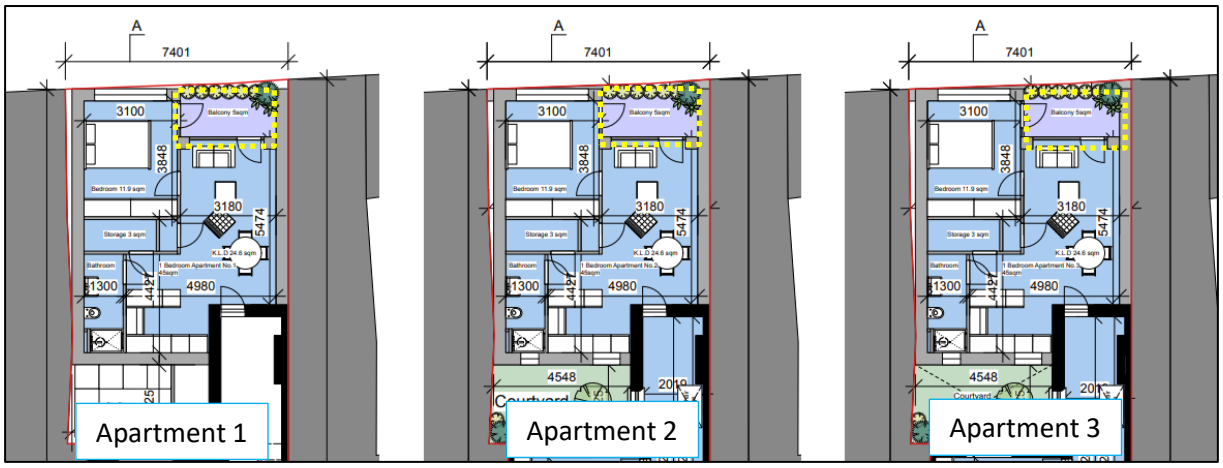


Figure 6.5: Private Amenity Space Provision

This is a significant consideration. The 2025 Apartment Guidelines expressly provide that the number of apartments without direct access to private amenity space "*should not exceed 50%*". In the present case the proportion is 40%. **The development therefore does not exceed the national policy threshold**.

The fact that two apartments are not provided with individual balconies or terraces cannot therefore reasonably constitute, in itself, a basis for refusal where the very national guidance governing apartment development expressly contemplates this circumstance.

The two units concerned are also the studio apartments created through refurbishment of the existing upper floors rather than within the purpose-built rear extension. The absence of private amenity space consequently arises directly from the constraints associated with the reuse of an existing town-centre building.

This is precisely the type of circumstance for which the Guidelines expressly provide additional flexibility.

6.2.4 Exceptionally Small Urban Infill and Refurbishment Site

The flexibility afforded by the Guidelines is particularly relevant in the context of the scale and nature of the subject site.

The subject site extends to approximately 0.023 hectares.

The national Guidelines specifically identify urban infill sites of up to 0.25 hectares as sites on which private amenity requirements may be further relaxed.

The subject site is therefore less than one-tenth of the 0.25 hectare threshold identified by the Guidelines.

Moreover, part of the proposal comprises the refurbishment and conversion of an existing building. For refurbishment schemes, the Guidelines provide for the same flexibility irrespective of site area.

The proposal therefore benefits from both circumstances expressly identified by national policy:

- the conversion and refurbishment of existing building stock; and
- development of a very small urban infill site substantially below 0.25 hectares.

The relevance of these provisions should not be understated. They demonstrate an express national planning policy intention that conventional apartment standards should be applied flexibly where rigid adherence would frustrate the sustainable reuse of existing buildings and the redevelopment of constrained urban infill sites.

The Government's stated rationale for the 2025 Guidelines similarly identifies additional flexibility for *"building refurbishment schemes on sites of any size and small urban infill schemes"* as a means of reducing vacancy and facilitating the delivery of apartments in central and accessible locations.

The present proposal falls squarely within that policy context.

6.2.5 Compliance of the Three One-Bedroom Apartments

The three newly constructed one-bedroom apartments are each approximately 45 sq.m in internal floor area and each benefits from approximately 5 sq.m of dedicated private amenity space.

The 5 sq.m provision corresponds with the recommended private amenity provision for a one-bedroom apartment under the Apartment Guidelines.

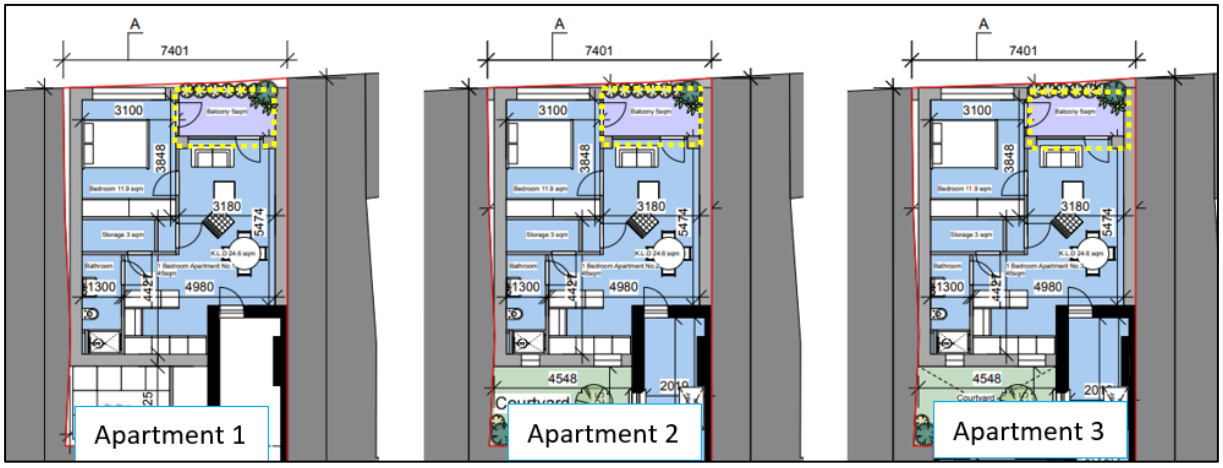


Figure 6.6: Private Amenity Space Serving Proposed One-Bedroom Apartments

Accordingly, the issue identified by the Planning Authority is not a quantitative deficiency in the area of private amenity space provided to these units. Rather, the Planner's concern relates principally to the perceived quality of those spaces because of their orientation and surrounding context.

That distinction is important.

The three units which are provided with private amenity space achieve the recommended quantum, while the proportion of units which do not have private amenity space remains below the 50% threshold expressly contemplated by the Guidelines.

6.2.6 North-Facing Orientation

The Planning Authority places particular emphasis on the north-facing orientation of the proposed private amenity spaces. The Applicant acknowledges that a southern or western orientation would ordinarily provide greater opportunity for direct sunlight and that the Apartment Guidelines require private amenity space to be located so as to "optimise solar orientation" and to minimise overshadowing and overlooking. However, the Guidelines **do not require every balcony or terrace to face south or west, nor do they provide that a north-facing private amenity space is inherently unacceptable**.

The use of the term "*optimise*" is particularly relevant in the context of the subject site. The proposal concerns a narrow and constrained existing town-centre plot, involving the retention and reuse of the existing building fronting Quinsborough Road. The orientation and configuration of the plot, together with the established surrounding built form, necessarily limit the range of locations and orientations available for private amenity space.

The appropriate consideration is therefore whether the proposal provides the best practicable amenity response within those established physical constraints, rather than whether an idealised southern or western orientation can be achieved.

The Planning Authority concluded that the north-facing spaces would receive little to no sunlight. However, orientation alone does not establish the overall usability or quality of a private amenity space, and the Guidelines do not prescribe a prohibition on north-facing balconies or terraces.

It is also important to distinguish between daylight and direct sunlight. The accompanying Daylight Assessment evaluates internal daylight performance under a CIE standard overcast sky, under which daylight factor is independent of orientation. Balconies and external amenity areas are not included within that assessment and the Applicant does not seek to rely upon the internal daylight-factor results as evidence of direct sunlight availability to those spaces.

Accordingly, the north-facing orientation of the proposed private amenity spaces should be considered as one aspect of their overall quality and within the particular constraints of this established town-centre infill site. It should not, in itself, be treated as determinative of the acceptability of those spaces or of the proposed development as a whole.

6.2.7 Relationship with Opposing Windows

The refusal also refers to the "*proximity to existing opposing windows*" as reducing the quality of the private amenity areas.

This issue overlaps substantially with Reason for Refusal 1(a) and has been addressed in detail

under Ground 1 of this appeal.

As demonstrated therein, the relationship with the Royal Hotel is not a conventional residential-to-residential relationship. The adjoining lands comprise the rear of an established commercial hotel and associated service-yard environment.

The revised architectural drawings now demonstrate that the separation between the northern elevation of the extension and the irregular rear building line of the hotel varies from approximately 5.17 metres to approximately 6.615 metres.

The Planning Authority has not established what uses are served by the relevant hotel windows, and no evidence is presented demonstrating that the opposing windows comprise sensitive residential habitable-room windows.



Figure 6.7: Relationship with Royal Hotel Rear Elevation, proposed extension indicatively annotated in red

The private amenity areas should therefore be assessed within the actual town-centre context in which they are situated rather than against the expectations applicable to a conventional suburban apartment scheme.

6.2.8 Ground-Floor Private Amenity Space and Rear Service Area

The Planning Authority specifically identifies the ground-floor one-bedroom apartment as directly addressing the rear service area associated with the adjoining hotel.

The Applicant acknowledges the commercial service-yard context adjoining the northern boundary.

However, the existence of this service environment must be viewed as part of the established town-centre receiving environment rather than as an unexpected or inherently incompatible adjoining use.

The subject property is located within the core of Bray Town Centre, where close physical relationships between residential accommodation, commercial premises, service yards, retail uses and ancillary operational areas are an established feature of the urban fabric.



Figure 6.8: Existing Rear Service Area

The proposal does not create the service yard or intensify its use. Rather, it seeks to introduce new residential accommodation into an existing mixed-use environment which the Development Plan and Local Area Plan expressly identify as appropriate for increased residential use.

The Bray Municipal District Local Area Plan specifically promotes the concept of "living over the shop" and higher residential densities within town-centre zones. Objective TC3 goes further and expressly provides that, for living-over-the-shop development:

> *"a relaxation in density, car parking and open space standards will be considered, where the development meets very high quality of design and accommodation."*

The Planning Authority therefore has an express local policy basis, in addition to the national Apartment Guidelines, for applying flexibility to open-space standards on precisely this type of town-centre redevelopment site.

Any residual concern regarding privacy between the ground-floor amenity area and adjoining service activity could also be addressed through appropriate boundary treatment, screening or balustrade design. Such measures are limited detailed-design interventions and do not require refusal of the development in principle.

If considered necessary, the Applicant would have no objection to an appropriately worded condition requiring detailed privacy screening or opaque boundary treatment to the ground-floor private amenity space prior to occupation.

6.2.9 The Courtyard Does Not Need to Compensate for a Policy Shortfall

The Planner's Report additionally comments upon the approximately 12 sq.m internal courtyard and expresses concern that it may receive limited daylight and provide limited amenity.

It is respectfully submitted that this issue must be considered in its proper context.

The Applicant is not reliant upon the courtyard to demonstrate that all five apartments have individual private amenity space.

National policy expressly permits up to 50% of apartments within a scheme to be without direct private amenity space. The two studio apartments represent 40% of the scheme.

There is therefore no requirement to treat the courtyard as compensatory private amenity space in order to overcome a numerical deficiency in the scheme.

The courtyard provides additional openness, separation and external space within an extremely constrained existing urban plot. Its existence is beneficial to the scheme, but the development does not depend upon the courtyard being treated as the equivalent of five individual balconies or terraces.

The Planning Authority's concerns regarding the quality of the courtyard should consequently not be conflated with compliance with the national private amenity-space provision.

6.2.10 Wider Policy Objective of Reusing Existing Town-Centre Buildings

A strict requirement to retrofit private balconies or terraces onto the two studio apartments would also run contrary to the wider policy objective of facilitating the reuse of existing upper-floor accommodation within town centres.

The Planning Authority itself accepts that:

> *"Housing is acceptable in principle on town centre zoned sites"*

and recognises that it is appropriate to provide upper-floor residential accommodation at this location.

