

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

**Carlow County**

**Planning Register Reference Number: 10/199**

An Bord Pleanála Reference Number: PL 01.238714

**APPEAL** by Gerard Cole care of Dean Design of Unit 4, 44 Tullow Street, Carlow against the decision made on the 9<sup>th</sup> day of March, 2011 by Carlow County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Construction of a split level two-storey/dormer style dwellinghouse, proprietary treatment system, associated percolation area, new site entrance, all associated site works and services, all at Knockballystine, Tullow, County Carlow.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations 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

1. The applicant has not demonstrated that the site is suitable to accommodate an on-site wastewater treatment system to serve the proposed dwelling in accordance with the standards set out in “Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )” (Environmental Protection Agency, 2009). The applicant has not demonstrated that a suitable wastewater treatment system is proposed in compliance with the said EPA standards, and the proposed percolation area does not comply with the said EPA standards. Having regard to the potential to contaminate ground waters, the Board is not satisfied that the proposed development would not be prejudicial to public health.
2. Having regard to the scale and design of the proposed dwelling located on an exposed and sloping site, and to the inadequate level of detail regarding existing and proposed site contours or site levels, the Board is not satisfied that the proposed development would not be unduly visually obtrusive and would not seriously injure the amenities of the rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2011.**