



An
Bord
Pleanála

Inspector's Report

ABP-306579-20

Development	Retention of the conversion of an existing stable area to form ground and first floor accommodation, retention of revised elevations and retention of shared domestic biocycle wastewater/sewage treatment system.
Location	Irelands House & Irelands Cottage , Ballinastoe , Roundwood
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19925
Applicant(s)	Joyce Keeley.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First party.
Appellant(s)	Joyce Keeley.
Observer(s)	None.
Date of Site Inspection	14 March 2020.

Inspector

Stephen Rhys Thomas

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
6.3. Observations	8
7.0 Assessment.....	8
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	11
10.0 Conditions	12

1.0 Site Location and Description

1.1. The site is located at Ballinastoe, Roundwood, County Wicklow, close to Djouce Mountain. The site is located in an upland and rural part of County Wicklow, north of the Vartry Reservoir at the T-junction between two minor country roads. The site comprises an L-shaped single part two storey cottage building around a central parking area. The lower part of the site comprises a raised grassed area behind a hedge and a large single storey timber office building is situated on a level area. The boundaries of the site comprise mature hedging to the west along the roadside and tall whitewashed wall to the north along the road edge. The internal boundaries of the site comprise timber overlap fencing to the neighbouring dwelling and mature hedging elsewhere.

2.0 Proposed Development

2.1. The applicant proposed to:

- Retain the conversion of an existing stable area to form ground and first floor accommodation, that also involves some elevational changes.
- The retention of a domestic bio-cycle wastewater/sewage treatment system that serves both the existing and converted stable building.

2.2. Additional information documentation included with the appeal dated the 17th day of December 2019 included the following:

- A historical record of the cottage(s) that explains the evidence for two dwellings at his location throughout time, together with photographs. An explanation why the office building on the site is not included in the current application.

These items did not alter the underlying layout and scale of development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following three reasons:

1. The applicant's housing need is already met, the provision of a second house on site would not come within the scope of Objective HD23 of the County Development Plan.
2. The development would be prejudicial to public health and contrary to the Development Plan's objectives for same, as the treatment system design for a PE of 10 or less, is shared between two separate dwellings.
3. The consolidation of development at this location would impact the amenities of the area, public health, the aims of the Development Plan and the planning regulations.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

Presentation of the County Development Plan standards with regards to residential development in the open countryside. Description of the site and planning history. After a request for additional information the basis for the application to retain development was found to be unsatisfactory. The report includes an EIA and AA screening assessment that concludes no requirement for either. The recommendation was to refuse permission for three reasons.

3.2.2. Other Technical Reports

Environmental Health Office – no objection subject to clarification of the pipework location in the driveway in order to ensure integrity of pipework from vehicle loading.

Dublin City Council – the installed effluent treatment system is adequate, but the properties should remain in single ownership for maintenance purposes.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

19/974 – Retention of single storey office building and parking area. Permission refused for five reasons. October 2019. (Unable to view reasons online).

68/1825 – Permission for septic tank installation.

5.0 Policy Context

5.1. Development Plan

Wicklow County Development Plan 2016-2022

Rural Housing Policy

Houses in the Open Countryside

HD25 - The conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets the following criteria:

- the original walls must be substantially intact – rebuilding of structures of a ruinous nature will not be considered;
- buildings must be of local, visual, architectural or historical interest;
- buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained. (A structural survey by a qualified engineer will be required with any planning application); and
- works must be executed in a sensitive manner and retain architecturally important features wherever possible and make use of traditional and complementary materials, techniques and specifications.

HD23 - Residential development will be considered in the open countryside only when it is for those with a definable social or economic need to live in the open countryside.

Residential development will be considered in the countryside in the following circumstances (16 criteria):

4. Replacing a farm dwelling for the needs of a farming family, not as speculation. If suitable the old dwelling may be let for short term tourist letting and this shall be tied to the existing owner of the new farm dwelling were it is considered appropriate and subject to the proper planning and development of the area.

Objective HD 3 refers to the need for single rural houses to comply with certain design criteria as set out in Appendix 1 and Appendix 2.

Appendix 1 refers to general development and design standards.

Appendix 2. refers to the Design Guidelines for New Houses in Rural Co. Wicklow.

5.2. Natural Heritage Designations

There are a number of European designated sites near the application site:

- Wicklow Mountains SAC (site code 002122)
- Wicklow Mountains SPA (site code 004040)
- Carriggower Bog SAC (site code 000716)

There are no European designated sites within the immediate vicinity of the site.

5.3. EIA Screening

- 5.3.1. Having regard to nature of the development comprising the retention of conversion of an historic barn to a dwelling and a wastewater treatment system at the centre of a scattered rural settlement, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

The first party grounds of appeal can be summarised as follows:

- There have always been two houses at this location. The proposal should not be seen as consent for a new dwelling and the application of objective HD23 regarding houses in the countryside is not relevant.
- The existing permitted and shared septic tank was problematic and its replacement with a new system is far superior. There is not an impact to public health.
- The renovations to the existing structures should be seen by the Council as an addition to the amenities of the area and the installation of a new wastewater treatment system as an improvement to a sub-optimal septic tank situation.