The Planner also acknowledges that the Planning Authority:

> *"supports the redevelopment of brownfield sites in order to maximise the sustainable regeneration of underutilised vacant floorspace above ground floor units".*

It would therefore be inconsistent with this policy objective to refuse the conversion of existing upper floors because two refurbished studio units cannot be provided with balconies where the national Apartment Guidelines expressly allow that outcome.

The flexibility contained within the Guidelines exists precisely to prevent otherwise appropriate refurbishment and infill schemes from becoming unviable or undeliverable through rigid application of standards designed primarily for larger purpose-built schemes.

6.2.11 Conclusion on Reason for Refusal 1(b)

It is respectfully submitted that Reason for Refusal 1(b) does not provide a sustainable basis for refusing the proposed development.

The proposal comprises five apartments, of which three, representing 60% of the scheme, are provided with direct private amenity space.

Only two apartments, representing 40% of the scheme, are without direct private amenity space.

The 2025 Apartment Guidelines expressly provide that the proportion of apartments without direct private amenity space should not exceed 50%. The proposal therefore falls within the national policy position.

Moreover, the subject development comprises both the refurbishment of existing upper-floor accommodation and development on an urban infill site of approximately 0.023 hectares. The site is less than one-tenth of the 0.25 hectare threshold within which the Guidelines expressly provide for further relaxation of private amenity-space requirements.

The three purpose-built one-bedroom apartments are each provided with approximately 5 sq.m of private amenity space, corresponding with the recommended provision for a one-bedroom apartment.

While these spaces are north-facing, national policy does not prohibit north-facing balconies or terraces. Their quality must be considered having regard to the constraints of this exceptionally small town-centre infill site, the usable private amenity space provided and the overall quality of the proposed accommodation. The accompanying Daylight Assessment relates solely to internal daylight performance and is not relied upon as evidence of direct sunlight availability to these external amenity areas.

The relationship with the Royal Hotel and associated service yard is similarly characteristic of the existing mixed-use town-centre environment and has been addressed comprehensively

under Ground 1. Any residual privacy concern associated with the ground-floor amenity space is capable of being resolved through appropriate screening or boundary treatment, including by condition if considered necessary.

Finally, both national policy and the Bray Municipal District Local Area Plan expressly provide flexibility in relation to private amenity and open-space standards for small infill, refurbishment and living-over-the-shop development.

Having regard to the actual level of provision proposed, the express flexibility contained within the 2025 Apartment Guidelines, the exceptionally constrained nature of the subject site and the strong policy support for the reuse and intensification of town-centre buildings, it is respectfully submitted that the proposed private amenity arrangements are acceptable.

The Commission is therefore respectfully requested not to uphold Reason for Refusal 1(b).

6.3 Ground 3: Response to Reason for Refusal 1(c): Daylight and Sunlight

Reason for Refusal 1(c) states:

> *"The overall poor design and lack of detail submitted to demonstrate that the proposed apartments would receive adequate levels of sunlight and daylight."*

The Applicant acknowledges the importance of ensuring that the proposed apartments provide an appropriate standard of residential amenity, including reasonable access to natural daylight.

It is relevant, however, that the principal issue identified by the Planning Authority was the absence of technical information accompanying the original application. The Planner's Report expressly records that a sunlight/daylight assessment had not been provided and, on that basis, reached the view that the proposed one-bedroom apartments and subsequently the majority of the units would not receive sufficient daylight and sunlight.

The appeal directly addresses that evidential deficiency through the submission of a dedicated Daylight Assessment prepared in accordance with BRE 209 (2022) and IS EN 17037:2018. The assessment provides a quantitative analysis of each of the ten habitable rooms proposed within the development.

6.3.1 Assessment Methodology

The Daylight Assessment applies the median daylight factor methodology and assesses bedrooms and combined kitchen/living/dining rooms against the relevant recommended targets.

The assessment applies a target median daylight factor of:

- 0.7% for bedrooms; and

- 1.4% for combined kitchen/living/dining rooms.

Under the methodology used, a room achieves the relevant target where at least 50% of the assessed grid points achieve or exceed the applicable daylight factor.

The model incorporates the proposed development and surrounding buildings as obstructions and assesses daylight on a 0.25 metre calculation grid at 0.85 metres above finished floor level.

The assessment therefore provides objective technical information which was not available to the Planning Authority when determining the application.

Level	Room	Use	Area (m2)	Grid points	Median DF (%)	Target (%)	Points >= target	Min / mean DF (%)	Result
Level 0	Apt 1 - Bedroom	Bedroom	12.0	91	2.69	0.7	100 %	1.14 / 3.41	PASS
Level 0	Apt 1 - K-L-D	Kitchen / Living / Dining	24.7	224	0.57	1.4	22 %	0.07 / 0.94	FAIL
Level 1	Apt 2 - Bedroom	Bedroom	11.9	89	2.65	0.7	100 %	1.14 / 3.40	PASS
Level 1	Apt 2 - K-L-D	Kitchen / Living / Dining	24.7	224	0.62	1.4	25 %	0.13 / 1.06	FAIL
Level 2	Apt 3 - Bedroom	Bedroom	12.0	91	2.82	0.7	100 %	1.22 / 3.55	PASS
Level 2	Apt 3 - K-L-D	Kitchen / Living / Dining	24.7	224	0.64	1.4	25 %	0.08 / 1.02	FAIL
Level 1	Studio 1 - Bedroom	Bedroom	9.0	67	0.54	0.7	37 %	0.29 / 0.70	FAIL
Level 1	Studio 1 - K-L-D	Kitchen / Living / Dining	22.4	202	2.03	1.4	69 %	0.84 / 2.31	PASS
Level 2	Studio 2 - Bedroom	Bedroom	9.0	67	1.59	0.7	88 %	0.61 / 1.92	PASS
Level 2	Studio 2 - K-L-D	Kitchen / Living / Dining	23.1	216	1.57	1.4	59 %	0.67 / 2.06	PASS

Figure 6.9: Daylight Assessment – Summary of Results

6.3.2 Overall Daylight Performance

The results demonstrate a mixed daylight performance across the proposed development rather than an across-the-board deficiency. For clarity, the Daylight Assessment identifies the sleeping accommodation within the two studio apartments as bedrooms for the purposes of applying the relevant daylight-factor benchmarks. This terminology is used for the technical daylight assessment and does not alter the classification of these units as studio apartments within the proposed development.

Of the ten habitable rooms assessed, six achieve the relevant BRE 209 / EN 17037 median daylight factor target. Four of the five bedrooms comply, while two of the five combined kitchen/living/dining rooms comply.

In particular, the bedrooms serving each of the three proposed one-bedroom apartments perform strongly:

- Apartment 1 Bedroom – median daylight factor of 2.69% against a target of 0.7%;
- Apartment 2 Bedroom – 2.65% against a target of 0.7%; and
- Apartment 3 Bedroom – 2.82% against a target of 0.7%.

In each case, 100% of the assessed grid points achieve or exceed the applicable bedroom target.

The two studio apartments also demonstrate significant areas of satisfactory daylight performance.

The kitchen/living/dining area within Studio 1 achieves a median daylight factor of 2.03% against a target of 1.4%, with 69% of grid points achieving the target. Studio 2 achieves the relevant target in both habitable rooms, with a median daylight factor of 1.59% in the bedroom and 1.57% in the kitchen/living/dining area.

These results are significant. They demonstrate that the proposed development cannot reasonably be characterised as a scheme in which the apartments generally receive inadequate daylight. Rather, a majority of the habitable rooms achieve the applicable technical targets, with several rooms exceeding those targets by a substantial margin.

