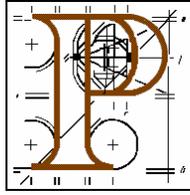


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Wicklow County

Planning Register Reference Number: 10/2152

An Bord Pleanála Reference Number: PL 27.236978

APPEAL by Monica Harrop of Briarwood, Blackberry Lane, Delgany, County Wicklow and by Tess Byrne of Moorview, Blackberry Lane, Delgany, County Wicklow against the decision made on the 26th day of May, 2010 by Wicklow County Council to grant subject to conditions a permission to Walter Pfeiffer and Ronan O’Caoimh care of Eoin J. Carroll of First Floor, 1 Southern Cross, IDA Business Park, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of the existing dwelling (106 square metres) and outbuildings (96 square metres) on site and construction of one number two-storey four bedroom dwelling with garage, wastewater treatment system and percolation area; new proposed vehicular entrance driveway, gates and surface car parking, boundary fences, hard and soft landscaping including the moving, replanting and supplementing of existing hedgerows; and all site services above and below ground on a site of 3.22 acres (1.3 hectares) at Blackberry Lane, Stilebawn, Delgany, County Wicklow.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature of the proposed development, a replacement dwelling, in an area zoned for low density housing, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area and would be acceptable in terms of public health and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would not result in an increase in traffic over and above the existing volume of traffic on the local road network. The proposed drainage system would be an improvement on current arrangements and could be dealt with by way of condition. The Board was satisfied that the existing cottage was not of sufficient architectural merit to require retention.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 6th day of May, 2010, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
 - (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
 - (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

- 3.
 - (a) Before any other development commences, the roadside boundary shall be set back along a line formed by joining a point measured two metres back from the public road carriageway at the centre of the access driveway to points 50 metres to the north and south to the centre of Blackberry Lane.
 - (b) The remaining hedgerow outside the 50 metre sight line along the roadside boundary shall be retained. Within one month from the date of this order, a revised site layout plan shall be submitted to and agreed in writing with the planning authority indicating the existing hedgerow other than the hedgerow required to be removed to comply with (a) above.
 - (c) The area between the public road carriageway and the revised boundary shall be finished 200 to 300 metres above carriageway level and finished to grass.
 - (d) The revised boundary shall match the existing roadside boundary.

Reason: In the interest of traffic safety and visual amenity.

- 4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

6. (a) The house shall be built into the hillside in such a manner that the finished floor level shall be not more than 0.15 metres above existing ground level at the lowest point along the downhill side of the house unless other agreed in writing in advance with the planning authority.
- (b) When the floor slab has been laid and before any further development takes place on the dwelling, a certificate from a chartered engineer, architect or other suitably qualified professional (with professional indemnity insurance) stating that the floor level is in accordance with (a) above shall be submitted to the planning authority.

Reason: In the interest of visual amenity and integrating the development into the landscape.

7. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. [The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Wicklow Region.

Reason: In the interests of sustainable waste management.

9. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for agreement before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2010.