The appeal is accompanied by a signed letter from a former inhabitant of the cottages and photographs submitted with the original application.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Development Plan Policy
- Public Health
- Amenity

7.2. Development Plan Policy

7.2.1. The Wicklow County Development Plan has a detailed and robust policy with regard to addressing the need of certain classes of people to reside in the countryside and

the construction of new dwellings. The site is located in the open and upland rural landscape of County Wicklow and is considered to be Level 10 Settlement – Open Countryside. The planning authority have assessed this current application under the objective of HD23 and the various criteria that follow, the conclusion of which was that the application did not generate a housing need. The appellant argues that the application should not have been assessed under HD23 as the proposal was not for a new dwelling, but was for renovations to an existing structure. I am inclined to agree.

7.2.2. The built character of the site comprises a vernacular collection of low buildings in residential use at present. The buildings are set into a gently sloping site and are screened from view. Whether there were two dwellings originally on site is almost irrelevant, but I accept that in historical terms it is likely that the two structures were always occupied as dwellings in some form or other. In my view the most relevant Development Plan objective to take into account is HD25 that encourages the re-use and renovation for residential purposes of rural buildings and this is such an example. There are no occupation prohibitions under HD25, in my mind the development it is proposed to retain meets the Council imperative to control building houses in the open countryside.

7.2.3. I am satisfied that the applicant's desire to renovate and re-purpose a rural building is commendable, though their route to securing permission is not to be encouraged. In terms of Development Plan policies and objectives, this application should not be seen as a new house in the countryside and occupation rules should not apply. In my mind it is a development that reinforces the historic pattern and setting of rural settlement and therefore accords with Development Plan housing policy and objectives to preserve the rural character of the countryside.

7.3. Public Health

7.3.1. The second reason for refusal tackles the issue of public health and the planning authority ultimately determined that the existing system could not cater for the development that it is proposed to retain. The appellant disagrees and explains that the previous septic tank system was ineffective and the new plant is a significant improvement.

7.3.2. The application included a site characterisation assessment for an effluent treatment system (ETS) and included a photographic record of its installation. I note that the Environmental Health Officer (EHO) raised no objections to the proposed treatment system, considered it adequate to service two dwellings but was concerned at the protection of pipework under the driveway. This aspect of the proposal can be addressed by condition and reinforcement of the pipework can take place if necessary. In addition, I note a report from Dublin City Council (DCC) with responsibility for the Vartry Waterworks. DCC also agree that the installed treatment system is adequate for the purposes proposed but that due to ongoing maintenance requirements the entire development should remain in single ownership. This can be addressed by condition.

7.3.3. The effluent treatment system it is proposed to retain is satisfactory for the purposes of serving two dwellings, this is confirmed by the report of the EHO and DCC Vartry Waterworks engineers. In addition, the site characterisation form for the ETS installed deemed it suitable to serve the development proposed (PE10). I am satisfied, that subject to conditions to confirm the suitability of pipework protection measures and the ongoing maintenance of the system by a single owner, the ETS it is proposed to retain is acceptable.

7.4. Amenity

7.4.1. The final reason for refusal relates to the consolidation of unauthorised development at a rural location and the impact that would result to the amenities of the area. The appellant disagrees and states that the development it is proposed to retain is just the type of rural consolidation that should take place insofar as the reuse of rural buildings should be encouraged.

7.4.2. In terms of visual amenity, the collection of historical rural buildings on this site are well screened from the road and are of such a scale and design that they blend into the landscape. On closer examination, the building finish and materials used are both high quality and of a type that is suited to the rural character of the area. I see no visual amenity issues at stake here and the entire cottage(s) renovation is well executed and exactly the type of development that should happen more frequently in this sensitive rural landscape of Wicklow. However, I note that the appellant also intended (unsuccessfully) to secure permission to retain a large timber office

structure on the site, this is a matter of a separate application, reference number 19/974 refers. The appeal before the Board is for the retention of the cottage(s) refurbishment and ETS installation, not the office development also on site. I have not considered the office development in my assessment of this appeal and I offer no opinion on its appropriateness or otherwise.

7.4.3. From a visual amenity perspective and taking into account the proper planning and sustainable development of the area, I am satisfied that the development it is proposed to retain is entirely sensible and appropriate in this rural upland environment.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature and small scale of the proposed development within a dispersed settlement area and given the distance from the nearest European site and lack of any direct connections, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. I recommend that permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature, extent and design of the development proposed, 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.

10.0 Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17 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 prior to commencement of development 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 22 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 interests 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 prior to 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 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.

Stephen Rhys Thomas
Senior Planning Inspector

17 March 2020