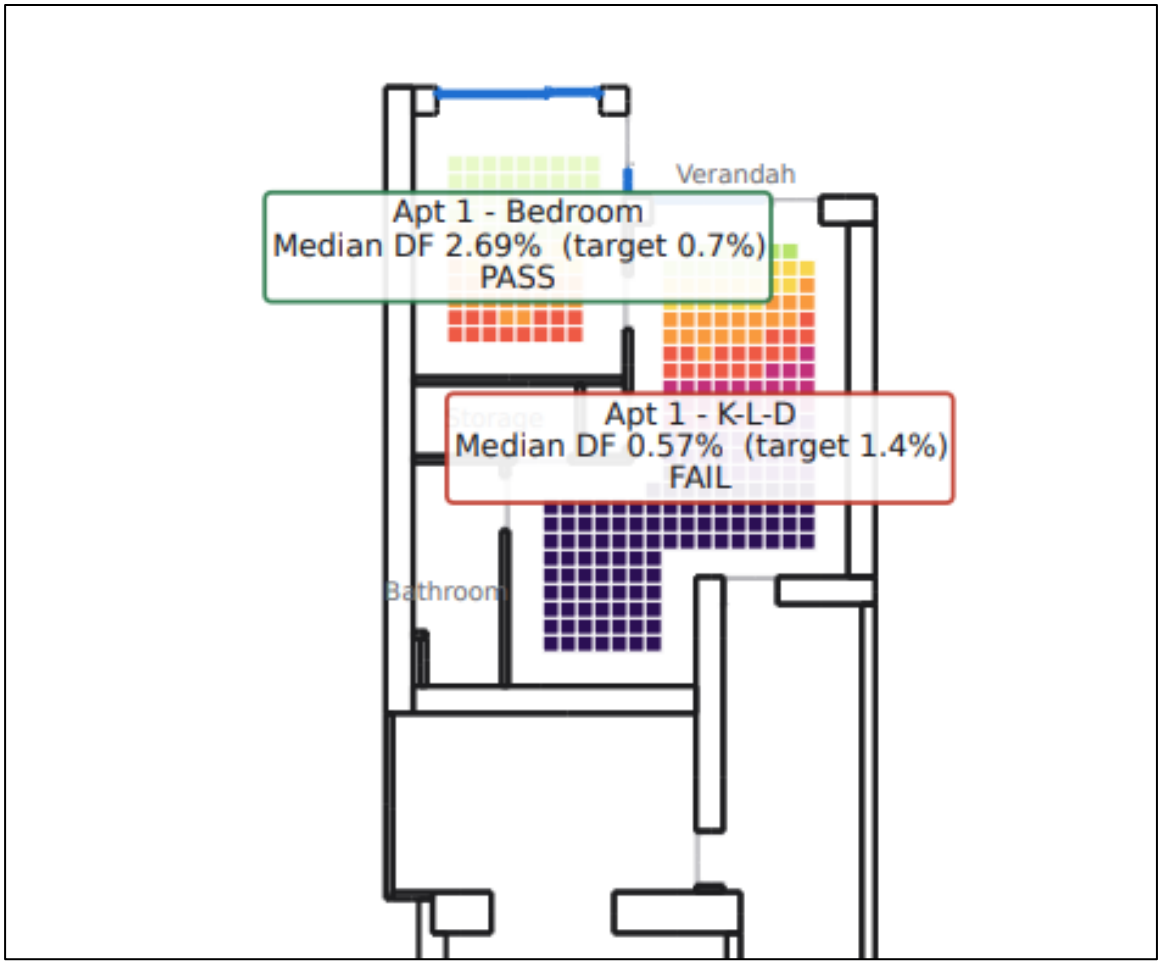


Figure 6.10: Daylight Factor Plan – Ground Floor

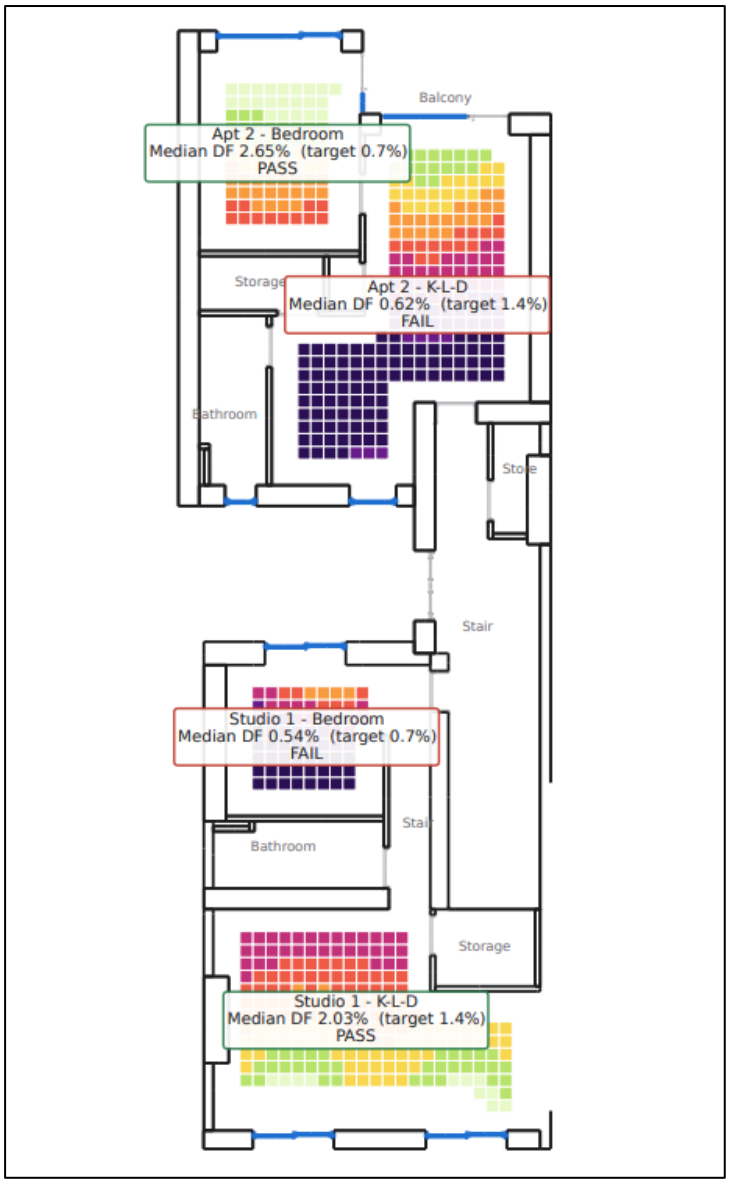


Figure 6.11: Daylight Factor Plan – First Floor

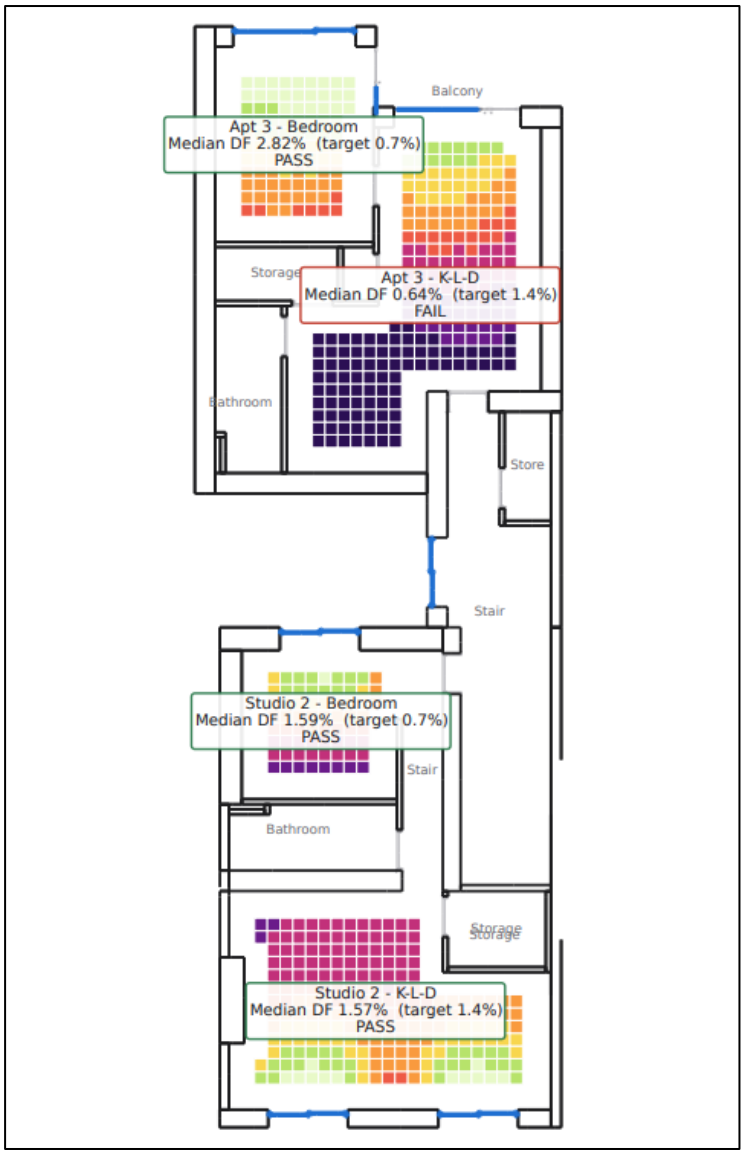


Figure 6.12: Daylight Factor Plan – Second Floor

6.3.3 Rooms Falling Below the Recommended Targets

The Applicant acknowledges that four of the ten habitable rooms do not achieve the recommended median daylight factor target. These comprise the kitchen/living/dining rooms within Apartments 1, 2 and 3 and the bedroom within Studio 1.

The three apartment kitchen/living/dining rooms achieve median daylight factors of 0.57%, 0.62% and 0.64% respectively against the recommended 1.4% target. The assessment demonstrates that daylight levels reduce with distance from the external glazing, with the deeper portions of these rooms recording the lower daylight factors.

The Studio 1 bedroom represents a considerably smaller departure from the applicable benchmark. It achieves a median daylight factor of 0.54% against the bedroom target of 0.7%, **a shortfall of just 0.16 percentage points. The assessment records that the mean daylight factor within this room is 0.70% and identifies this room as the closest of the four non-compliant rooms to the applicable target.**

The Applicant does not seek to disregard these results. Rather, it is submitted that they should

be considered in the manner expressly envisaged by the applicable planning guidance: as one component of the overall assessment of residential quality and not as an absolute pass/fail test for the development as a whole.

6.3.4 Appropriate Planning Interpretation of the Results

The daylight guidance reproduced within the Planning Authority's own assessment is particularly relevant in this regard. It states that, when drawing conclusions regarding daylight performance, planning authorities must *"weigh up the overall quality of the design and layout"* against the location of the site and the general presumption in favour of increased scales of urban residential development.

The guidance further expressly acknowledges that poorer daylight performance may arise as a consequence of site or location constraints and that this must be balanced against wider planning objectives, including urban regeneration and the achievement of an effective urban design and streetscape solution. **This is directly relevant to the subject development**.

The site comprises an exceptionally constrained town-centre infill plot of approximately 0.023 hectares within the established built fabric of Bray. The development retains and reuses the existing building fronting Quinsborough Road, introduces residential accommodation at upper-floor level and provides a modest rear infill extension.

The Planning Authority has separately accepted that residential development is appropriate in principle at this location and that the proposal is consistent in principle with the town-centre zoning, subject to detailed development and design standards.

The daylight results must therefore be considered within this physical and policy context.

The assessment demonstrates particularly strong daylight performance within the externally orientated bedrooms of the three new apartments and within significant elements of the retained building. The principal shortfall occurs within the deeper parts of the combined kitchen/living/dining rooms, reflecting the restricted depth and geometry available on this narrow existing urban plot.

This is precisely the type of constrained urban circumstance in which the applicable guidance requires a balanced planning assessment rather than the mechanical application of numerical targets.

6.3.5 Overall Residential Quality

It is also important that daylight performance is not considered in isolation from the remainder of the residential accommodation.

The proposed one-bedroom apartments achieve the applicable minimum apartment floor-area requirements and provide appropriately sized bedrooms, internal storage and dedicated private amenity spaces. The proposed studios likewise comprise the adaptive reuse of existing

upper-floor accommodation within an established town-centre building.

The daylight assessment further demonstrates that the areas of poorer performance are not representative of every habitable room within those apartments.

For example, while the kitchen/living/dining areas within Apartments 1 to 3 fall below the recommended target, each corresponding bedroom performs very substantially above the required level. Similarly, Studio 1 contains one room below target but its kitchen/living/dining room achieves a median daylight factor of 2.03%, substantially exceeding the applicable 1.4% target. Studio 2 achieves the recommended target across both habitable rooms.

The assessment therefore identifies particular areas of reduced daylight performance rather than establishing that the proposed apartments as a whole would provide an unacceptable internal living environment.

The consultant also notes that the calculation has been undertaken using the design and material assumptions identified in the report and that no specific internal finish specification was available. The assessment should therefore be read as an objective test of the architectural design as submitted rather than as a prediction of the appearance or illuminance of the rooms at any particular time or under any particular weather condition.

6.3.6 Sunlight

The Applicant distinguishes between the assessment of internal daylight and the separate consideration of direct sunlight.

The submitted Daylight Assessment uses a CIE standard overcast sky and, under this methodology, daylight factor is independent of orientation. It does not presently comprise a sunlit-hours or sunlight assessment and should not be interpreted as such.

The separate concern raised by the Planning Authority regarding the north-facing orientation and sunlight quality of the proposed private amenity spaces is addressed under Ground 2 of this appeal.

6.3.7 Conclusion on Reason 1(c)

The original application did not contain a technical daylight assessment and the Planning Authority was therefore required to reach its conclusion principally from the architectural drawings and its qualitative assessment of the proposed layout. That information gap has now been materially addressed.

The Daylight Assessment demonstrates that six of the ten habitable rooms achieve the applicable recommended daylight targets, comprising **the bedrooms within all three new one-bedroom apartments, the kitchen/living/dining room within Studio 1, and both the bedroom and kitchen/living/dining room within Studio 2**.

The Applicant acknowledges the shortfalls identified within the three apartment

kitchen/living/dining rooms and Studio 1 bedroom. However, those results must be weighed against the strong performance of the remaining rooms, the overall residential standards achieved, the exceptionally constrained town-centre infill context and the established policy objective of facilitating residential reuse, regeneration and compact development.

Indeed, the planning guidance expressly recognises that poorer daylight performance may arise from site and location constraints and requires those results to be balanced against wider objectives including urban regeneration.

It is therefore respectfully submitted that the technical evidence now before the Commission does not support the conclusion that the proposed development, considered as a whole, would provide an unacceptable standard of internal daylight or a substandard residential environment. **Reason for Refusal 1(c) should accordingly not be sustained.**

6.4 Ground 4: Response to Reason for Refusal 1(d): Bin Storage, Noise and Odour

6.4.1 Reason for Refusal

Reason for Refusal 1(d) states:

> *"Having regard to:*
>
> *d) The location of the bin store within the courtyard of the proposed development resulting in noise and odour nuisance in this restricted space for the proposed residential units."*

The Planner's Report similarly identifies the refuse arrangement as a concern and states:

> *"The proposed refuse area is not located within an acceptable location as it is not acceptable to open directly into a stairwell. A refuse area should be provided within the proposed building."*

The Chief Fire Officer separately identified the direct relationship between the refuse store and the protected stair as a Building Regulations matter, noting that refuse stores should not open directly into a protected stair enclosure and should instead be approached by way of an appropriately protected and ventilated lobby.

The Applicant has had regard to both matters in preparing the revised appeal drawings.

It is respectfully submitted that the issue identified under Reason for Refusal 1(d) is a discrete and readily resolvable detailed-design matter rather than a fundamental deficiency in the principle, scale or layout of the proposed residential development.

6.4.2 Revised Refuse Storage Arrangement

The revised appeal drawings retain the refuse store as a dedicated enclosed room at ground-floor level but materially revise its relationship with the adjoining circulation and protected

stair.

Under the previous layout, the bin store extended approximately 4.548 metres across the rear ground-floor area and opened directly toward the stair/circulation space. The revised arrangement reduces the width of the bin store to approximately 3.300 metres and introduces an intervening access/lobby area of approximately 1.148 metres between the refuse store and the adjoining stair.

