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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 20/194**

**Appeal** by Julie Ann Humby of 9 Ballynerrin Upper, Wicklow Town, County Wicklow against the decision made on the 17<sup>th</sup> day of August, 2020 by Wicklow County Council to grant subject to conditions a permission to Garreth and Melanie Fitzpatrick care of McAulay Rice Architects of First Floor, Green Tree House, Fitzwilliam Square, Wicklow in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Extensions and alterations to existing 66.18 square metres dwelling. The works will include the following: (1) Construction of a new 38.63 square metre extension to the rear of existing dwelling which will incorporate a new kitchen, dining and living room area, (2) construction of a new 21.93 square metre upper floor extension to the rear of the dwelling to include a new master bedroom and ancillary rooms to upper floor including the conversion of the existing attic space to a store, (3) a proposed new house entrance to include a new covered canopy over the doorway and (4) alterations and modifications to existing elevations and internal layout and all associated works. All at 8 Ballynerrin Upper, Wicklow Town, County Wicklow.

Further public notices were received by the planning authority on the 22<sup>nd</sup> day of July, 2020.

## **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 siting, design and scale of the proposed development and to the prevailing pattern of development on and in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would comply with the provisions for extensions to dwellings as set out in the current Wicklow-Rathnew Development Plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 on the 14<sup>th</sup> day of July, 2020, 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. 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 and to ensure a proper standard of development.

3. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 14<sup>th</sup> day of July, 2020, 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. 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 extension 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 soakaways 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 installation of the effluent treatment system, 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 Environmental Protection Agency document.
- (f) The existing septic tank located on site shall be removed or back filled with an inert material.

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

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

**Dated this            day of            2020.**