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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 19/925**

**Appeal** by Joyce Keeley care of O Caoimh and Associates of Barchulla Studios, Kilmacanogue, County Wicklow against the decision made on the 13<sup>th</sup> day of January, 2020 by Wicklow County Council to refuse permission for the proposed development.

**Proposed Development:** Retention of shared domestic biocycle wastewater/ sewage treatment system and retention of conversion of existing stable area to form ground and first floor bedroom accommodation for Ireland's House and retention of revised elevations to both Ireland's House and Ireland's Cottage, all at Irelands House and Irelands Cottage, Ballinastoe, Roundwood, 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, extent and design of the development to be retained and constructed, to the general character and pattern of development in the area and to the provisions of the Wicklow County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of property in the vicinity, would not be prejudicial to public health and would not be out of character with the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be carried out, retained, and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17<sup>th</sup> day of December 2019, 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 and the development shall be carried out, completed and retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The effluent treatment and disposal system shall be maintained in accordance with the details submitted to the planning authority on the 22nd day of August, 2019, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority within three months of this Order.
- (b) Within three months of this Order, 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 in accordance with the standards set out in the EPA document.
- (c) The developer shall submit sufficiently detailed layout and specification drawings of all pipework from Ireland's House and Ireland's Cottage to the effluent treatment system, details must demonstrate that adequate and robust measures are in place to ensure no damage to pipework from vehicles using the driveway area. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within three months of this Order.

**Reason:** In the interest of public health.

3. Ireland's House and Ireland's Cottage (the dwelling) may be occupied as separate residential units, but neither shall be sold, or otherwise transferred or conveyed, one from the other and shall remain as a single ownership unit.

**Reason:** In order to comply with the objectives of the current development plan for the area and in the interest of public health.

4. Water supply and drainage arrangements, including the 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. 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, as amended. The contribution shall be paid within three months of the date of this Order 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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

**Dated this            day of            2020.**