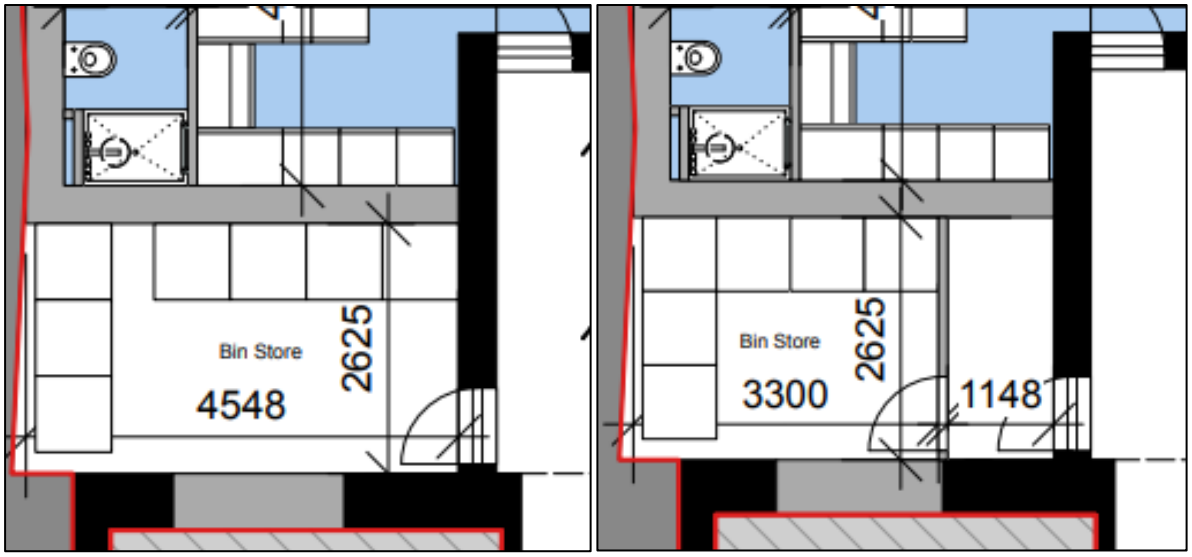


Figure 6.14: Previous (left) and Revised (right) Ground-Floor Bin Storage Arrangement

The principal purpose of this revision is to respond to the Chief Fire Officer's concern regarding the direct relationship between the refuse store and the protected stair. The revised arrangement provides a clearer separation between the bin-storage room and the escape circulation and allows the final fire-separation, lobby and ventilation requirements to be developed through detailed design and the Fire Safety Certificate process.

It is also important to clarify that the refuse store is an enclosed internal room and is not proposed as an exposed bin-storage area within the usable courtyard. Refuse containers would therefore be retained within a dedicated enclosed space rather than within the external amenity area.

The Planning Authority's concern regarding potential noise and odour is acknowledged. However, the proposed store would serve only five apartments and would operate as a conventional enclosed communal refuse store. Any potential effects can be effectively controlled through appropriate enclosure, ventilation, sealed waste containers and normal collection and management arrangements.

The revised layout therefore represents an improvement over the original arrangement and, in combination with appropriate detailed specification and management, is considered capable of addressing the identified refuse-storage concerns without requiring any fundamental alteration to the proposed development.

6.4.3 Separation from Residential Amenity Space

The Planning Authority's concern under Reason 1(d) relates principally to the potential for noise and odour arising from the proposed refuse store to adversely affect future residential amenity.

The Applicant acknowledges that refuse storage within an apartment development must be appropriately located, enclosed and managed so as to avoid unnecessary nuisance to residents.

In this regard, it is important to clarify that the proposed refuse store comprises a dedicated enclosed internal room rather than an exposed bin-storage area within the external courtyard or private amenity space.

The refuse store would serve a development of only five apartments and would therefore accommodate a relatively limited volume of domestic waste. The scale and nature of the refuse-storage requirement is consequently modest and capable of being managed through conventional apartment waste-management arrangements.

The revised layout further improves the arrangement by introducing a clearer separation between the refuse store and the adjoining stair/circulation area, as illustrated in Figure 6.14 above.

Potential noise and odour effects can be appropriately controlled through the use of sealed waste containers, suitable enclosure and ventilation, regular collection arrangements and appropriate management of the store.

There is no technical evidence before the Planning Authority demonstrating that a properly designed and managed enclosed refuse store serving five apartments would inevitably result in an unacceptable noise or odour impact on future residents.

Accordingly, it is respectfully submitted that the concern identified by the Planning Authority is capable of being satisfactorily addressed through the revised layout, appropriate detailed design and normal waste-management practices, rather than requiring refusal of the proposed residential development.

6.4.4 Chief Fire Officer Comments

The Applicant has also had specific regard to the comments of the Chief Fire Officer. The CFO states that *"Refuse stores are not permitted to open directly into a protected stair enclosure"* and advises that refuse-storage rooms should instead be approached through an appropriately protected lobby incorporating permanent ventilation to the exterior.

The revised ground-floor arrangement responds to this concern by removing the previous direct relationship between the refuse store and the adjoining stair and introducing an intervening access/lobby area, as illustrated in Figure 6.14.

The Applicant acknowledges that the final fire-rating, ventilation and detailed specification of

this arrangement will be required to comply with the applicable Building Regulations and will be resolved through the detailed design and Fire Safety Certificate process.

Importantly, the Planner's Report expressly recognises that the detailed matters identified by the Chief Fire Officer are *"outside the remit of this planning application"* and recommends that the CFO report be attached to the decision for the information of the Applicant.

Accordingly, while the revised layout has sought to respond positively to the CFO's concern, the detailed technical specification of the refuse-store lobby, ventilation and fire separation is properly a Building Control matter rather than a substantive planning consideration.

It is therefore respectfully submitted that the refuse-store arrangement does not provide a basis for refusing planning permission, particularly where the principal layout concern has been addressed through the revised drawings and the remaining technical requirements can be resolved through the applicable Fire Safety Certificate and Building Control processes.

6.4.5 Town-Centre Context

The refuse-storage arrangement should also be considered within the actual receiving environment. The site is located within Bray Town Centre and adjoins an established rear service-yard environment associated with the Royal Hotel and surrounding commercial premises.

The proposed development would not introduce refuse activity into an otherwise quiet or exclusively residential rear environment.

Rather, the development incorporates a controlled residential refuse-storage arrangement within an established mixed-use town-centre block where servicing and waste-management functions already form part of the surrounding urban context.

This does not remove the obligation to provide an appropriate standard of residential amenity for future occupants. However, it reinforces the appropriateness of dealing with the matter through careful enclosure, screening, ventilation and management rather than treating the presence of a modest communal bin store as incompatible with residential use.

6.4.6 Scope for Appropriate Management and Condition

Any potential noise or odour associated with residential refuse storage can also be effectively controlled through normal operational management measures.

The proposed store can accommodate sealed domestic waste and recycling containers within an enclosed and ventilated structure. Waste collection can occur at defined intervals, with containers moved to the appropriate collection point only for the limited period necessary for servicing.

These are ordinary management arrangements associated with apartment development and do not require substantive alteration to the scheme.

The Commission could, if considered necessary, attach a condition requiring preparation of a final waste-management arrangement addressing the storage, segregation and collection of domestic waste prior to occupation.

Such a condition would represent a proportionate response to the identified concern and would be preferable to refusing an otherwise appropriate town-centre residential development on the basis of a matter readily capable of technical resolution.

6.4.7 Conclusion on Reason for Refusal 1(d)

It is respectfully submitted that Reason for Refusal 1(d) does not provide a sustainable basis for refusal of permission.

The issue identified by the Planning Authority relates to the detailed location and design of the communal refuse store rather than to any fundamental incompatibility between the proposed development and residential use.

The revised appeal drawings provide a dedicated enclosed bin-storage arrangement at ground-floor level and allow the refuse store to be physically separated from the principal private amenity and circulation spaces.

The modest five-unit scale of the development means that refuse generation would be limited and capable of straightforward management through conventional domestic waste-storage and collection arrangements.

The Applicant also accepts the Chief Fire Officer's requirement that the refuse store should not open directly into the protected stair and that appropriate fire separation, lobbying and ventilation should be provided. These matters can be finalised through detailed design and the applicable Building Control and Fire Safety Certificate processes.

The Planning Authority has itself expressly acknowledged that the detailed CFO matters fall outside the remit of the planning application.

There is therefore no evidential basis to conclude that a properly enclosed, ventilated and managed bin store serving five apartments would necessarily generate unacceptable noise or odour effects.

Any residual concern can readily be addressed through an appropriate planning condition governing the final refuse-store arrangement and waste-management procedures.

Having regard to the revised appeal drawings, the limited scale of the development and the ability to address the identified concern through detailed design and management, the Commission is respectfully requested not to uphold Reason for Refusal 1(d).

6.5 Ground 5: Response to Reason for Refusal 1(e): Residential Density

6.5.1 Reason for Refusal

Reason for Refusal 1(e) states:

> *"Having regard to:*
>
> *e) The proposed density of the development at 217 units per hectare, which significantly exceeds the maximum density considered appropriate for this location…"*

The Planner's Report expands upon this conclusion and notes that Bray is identified as a Metropolitan Town under the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, for which residential densities in the range of 50–150 dwellings per hectare are generally applicable within centres and urban neighbourhoods.

The Planner calculates the proposed density at 217 dwellings per hectare and concludes that this is approximately 45% above 150 dwellings per hectare and therefore represents an excessive density at this location.

It is respectfully submitted that this assessment applies the general density range too rigidly and does not have adequate regard to the specific provisions of the Compact Settlements Guidelines relating to very small infill sites.

The figure of 217 dwellings per hectare is mathematically correct when the five proposed apartments are divided by the exceptionally small application site area of approximately 0.023 hectares. However, the resulting density figure must be understood in context.

The proposal does not comprise a 217-unit development distributed across one hectare of land. It comprises five apartments within and to the rear of an existing town-centre building on a plot of only approximately 230 sq m.

On sites of this scale, relatively modest changes in the number of residential units produce very large movements in the calculated units-per-hectare figure. The headline density therefore risks overstating the actual physical intensity of the proposed development.

Current national policy expressly recognises this issue and provides a specific basis for assessing very small infill sites according to their physical scale, form and surrounding context rather than through a mechanical application of general density ranges.

6.5.2 Sustainable Residential Development and Compact Settlements Guidelines 2024

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 establish general density ranges for different settlement types.

For Metropolitan Towns such as Bray, the Guidelines provide that residential densities within the range of 50–150 dwellings per hectare should generally be applied in town centres and urban neighbourhoods.

The use of the term "*generally*" is significant. The Guidelines do not establish 150 dwellings per hectare as an absolute maximum applicable to every individual site irrespective of scale or context.

This is made explicit by Section 3.3.6 of the Guidelines, entitled "*Exceptions*".

Section 3.3.6(a) establishes a presumption against very high densities exceeding 300 dwellings per hectare on a piecemeal basis.

The proposed density of 217 dwellings per hectare is materially below this 300 dwellings-per-hectare threshold.

More importantly, Section 3.3.6(c) specifically addresses the circumstances arising in the present appeal and states:

> *"In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter."*

This provision is directly applicable.

The subject site extends to only approximately 0.023 hectares and comprises a narrow existing town-centre plot forming part of the established urban block between Quinsborough Road and the Royal Hotel.

It plainly does not constitute a site of sufficient scale to define a new neighbourhood character or establish its own independent density.

The correct policy test is therefore not whether the mathematical density falls precisely within the general 50–150 dwellings-per-hectare range, but whether the scale and form of the proposed development represent an appropriate response to the surrounding town-centre context and whether an acceptable standard of residential and neighbouring amenity can be achieved.



Figure 6.15: Subject Site Within Existing Town-Centre Urban Block

6.5.3 The 217 dph Figure Must Be Understood in the Context of the Site Area

The density calculation is particularly sensitive because of the exceptionally small site area.

The subject site comprises approximately 0.023 hectares, or approximately 230 sq.m.

Five residential units across this area produce the stated mathematical density of approximately 217 dwellings per hectare.

However, the same calculation demonstrates why units-per-hectare figures can become misleading when applied in isolation to micro-infill sites.

For example, four units on the same plot would equate to approximately 174 dwellings per hectare, while three units would equate to approximately 130 dwellings per hectare. The addition or removal of a single apartment therefore alters the nominal density by approximately 43 dwellings per hectare despite only representing one additional home in physical terms.

The issue before the Commission is consequently not whether “217” appears high when presented in isolation, but whether five apartments represent an excessive quantum of development on this particular town-centre property.

It is respectfully submitted that they do not.

The proposal comprises only three newly constructed one-bedroom apartments, together with the conversion and reuse of existing upper-floor accommodation to provide two studio apartments.

Two of the five units therefore arise through the reuse of existing building stock rather than

through additional building mass.

This distinction further demonstrates the limitations of relying principally upon the mathematical density figure to characterise the physical intensity of the proposal.



Figure 6.16: Composition of Proposed Five-Unit Development, conversions in yellow and new development in red

6.5.4 Density in the Context of Quinsborough Road and Bray Town Centre

The subject property should also not be considered as though it were an isolated residential development parcel. It forms part of the continuous, tightly developed urban grain of Quinsborough Road and Bray Town Centre.

