



An
Bord
Pleanála

Inspector's Report ABP-307326-20

Development

Permission for the construction of a single-storey house, wastewater treatment system, percolation area, garage/ shed, site entrance and all associated site works.

Location

Poumaloe, Whitechurch, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20200122

Applicant(s)

John & Gillian Foley

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Ursula Corish

Date of Site Inspection

29th July 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises of 0.80 hectares of part of a large agricultural field located to the south west of a local road in Poulmaloe, Whitechurch, Co. Wexford. The local road serving the site enters a crossroads to the north west and Whitechurch is located approximately 920 m to the south east of the subject site along the local road. New Ross is approximately 8 km to the north and the River Barrow is approximately 630 m to the west. The area is characterised by large fields in agricultural use with housing generally dispersed throughout the area. A short stretch of ribbon development, of detached houses, is located to the west of the site.
- 1.2. The site, which is almost rectangular in shape, was under grass on the day of the site visit. The site slopes downwards/ falls on an east to west axis. The boundary along the north east/ public road consists of a combination of hedgerow and mature trees. Powerlines cross the southern section of the site on an east to west axis.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - The construction of a detached single-storey house with a stated floor area of 282.37 sq m. The submitted floor plans indicate that this will be a four-bedroom house and will be set back by 34 m from the public road.
 - The construction of a detached garage with a floor area of 37.21 sq m.
 - New wastewater treatment system.
 - New site entrance and driveway to the house.
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to nine conditions. The conditions are generally; I note that condition no. 2 requires the applicant to enter

into a Section 47 agreement that the subject permitted house be their primary permanent residence for a minimum of 5 years from first occupation.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Report reflects the decision to grant permission. The Planning Authority Case Officer was satisfied that the applicant (John Foley) was able to demonstrate that he complies with the requirements of the rural housing policy as set out in the Wexford County Development Plan 2013 – 2019 (as extended). It was reported that a previous application under P.A. Ref. 20161185 was refused as the site was located in an area designated as a 'Landscape of Greater Sensitivity' and they did not demonstrate a sufficient requirement to live in that location. The proposed house design was assessed as suitable in this location and a suitable site entrance can be provided.

3.2.2. **Other Technical Reports**

Senior Executive Scientist (Environment): No objection subject to conditions.

Roads Report – New Ross Municipal District: No objection subject to conditions.

Chief Fire Officer: No objection subject to recommended conditions.

3.2.3. **Prescribed Bodies Reports**

None.

3.2.4. **Objections/ Observations**

A letter of objection was submitted by Paula E. Redmond on behalf of Ursula Corish. The issues raised are similar to those in the third party appeal.

The following issues were raised in summary:

- 1) Insufficient detail on submitted drawings. The separation distance between the existing and proposed houses are not provided.
- 2) Impact on residential amenity through loss of privacy, design of house, site topography and lack of landscape/ screening details.
- 3) Proposed site entrance – Unclear how existing agricultural lands are to be accessed.

- 4) Incorrect details provided on site characterisation form – six-person population equivalent is given, should be eight-persons.
- 5) Site notice details – There are two entrances to these agricultural lands and only one site notice is provided.
- 6) Concern about future development – the proposed house includes an office and commercial business could take place from the house. There is also potential for a house to be constructed closer to the objector's home.
- 7) The need for a house – the applicants' already have a house and were refused permission previously, for a house in a rural location.
- 8) Overhead electricity lines cross the site – there is no record of any consultation with the ESB in relation to these powerlines.
- 9) Archaeological report – There are National Monuments in the area and it is considered appropriate that an archaeological report be provided.

4.0 Planning History

P.A. Ref. 20161185 refers to a December 2016 decision to refuse permission for a detached house, garage, wastewater treatment system and all associated site works. The reasons for refusal were, in summary:

1. The development would conflict with Objective AH06 of the Wexford County Development Plan 2013 – 2019 as the site has a significant historical connection with the 1798 rebellion and the development would therefore have a impact on a historical landscape.
2. The submitted details do not demonstrate that the applicants meet the criteria for 'Landscapes of Greater Sensitivity' and do not demonstrate a genuine need for a house on these lands in accordance with Table No. 12 of the Wexford County Development Plan 2013 – 2019.
3. The site is located in an area of 'Greater Sensitive Landscape' as defined in the Wexford County Development Plan 2013 – 2019 and it is the policy of the Planning Authority to protect such locations. The proposed development would conflict with this policy.

4. It is not clear that the subject site can accommodate a house, such that it blends into the landscape and is not visually prominent. The development does not demonstrate compliance with Section 18.12.12 of the Wexford County Development Plan 2013 – 2019.