The surrounding area comprises a mixture of terraced commercial premises, upper-floor accommodation, apartments, hotel development and other town-centre uses arranged on comparatively narrow plots.

When considered in this wider street and urban-block context, the proposed quantum of five apartments does not represent an anomalous or excessive form of development.

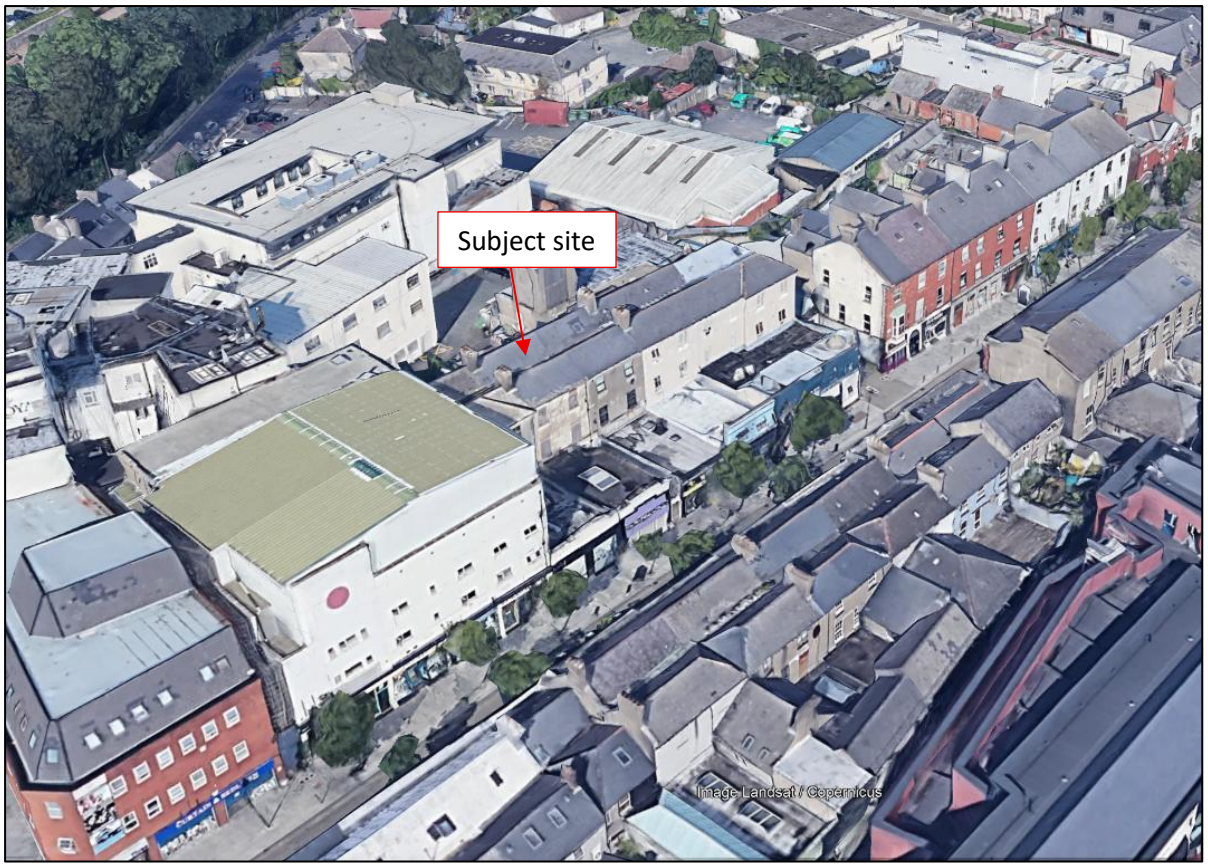


Figure 6.17: Quinsborough Road Town-Centre Context

The application of a per-hectare density calculation to this individual 230 sq.m plot inevitably produces a comparatively high figure because the calculation treats the site as though it were capable of defining an independent residential density. It cannot.

Section 3.3.6(c) of the Compact Settlements Guidelines specifically recognises that very small infill sites should instead be read against the scale and form of the surrounding development.

Within the context of Quinsborough Road, the proposal retains the established commercial frontage, reuses existing upper floors and introduces a three-storey rear residential element within an already intensively developed town-centre block.

The resulting development is therefore more appropriately understood as the incremental intensification and reuse of an existing town-centre property than as a standalone 217-dwellings-per-hectare housing scheme.

6.5.5 Wicklow County Development Plan Expressly Seeks Increased Density

The refusal on density grounds must also be considered against the strategic objectives of the Wicklow County Development Plan 2022–2028.

Objective CPO 4.2 seeks:

> *"To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in*

preference to greenfield sites."

Objective CPO 4.3 goes further and expressly seeks to:

> *"Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development."*

The subject proposal responds directly to virtually every element of this objective.

- It reuses existing upper-floor accommodation.
- It represents infill development.
- It intensifies an existing brownfield/town-centre property.
- It provides living-over-the-shop accommodation.
- It delivers additional housing within the established built-up footprint of Bray.
- It does so without any requirement for development of additional greenfield land or significant new transport infrastructure.

It is therefore difficult to reconcile a refusal based principally upon the mathematical density of the individual micro-site with the Development Plan's express objective to increase densities through precisely this form of town-centre reuse and infill development.

6.5.6 Bray Local Area Plan – Higher Density and Living Over the Shop

The Bray Municipal District Local Area Plan further reinforces this position.

The Planning Authority's own report identifies the express Local Area Plan objective:

> *"To encourage higher residential densities in the town centre zones and the concept of 'living over the shop'."*

Objective TC3 additionally seeks:

> *"To promote the 'active' use of above ground floor levels, and in particular to promote the concept of 'living over the shop' in centres."*

Critically, TC3 expressly provides that:

> *"Where a 'living over the shop' use is proposed, a relaxation in density, car parking and open space standards will be considered, where the development meets very high quality of design and accommodation."*

This provision is directly relevant to Reason for Refusal 1(e).

The Local Area Plan does not merely encourage higher density residential development in Bray Town Centre; it expressly anticipates that conventional density standards may need to be relaxed in order to facilitate living-over-the-shop development.

The proposed development retains the active commercial use at ground-floor level and converts the existing upper floors to residential use. It therefore represents precisely the form of development contemplated by TC3.

6.5.7 Residential Density Does Not Equate to Overdevelopment

The refusal also relies upon the proposition that the stated density demonstrates overdevelopment of the site.

It is respectfully submitted that density and overdevelopment are not synonymous.

Whether a site is overdeveloped must ultimately be determined by the physical and environmental consequences of the proposed development: its scale, mass, relationship with neighbouring buildings, quality of accommodation, daylight performance, privacy, access and other relevant planning considerations.

A mathematical density figure cannot substitute for that assessment.

The proposal contains only five apartments.

The three new-build apartments are contained within a three-storey rear extension, while the remaining two apartments result from conversion of existing upper floors.

The Planning Authority has already accepted that residential use is appropriate in principle, that the proposed unit mix is acceptable and that a car-free development is appropriate at this location because of the proximity to high-frequency public transport.

The separate amenity concerns identified by the Planning Authority are addressed individually throughout this appeal, including through revised architectural information and the accompanying Daylight Assessment.

If those detailed matters are demonstrated to be acceptable, the numerical density cannot reasonably operate as a standalone basis for finding that five residential units constitute overdevelopment.

Indeed, Section 3.3.6(c) of the Compact Settlements Guidelines specifically directs the decision-maker on a site of this scale toward the actual scale, form and amenity consequences of the development rather than strict adherence to the general density range.

6.5.8 Relevant Bray Precedent – Fatima House, Quinsborough Road

A particularly relevant planning precedent arises at Fatima House, Quinsborough Road, under ABP Ref. ABP-318016-23, concerning a six-storey mixed-use development incorporating 26 apartments on a constrained town-centre site.

The Inspector's assessment supported the proposed development in terms of its overall scale, density, design and relationship with the surrounding urban environment. While the Inspector ultimately recommended refusal, this recommendation arose from the absence of adequate bat-survey information rather than any objection to the proposed residential density or urban design.

The Board subsequently granted permission on 18 October 2024, following a 2:1 majority decision.

Of particular importance to the present appeal, the Board Order expressly records that Wicklow County Council had assessed the Fatima House proposal as having a residential density of approximately 330 dwellings per hectare.

Notwithstanding that density, the Board concluded that the proposal was acceptable, having regard to the brownfield nature of the site, its limited size, proximity to public transport, the quality of the design and the relevant Development Plan objectives supporting compact growth.

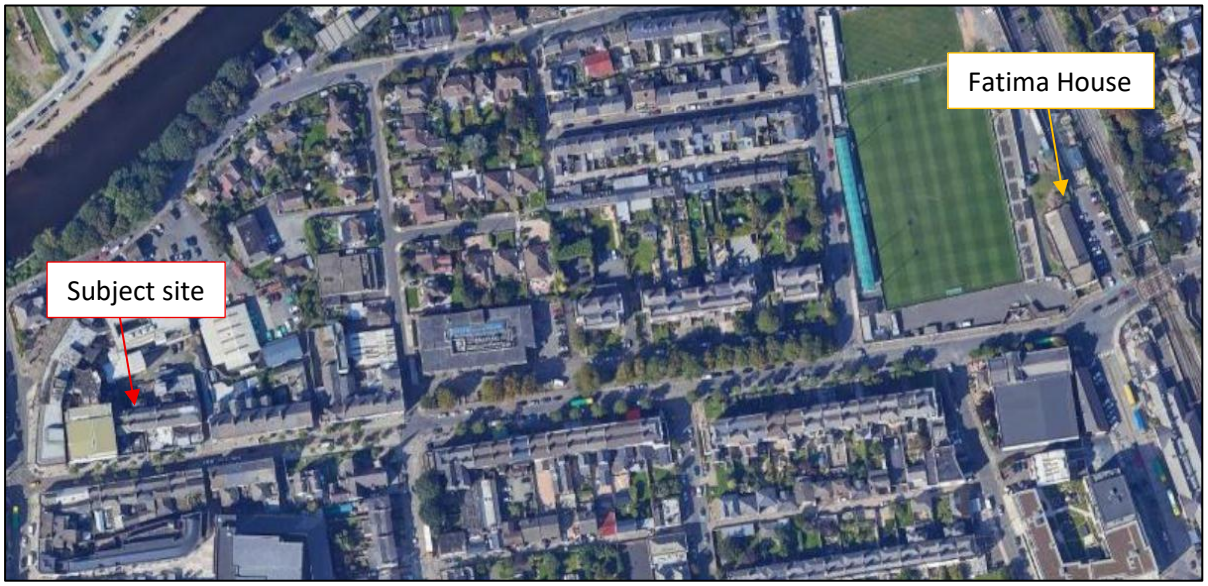


Figure 6.18: Fatima House, Quinsborough Road – ABP-318016-23

This is a material local precedent. It demonstrates that the Board has expressly considered and accepted a density substantially above the general 150 dwellings-per-hectare range and, indeed, above the 300 dwellings-per-hectare threshold identified within the Compact Settlements Guidelines, where the particular site circumstances and design quality justify that approach.

The proposed development at No. 2 Westbourne Terrace comprises five apartments at a stated density of approximately 217 dwellings per hectare, materially below the density

accepted at Fatima House.

While the two developments must each be assessed on their individual merits, the Board's decision demonstrates that a numerical density exceeding the general recommended range does not automatically establish overdevelopment within central Bray. The appropriate assessment must have regard to the site's physical characteristics, surrounding urban context, accessibility and overall design quality.

6.5.9 Relevant Bray Precedent – Former Bray Cabs Site, Station Road

A further relevant precedent arises at the former Bray Cabs site on Station Road under ABP Ref. ABP-308055-20.

That proposal comprised demolition of the existing buildings and construction of a six-storey mixed-use development incorporating 14 one-bedroom apartments.

The Board granted permission.

In its Reasons and Considerations, the Board had particular regard to:

> *"the zoning objective for the site and the relevant provisions of the Bray Municipal District Local Area Plan 2018 which note that the site is suitable in principle for higher density mixed use development"*

together with:

> *"the pattern of development in the area including the existing mix of residential, commercial and community uses"*

and:

> *"the proximity of the site to public transport infrastructure".*

The Board concluded that the development constituted:

> *"an appropriate form of development at this location."*

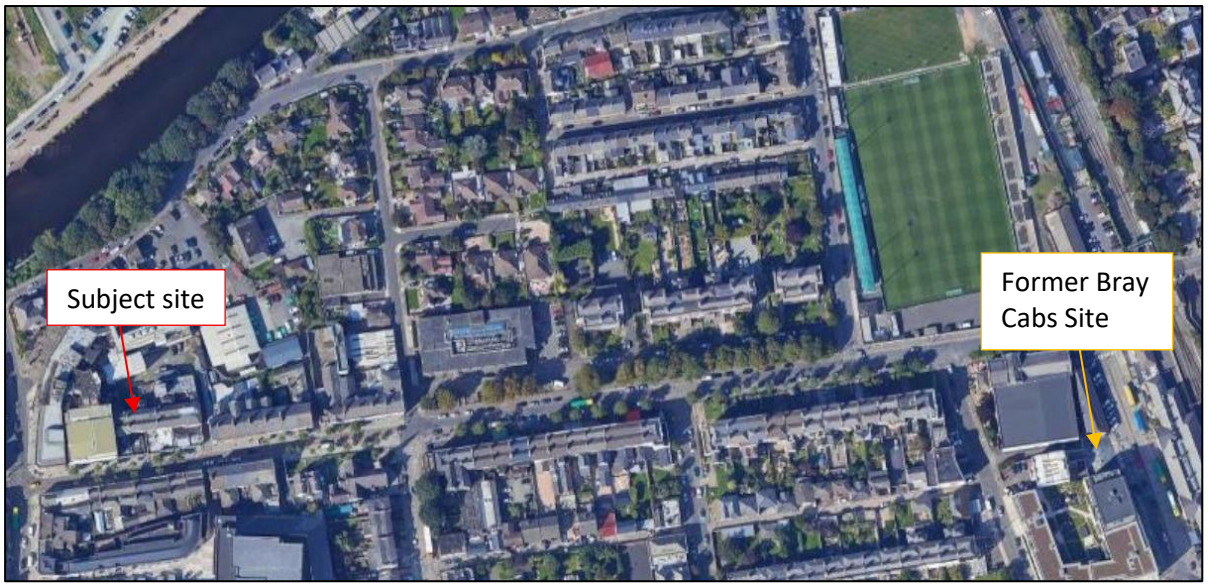


Figure 6.19: Former Bray Cabs Site, Station Road – ABP-308055-20

Again, the significance of this precedent lies not in direct numerical comparison but in the approach taken to development within central Bray.

The Board assessed the development having regard to the actual urban context, mixed-use character, public transport accessibility and physical form rather than treating density as an isolated numerical exercise.

The same contextual approach is respectfully requested in the present case.

6.5.10 Current National Housing and Compact Growth Policy

The importance of making efficient use of suitable urban sites has become even more pronounced since those permissions were granted.

The first revision of the National Planning Framework was approved by both Houses of the Oireachtas in April 2025 and now forms the national strategic planning framework.

The Revised NPF identifies population growth and the associated requirement for significantly increased housing delivery as a central national priority. It provides for planning for approximately 50,000 additional homes per annum nationally to 2040.

At the same time, the NPF retains compact growth as a central spatial objective and seeks at least 40% of all new housing nationally to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

The policy direction is therefore not simply to deliver additional housing, but to deliver a substantial proportion of that housing within existing settlements where services, employment, public transport and existing infrastructure are already available.

The proposed development represents a small but direct contribution to that objective.

It provides five homes within the established built-up area of Bray, through a combination of upper-floor reuse and infill development, on a site already served by town-centre infrastructure and high-frequency public transport.

Although five units are modest in the context of national housing need, the achievement of national housing and compact-growth objectives necessarily depends upon the cumulative delivery of schemes of precisely this nature: reuse of existing buildings, living over the shop, small infill projects and intensification of underutilised town-centre land.

Refusing such development solely because a per-hectare calculation on an exceptionally small site produces a high headline number would run counter to that broader policy direction.

6.5.11 The Proposal Falls Below the Guidelines' Very-High-Density Threshold

It is additionally significant that the Compact Settlements Guidelines themselves identify 300 dwellings per hectare as the point above which there is a presumption against piecemeal very-high-density development.

Section 3.3.6(a) states:

> *"There is a presumption in these Guidelines against very high densities that exceed 300 dph (net) on a piecemeal basis."*

The proposed density is 217 dwellings per hectare.

It therefore falls approximately 83 dwellings per hectare below the threshold at which the Guidelines expressly identify a presumption against piecemeal very-high-density development.

This does not mean that all development below 300 dwellings per hectare is automatically acceptable. Design quality and residential amenity must still be demonstrated.

However, it materially undermines the proposition that the proposed density is inherently excessive as a matter of national density policy.

The Guidelines instead expressly direct the decision-maker, in the case of a very small infill site such as this, toward assessment of the surrounding scale, form and amenity considerations.

6.5.12 Conclusion on Reason for Refusal 1(e)

It is respectfully submitted that Reason for Refusal 1(e) should not be upheld.

The stated density of 217 dwellings per hectare is the mathematical consequence of providing five apartments on an exceptionally small site of approximately 0.023 hectares.

While this figure appears high when viewed in isolation, it does not accurately convey the

physical scale of the proposal.

The development comprises only five apartments, two of which are provided through the reuse of existing upper-floor accommodation. Only three apartments are accommodated within the proposed new extension.

The Compact Settlements Guidelines expressly recognise that general density ranges should not be applied mechanically to very small infill sites that are incapable of defining their own character or density. Section 3.3.6(c) specifically provides that surrounding scale, form and amenity considerations may take precedence over the general density ranges in such circumstances.

The proposal also remains substantially below the 300 dwellings-per-hectare threshold above which the Guidelines establish a presumption against piecemeal very-high-density development.

When viewed within the broader context of Quinsborough Road and Bray Town Centre, the proposal represents an incremental intensification of an existing mixed-use urban property rather than an excessive standalone residential development.

This form of development is expressly supported by the Wicklow County Development Plan, which seeks compact growth, increased density, reuse of existing buildings, infill development, brownfield regeneration and living over the shop.

The Bray Local Area Plan goes further and expressly provides for relaxation of density standards in living-over-the-shop schemes.

Recent Board decisions at Fatima House, Quinsborough Road and the former Bray Cabs site similarly demonstrate acceptance of substantially intensified residential and mixed-use development on constrained central Bray sites where the location, public transport accessibility and urban context support that approach.

Finally, the Revised National Planning Framework now requires a substantial increase in national housing delivery while maintaining a strong emphasis on compact growth and the delivery of housing within existing built-up areas.

The proposed five-unit development represents precisely the type of small-scale infill and upper-floor reuse which must form part of that wider housing-delivery response.

Subject to the Commission being satisfied with the detailed residential amenity matters addressed separately within this appeal, there is no reasonable basis for concluding that the mathematical density of 217 dwellings per hectare, in and of itself, represents overdevelopment of this exceptionally small and highly sustainable town-centre site.

The Commission is therefore respectfully requested not to uphold Reason for Refusal 1(e).

6.6 Ground 6: Response to Reason for Refusal 1(f): Relationship with Adjoining Properties, Overbearing Impact, Overlooking and Overshadowing

6.6.1 Reason for Refusal

Reason for Refusal 1(f) states:

> *"Having regard to:*
>
> *f) The lack of detail submitted outlining the relationship between the proposed extension and adjoining properties to demonstrate that the proposal would not appear overbearing or result in an unacceptable level of increased overlooking or increased overshadowing of these adjoining properties;"*

6.6.2 Scale and Height of the Proposed Rear Extension

The proposed development comprises a three-storey rear extension with a flat-roofed contemporary design, reaching a maximum height of approximately 9.19 metres above ground level.

As illustrated in Figure 6.20, the existing principal building fronting Quinsborough Road has a pitched roof with a ridge height of approximately 13.20 metres. **The proposed extension would therefore remain approximately 4 metres below the highest point of the existing building**.

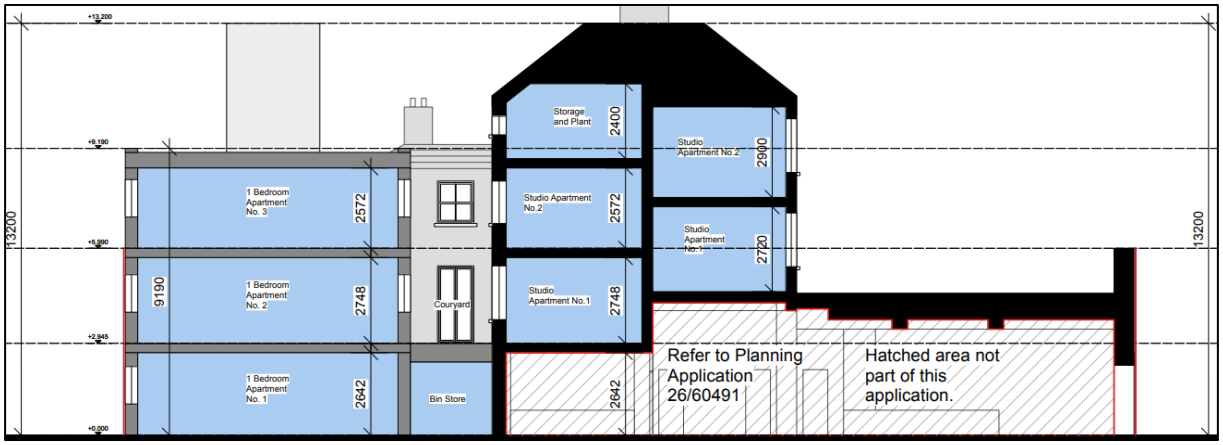


Figure 6.20: Existing and Proposed Building Heights

The proposed extension is positioned to the rear of the existing building and retains a clear height distinction between the established street-fronting structure and the new residential accommodation.

While the proposed flat-roofed extension would introduce additional three-storey built form within the rear portion of the site, its height and massing must be considered having regard to the existing substantial development surrounding the site, including the adjoining Royal Hotel and other commercial buildings.

It is submitted that the proposed extension represents an appropriate form of infill

development within this established town-centre setting, where relatively close building relationships and variations in building height are characteristic of the surrounding urban environment.

6.6.3 Immediate Receiving Environment

The rear of the subject site does not adjoin a conventional suburban residential environment.

It sits within a heavily developed town-centre block characterised by rear commercial elevations, service yards, hardstanding, delivery areas, refuse infrastructure and buildings of differing heights and forms.

The photographs submitted with the appeal illustrate this context clearly.



Figure 6.21: Existing Rear Service-Yard Environment

The adjoining Royal Hotel forms a substantial building mass immediately to the north-west and north of the appeal site, while other commercial and service structures enclose the wider rear environment.

The proposal must therefore be assessed against this actual urban context.

An assessment of overbearing impact cannot reasonably proceed on the assumption that the proposed three-storey extension is being introduced immediately behind a low-rise dwelling and private rear garden. That is not the receiving environment.

Rather, the extension would sit within an already tightly enclosed and intensively developed town-centre block.



Figure 6.22: Subject Site Within Existing Town-Centre Block

The proposal would therefore represent an incremental addition to an established urban built form rather than an abrupt introduction of substantial scale into an otherwise open setting.

6.6.4 Overbearing Impact

The question of overbearing impact must be assessed having regard to the scale and massing of the proposed extension, its proximity to adjoining properties and the existing character and level of enclosure within the surrounding urban block.

The proposed three-storey extension would introduce additional built form within the rear portion of the subject site. However, this must be considered in the context of an established and intensively developed town-centre environment, characterised by substantial commercial and hotel buildings, rear service yards and relatively confined spaces between existing structures.

The proposed extension would reach approximately 9.19 metres in height, remaining below the ridge height of the existing principal building, which rises to approximately 13.20 metres. While this comparison assists in understanding the overall scale of development, the potential for overbearing impact must also be assessed in relation to the particular characteristics of the adjoining properties.

In this regard, the lands immediately to the north comprise part of the Royal Hotel complex and its associated commercial service-yard environment, rather than a conventional low-rise

residential property with private rear garden space. The existing rear environment is already substantially enclosed by surrounding buildings of varying heights and forms.

The Applicant acknowledges the relatively close relationship between the proposed extension and adjoining development. However, the revised architectural drawings and accompanying photographic information provide a clearer understanding of this relationship and demonstrate that the extension would be accommodated within an established urban block containing substantial existing built form.

Having regard to the scale of the proposed extension, its relationship with the existing principal building and the commercial character of the immediately adjoining environment, it is respectfully submitted that the development would not result in an unacceptable overbearing impact sufficient to warrant refusal of permission.

6.6.5 Distinction from Previous Westbourne Hotel Refusal

The local planning history provides a useful point of comparison. Under Reg. Ref. 15/262, Wicklow County Council considered a significantly larger redevelopment of the Westbourne Hotel involving, inter alia, 16 apartments and a four-storey extension.

That proposal was refused partly because the combination of the proposed four-storey extension, limited separation distances and inadequate contextual information was considered to result in a dominant and overbearing relationship with surrounding properties, together with unacceptable overlooking and overshadowing.

The present proposal is materially different in both scale and quantum. It comprises only five apartments in total, of which two are accommodated through conversion of the existing building, and the new-build component is confined to a three-storey rear extension. It does not replicate the scale or intensity of the previously refused 16-unit/four-storey intervention. The present appeal should therefore not be viewed as repeating the earlier Westbourne Hotel scheme. Rather, it represents a considerably more modest response to the same tightly developed town-centre context.

6.6.6 Overlooking

The Planning Authority also raises concern regarding increased overlooking.

The principal window relationships have already been addressed in detail under Ground 1.

As demonstrated therein, the closest internal courtyard relationship is not between two directly opposing habitable-room windows, while the relationship to the north is with the Royal Hotel and associated commercial/service environment rather than a conventional residential rear elevation and private garden.

The revised drawings and photographs provide substantially improved information regarding these interfaces.

Any residual privacy concern associated with particular windows can also be addressed through targeted mitigation, including obscure glazing or privacy screening, rather than requiring refusal of the entire scheme.

This approach is consistent with recent appeal decisions in Bray.

6.6.7 Bray Cabs, Station Road – ABP-308055-20

Under ABP Ref. ABP-308055-20, the Board granted permission for a six-storey mixed-use development comprising 14 one-bedroom apartments and two retail units at the former Bray Cabs site on Station Road.

In reaching its decision, the Board had regard to the pattern of development in the area, including the mix of residential, commercial and community uses, together with the proximity of the site to public transport.

The Board concluded that the development:

> *"would not seriously injure the amenity or depreciate the value of property in the area"*

and represented:

> *"an appropriate form of development at this location."*

Importantly, potential overlooking was not treated as an all-or-nothing issue.

The Board granted permission subject to conditions requiring opaque screening to a roof garden and opaque glazing to specified windows, including bathroom and kitchen windows, in the interest of residential amenity.

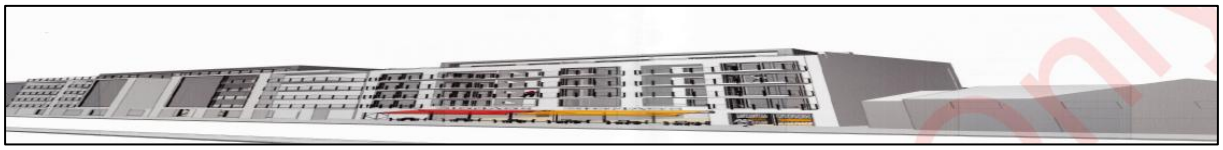


Figure 6.23: Former Bray Cabs Site – ABP-308055-20 (appears warped from Councils downloadable copy)

This demonstrates an established approach whereby potentially sensitive window relationships within dense central Bray development can be addressed through proportionate privacy mitigation rather than necessarily requiring refusal.

The same principle is relevant to the present appeal.

6.6.8 Bray Central – ABP-316075-23

A similar approach was taken in relation to the conversion of upper-floor commercial space at Bray Central under ABP Ref. ABP-316075-23.

There, Wicklow County Council had raised concern that the proposed residential use could result in unacceptable overlooking of adjoining properties.

The appeal included additional drawings showing proposed screening measures, including 1.8 metre privacy screens.

The Inspector concluded that these measures:

> *"would provide adequate relief from potential overlooking and result in enhanced privacy"*

and ultimately concluded that the development:

> *"would not seriously injure the visual or residential amenities of the area, or of property in the vicinity."*

The recommended grant also included a condition requiring the identified privacy screens to be installed prior to occupation.

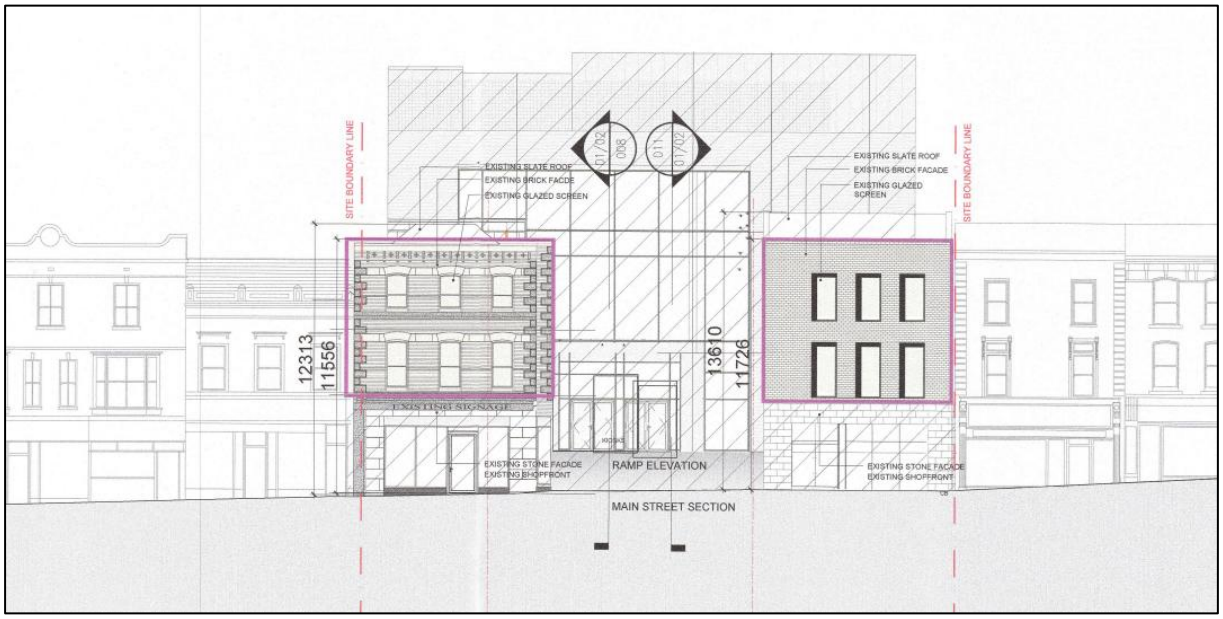


Figure 6.24: Bray Central – ABP-316075-23

Again, the significance of this precedent lies in the approach adopted.

Where a centrally located town-centre residential scheme raises a specific overlooking concern, the appropriate response is to determine whether targeted mitigation can satisfactorily address that concern.

It does not follow that the entire principle or scale of the development should be rejected.

6.6.9 Fatima House, Quinsborough Road – ABP-318016-23

Particularly relevant is the redevelopment of Fatima House on Quinsborough Road under ABP Ref. ABP-318016-23.

That proposal comprised a six-storey mixed-use development containing 26 apartments on a small infill site adjacent to Bray Railway Station.

Concerns were raised during that appeal regarding visual dominance, overbearing impact, overlooking and overshadowing.

The Inspector recognised that a key consideration was whether the scale of the proposal was proportionate to its receiving context and whether impacts on adjoining properties had been adequately avoided or minimised.

Having assessed the proposal in context, the Inspector concluded that notwithstanding the significant increase in height and scale, the scheme would not be out of scale or discordant with the surrounding area and would not result in unacceptable overbearing impacts.

The Inspector further concluded that the development was:

> *"acceptable in terms of design, height, scale and visual impact"*

and:

> *"would not give rise to unacceptable residential amenity impacts".*

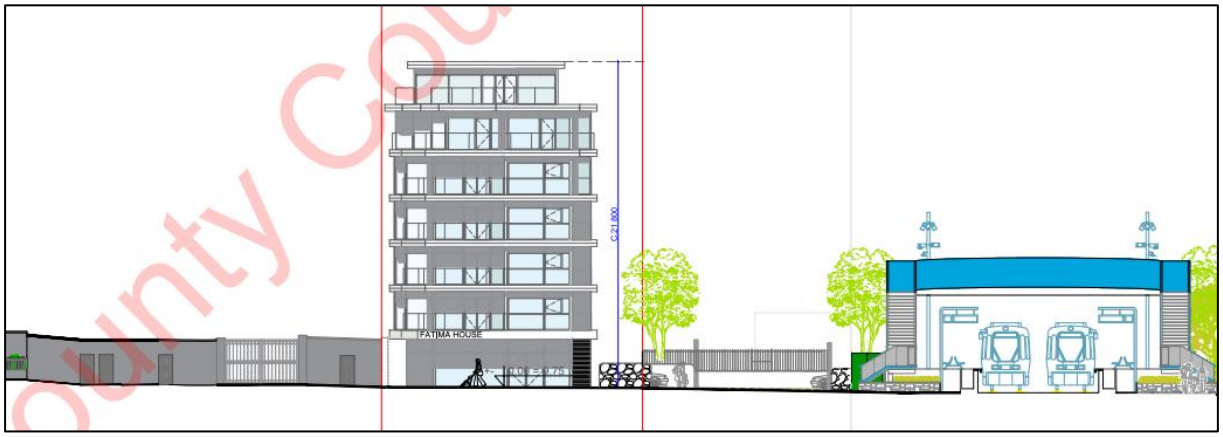


Figure 6.25: Fatima House – ABP-318016-23

It is acknowledged that the Inspector ultimately recommended refusal of the Fatima House proposal. However, this recommendation related to the absence of adequate bat-survey information rather than the proposed scale, height, density or residential amenity impacts. The Board subsequently granted permission by a 2:1 majority, accepting the overall development as appropriate in its receiving environment, subject to conditions.

The Fatima House proposal was substantially greater in height and scale than the present development.

Again, it is not advanced as a directly comparable scheme, but it demonstrates the importance of contextual assessment rather than treating visibility or increased building mass as inherently unacceptable. **A development can be clearly visible and materially larger than**

existing structures without necessarily becoming overbearing, provided its relationship with its surroundings is acceptable.

6.6.10 Overshadowing

The final component of Reason 1(f) relates to the potential for increased overshadowing of adjoining properties.

The Planning Authority considered that insufficient information had been submitted to demonstrate that the proposed rear extension would not result in an unacceptable level of increased overshadowing.

The Applicant acknowledges that no dedicated overshadowing or neighbouring daylight/sunlight assessment accompanies the appeal. The submitted Daylight Assessment is concerned with the internal daylight performance of the proposed apartments and expressly excludes overshadowing, vertical sky component and impacts on neighbouring properties.

Accordingly, the Applicant does not seek to rely upon that assessment as technical evidence of neighbouring overshadowing impacts.

However, the revised appeal drawings provide greater clarity regarding the scale, height and relationship of the proposed extension to the surrounding built form than was available to the Planning Authority at application stage.

In particular, the proposed rear extension is approximately 9.19 metres in height and remains materially subordinate to the retained existing building fronting Quinsborough Road. The surrounding context is also characterised by an established town-centre pattern of commercial, service and residential buildings rather than a low-density suburban environment.

The question for the Commission is therefore whether, having regard to the modest scale of the proposed extension, the existing built-up context and the revised contextual information now submitted, the development would give rise to an unacceptable additional overshadowing effect.

While some change in shadow conditions is an inevitable consequence of development on a constrained urban infill site, the existence of some additional shadow does not, of itself, establish an unacceptable impact.

It is respectfully submitted that the scale and form of the proposed three-storey extension, when considered within the established surrounding built environment, do not provide a sufficient basis to conclude that unacceptable overshadowing would arise.

The Applicant therefore considers that the overshadowing element of Reason 1(f), which was principally framed as a lack-of-information concern, should not in itself warrant refusal of the proposed development.

6.6.11 Visibility Does Not Equate to Overbearing Impact

It is important to distinguish between a development being visible from surrounding property and a development being unacceptably overbearing. Any meaningful redevelopment of this constrained site will necessarily be visible from surrounding commercial buildings and service areas. Visibility is an inevitable characteristic of compact town-centre development.

A similar distinction was recognised in the Inspector's assessment of the Fatima House proposal under ABP-318016-23, where the proposed six-storey building was considered acceptable in terms of its scale and visual relationship with the surrounding area. Although the Inspector ultimately recommended refusal on a separate ecological-information issue, the Board subsequently granted permission by a 2:1 majority.

6.6.12 Compact Urban Development Requires Contextual Assessment

The proposal should also be assessed against the wider policy objective of consolidating existing town centres.

The Development Plan expressly supports well-designed infill and brownfield development which enables consolidation of the built environment.

Recent decisions in Bray reflect this policy direction.

At Fatima House, the Inspector considered that activating a small infill site through a residential/mixed-use scheme would contribute to consolidation of the built environment and make better use of centrally located lands.

At Bray Central, the Inspector similarly emphasised the consistent national, regional and local policy support for more compact residential and mixed-use development within serviced urban areas.

At the former Bray Cabs site, the Board expressly had regard to the existing mixed-use pattern of development and public-transport accessibility in concluding that the six-storey development constituted an appropriate form of development.

These decisions demonstrate that the scale and amenity effects of town-centre development must be judged in their actual urban context.

The conventional expectations applicable to a suburban rear-garden environment cannot simply be transposed onto a tightly developed commercial and service block within Bray Town Centre.

6.6.13 Proportionate Mitigation and Planning Conditions

To the extent that the Commission identifies any residual overlooking or privacy concern, the Applicant submits that such matters can be appropriately addressed through condition.

Possible measures include obscure glazing to specified non-habitable windows, privacy screening to external amenity areas and final agreement of detailed boundary treatments.

This approach would be consistent with both the Bray Cabs and Bray Central appeal decisions, where detailed privacy concerns were addressed through specific mitigation and planning conditions rather than refusal of the overall development.

Such an approach would also be proportionate given the modest five-unit scale of the present scheme.

6.6.14 Conclusion on Reason for Refusal 1(f)

It is respectfully submitted that Reason for Refusal 1(f) should not be upheld.

The Planning Authority's concern was materially influenced by the absence of sufficient contextual information within the original application.

That information deficit has now been addressed through revised architectural drawings, dimensioned separation distances, contextual plans and sections, site photographs and a specialist Daylight Assessment.

The proposed rear extension rises to approximately 9.19 metres and remains approximately 4 metres below the retained principal building on the subject site. It therefore does not establish a new dominant building datum.

The extension would also sit within an already enclosed town-centre service-yard environment characterised by substantial surrounding built form, including the Royal Hotel, commercial premises and ancillary service structures.

It would not adjoin a conventional suburban rear garden or low-density residential environment.

The previous refusal relating to the Westbourne Hotel is materially distinguishable. That proposal involved a substantially larger four-storey extension and 16 apartments. The present proposal comprises a more modest three-storey extension and only five apartments in total, two of which arise through reuse of the existing building.

The detailed overlooking relationships have been addressed under Ground 1 and are capable of further mitigation through targeted obscure glazing or privacy screening if considered necessary.

Recent appeal decisions within Bray further demonstrate that substantial urban infill and residential development can be accommodated without unacceptable overbearing or residential amenity impacts where the actual context and appropriate mitigation are taken into account.

The present development is considerably more modest than the six-storey schemes permitted or supported at the former Bray Cabs site and Fatima House and sits within an urban context where substantial built enclosure is already established.

Accordingly, when considered on the basis of the revised drawings, actual surrounding context and additional technical evidence submitted with the appeal, there is no sufficient basis to conclude that the proposal would result in an unacceptable overbearing, overlooking or overshadowing impact upon adjoining properties in this infill context. **The Commission is therefore respectfully requested not to uphold Reason for Refusal 1(f).**

6.7 Ground 7: Response to the Recommendation of Chief Fire Officer

The Applicant acknowledges the comments raised by the Chief Fire Officer regarding detailed fire-safety and accessibility requirements under Technical Guidance Documents B and M.

Importantly, the Planning Authority expressly recognised in its Planner's Report that the matters identified by the Chief Fire Officer were "***outside the remit of this planning application***", and recommended that the CFO report be attached to the decision for the information of the Applicant. These matters were not included as a separate reason for refusal within the final statutory Decision Notice.

Notwithstanding this distinction, the revised appeal drawings incorporate a number of targeted amendments in response to the CFO comments. In particular, bicycle storage has been removed from the protected stair enclosure, designated wheelchair refuge areas are identified at first- and second-floor levels, and the refuse-storage arrangement has been revised to introduce an intervening access/lobby area between the bin store and adjoining stair.

The Applicant acknowledges that the final fire-safety and accessibility design will be required to comply with the applicable Building Regulations, including through the relevant Fire Safety Certificate and Disability Access Certificate processes, as appropriate.

It is respectfully submitted that these detailed technical matters should be addressed through the relevant Building Control processes and should not, in themselves, determine the planning merits of the appeal, particularly where the Planning Authority has expressly recognised that they fall outside the scope of its statutory reason for refusal.

Accordingly, the Commission is respectfully requested to determine the appeal having regard to the planning considerations identified in the final Decision Notice and the revised information submitted in response.

6.8 Overall Design Quality and Response to the Conclusion of Overdevelopment

The Planning Authority's refusal ultimately concludes that the matters identified under Reason 1(a)–(f), when considered cumulatively, would result in an overdevelopment of the subject site and a substandard form of residential accommodation.

The Applicant respectfully submits that this conclusion should be reconsidered in the context of the overall design response and the particular circumstances of this exceptionally constrained town-centre property.

The proposed development retains the existing principal building and commercial frontage to Quinsborough Road, brings underutilised upper-floor accommodation into residential use and accommodates three additional one-bedroom apartments within a rear extension that remains materially below the height of the retained building. The proposal therefore seeks to achieve additional residential accommodation through a combination of building reuse and appropriately scaled infill development rather than wholesale redevelopment or a substantial increase in building height.

The internal accommodation has been designed having regard to the applicable national apartment floor-area and storage standards, while the three new one-bedroom apartments are provided with dedicated private amenity space. The submitted Daylight Assessment demonstrates compliance with the recommended targets in six of the ten habitable rooms, with the identified shortfalls acknowledged and considered within the overall planning balance. The revised architectural drawings also provide further contextual information and incorporate targeted improvements in respect of privacy treatment and ancillary storage arrangements.

The Applicant acknowledges that the proposed development involves compact building relationships and a number of design constraints. However, the relevant national guidance expressly recognises the need for flexibility in the refurbishment of existing buildings and the development of very small urban infill sites, subject to achieving acceptable overall design quality. The Bray planning framework similarly promotes residential intensification and living-over-the-shop accommodation within established town-centre areas.

When considered cumulatively, the proposal represents a considered response to the physical limitations and opportunities of the site. It retains the established town-centre building frontage, makes efficient use of existing built fabric and introduces a modest quantum of additional residential accommodation in a highly accessible location.

It is therefore respectfully submitted that the cumulative considerations identified by the Planning Authority do not necessarily amount to overdevelopment and that, having regard to the revised information and the applicable policy framework, the proposed development represents an acceptable form of town-centre residential intensification.

7.0 Conclusion and Requested Outcome

Having regard to the assessment set out in this appeal, it is respectfully submitted that the proposed development at No. 2 Westbourne Terrace, Quinsborough Road, Bray, Co. Wicklow, represents an appropriate opportunity for residential intensification and the reuse of underutilised accommodation within an established and highly accessible town-centre location. The proposal comprises a modest three-storey rear extension accommodating three one-bedroom apartments, together with the conversion of the existing upper floors to provide two studio apartments, while retaining the established commercial use at ground-floor level.

The Planning Authority's own assessment is particularly relevant. Wicklow County Council expressly accepted that residential development is appropriate in principle on the Town Centre zoned site, that upper-floor residential accommodation is supported, that the proposed unit mix is acceptable and that a car-free development is appropriate having regard to the site's accessibility to public transport. No substantive concerns were identified in relation to architectural heritage, traffic, parking, Part V or environmental assessment. The matters remaining in dispute therefore relate principally to the detailed design, residential amenity, density and relationship of the development with adjoining properties.

The appeal has addressed each component of the refusal individually, having regard to the revised architectural drawings prepared by ANCA Architects, the accompanying Daylight Assessment prepared by M Abbas and the relevant national and local planning policy. The revised drawings provide additional clarity regarding separation distances, the scale and height of the proposed extension, privacy arrangements and ancillary refuse-storage facilities. These amendments do not materially alter the overall scale or architectural form of the development but provide a more complete basis upon which the Commission can assess its acceptability.

Of particular importance is the flexibility expressly afforded to constrained urban infill and refurbishment schemes under the *Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025*, and the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024*. The proposal provides direct private amenity space to three of the five apartments, with the remaining two units representing 40% of the scheme, below the 50% threshold identified in the Apartment Guidelines. Similarly, while the stated residential density of 217 dwellings per hectare exceeds the general density range for Metropolitan Town centres, Section 3.3.6(c) of the Compact Settlements Guidelines expressly recognises that very small infill sites may be more appropriately assessed by reference to their surrounding scale, form and amenity considerations rather than the strict application of numerical density ranges.

The accompanying Daylight Assessment also provides technical evidence which was absent from the original application. The assessment confirms that six of the ten habitable rooms achieve the applicable recommended daylight targets, including all three bedrooms within the proposed one-bedroom apartments and both kitchen/living/dining rooms within the refurbished studio accommodation. While the identified shortfalls in the remaining rooms are acknowledged, it is submitted that these must be considered in the context of the exceptionally constrained 0.023-hectare site, the wider residential quality of the proposed accommodation and the express requirement under national guidance to balance daylight performance against the objectives of compact urban development and regeneration.

The proposed rear extension, at approximately 9.19 metres in height, would remain materially subordinate to the existing building fronting Quinsborough Road and would be situated within an established mixed-use town-centre block characterised by substantial commercial buildings and service areas. The revised contextual information provides a clearer understanding of the relationship with adjoining development, while any residual privacy or boundary-treatment concerns are capable of being addressed through proportionate mitigation and appropriate planning conditions. The Applicant has also responded to a number of the Chief Fire Officer's comments through targeted amendments, with outstanding fire-safety and accessibility requirements to be resolved through the relevant Building Control processes.

The local planning context further supports the principle of residential intensification at this location. The Bray Municipal District Local Area Plan expressly promotes higher residential densities and the concept of "living over the shop", including the potential relaxation of density, car-parking and open-space standards where appropriate. The permissions granted at the former Bray Cabs site on Station Road and Fatima House on Quinsborough Road additionally demonstrate the acceptance of intensified residential and mixed-use development within central Bray, subject to the particular design and amenity merits of each proposal. These decisions are not advanced as directly comparable developments but reinforce the importance of assessing constrained town-centre sites within their actual urban context.

Accordingly, it is respectfully submitted that the concerns identified by Wicklow County Council, when considered in light of the additional information submitted with this appeal and the applicable national and local policy framework, do not warrant refusal of the proposed development. The proposal represents a proportionate opportunity to deliver five additional residential units through the sustainable reuse and intensification of an existing town-centre property and would contribute positively to the established objectives of compact growth, urban regeneration and increased housing delivery.

7.1 Requested Outcome

The Applicant, He & Yang Limited, therefore respectfully requests that An Coimisiún Pleanála overturn the decision of Wicklow County Council under Reg. Ref. 26/60748 and grant permission for the proposed development at No. 2 Westbourne Terrace, Quinsborough Road, Bray, Co. Wicklow, having regard to the revised architectural drawings and supporting documentation submitted with this appeal, subject to such appropriate conditions as the Commission considers necessary.

Without prejudice to this primary request, should the Commission identify any residual concerns relating to privacy screening, boundary treatment, refuse storage or other limited aspects of the proposed development, it is respectfully requested that consideration be given to addressing such matters through appropriately worded planning conditions, insofar as they can be satisfactorily resolved without materially altering the development, rather than refusing permission in its entirety.

For the reasons set out throughout this appeal, it is submitted that there is a reasonable planning basis for the Commission to reach a different conclusion to the Planning Authority and to permit the proposed development.

Yours sincerely,

Jerome Anglin for and on behalf of Anglin Cashman Architects Limited