5.0 Policy and Context

5.1. Wexford County Development Plan 2013 - 2019

5.1.1. The following Sections of the Wexford County Development Plan 2013 – 2019 are relevant to this proposal:

- Chapter 4 Housing – 4.3 Sustainable Rural Housing
 - 4.3.3 Sustainable Rural Housing Strategy
- Chapter 14 Heritage – Landscape Character Assessment
- Chapter 17 Design – 17.7 Rural Design Guide
- Chapter 18 Development Management Standards
 - 18.8 Accessibility
 - 18.12 Rural Housing
 - 18.13 Other Residential Developments – 18.13.2 Domestic Garages/ Stores
 - 18.29 Transport and specifically 18.29.3 – Sightlines
 - 18.32 On-site Wastewater Treatment Facilities

5.2. National Guidance

Sustainable Rural Housing - Guidelines for Planning Authorities (DoEHLG, 2005).

5.3. Natural Heritage Designations

The River Barrow is designated as a Proposed Natural Heritage Area (pNHA) and Special Area of Conservation (SAC). The river is located approximately 720 m to the west of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

Ursula Corish has engaged the services of Paula E. Redmond to prepare a third-party appeal against the decision of Wexford County Council to grant permission for a house on this site in Poulmaloe, Co. Wexford.

The following points are made in support of the appeal:

- Insufficient detail on submitted drawings. The separation distance between existing houses and the proposed development is not indicated on the submitted plans. In addition, a well and septic tank are not indicated.
- Impact on residential amenity through loss of privacy and negative impact on the enjoyment of appellant's home.
- The proposed house is too large for this site and would set a precedent for similar scaled development in the area.
- The site topography will result in the proposed house dominating the area and in particular existing houses adjacent to the site.
- Proposed landscaping and boundary treatment are insufficient.
- Concern that the provision of an office within the house could result in the transaction of commercial business from the house.
- Proposed site entrance – Unclear how existing agricultural lands are to be accessed and concern that another agricultural entrance faces this entrance on the opposite side of the road.
- The submitted site characterisation form provides for incorrect information – six-person population equivalent is given, should be for eight-person development.
- Site notice details – There are two entrances to these agricultural lands and only one site notice is provided at the site entrance.
- There is potential for a house to be constructed closer to the appellant's home as the site is large enough for this.
- The need for a house – the applicants' already have a house and were refused permission previously for a house in a rural location.

- Overhead electricity lines cross the site – there is no indication that consultation with the ESB was held in relation to these.
- Archaeological report – There are National Monuments in the area, and it is considered appropriate that an archaeological report be provided.

A number of photographs and maps have been provided in support of the appeal.

6.2. **Planning Authority Response**

The Planning Authority have made the following comments and wish that they be taken into account:

- The applicant was born and raised in this area and had demonstrated that his family home is within 1.7 km of the site.
- The applicant attended the local national school.
- The Planning Authority are satisfied that the applicant has a genuine need to live in this location.
- The proposed house is designed as site specific and is considered to be suitable for this location.
- The Planning Authority have no concerns in relation to negative impact on existing houses in the area.

6.3. **First Party Response**

- None

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of the Development
- Rural Housing Policy
- Wastewater Treatment and Water Supply
- Design and Impact on the Character of the Area
- Impact on Residential Amenity

- Access and Transportation
- Other Issues
- Appropriate Assessment Screening

7.2. Nature of the Development

- 7.2.1. The proposed development consists of a detached, single storey house, a detached garage, wastewater treatment system and all associated works including a new site entrance.

7.3. Rural Housing Policy

- 7.3.1. Section 18.12.1 of the Wexford County Development Plan 2013 – 2019 as extended, sets out the requirements for one-off rural housing in Co. Wexford. In summary the following shall be complied with:

- The applicant shall comply with the rural housing criteria as set out in the Sustainable Rural Housing Strategy – Chapter 4.
- Should be able to support a wastewater treatment system and a water supply.
- Should be safe to access for vehicles etc.
- Should not support or give rise to ribbon development.
- Should not impact on natural or important cultural heritage areas.
- Should not impact on adjoining residential amenity.
- The site should not be vulnerable to flooding.
- The development should blend into the landscape.
- Surface water drainage to be accommodated on site.

Map no. 6 – Rural Area Types indicates that the site is located within a ‘Stronger Rural Area’. Housing within this area has to demonstrate compliance with Table 12 of the county development plan. Table 12 requires demonstration that an applicant was born or has lived a minimum of five years within the local, the local area in this case is within 15 km radius.

7.3.2. The applicant grew up in the parish of 'Horeswood' which is well within the 15 km radius and has demonstrated that he lived in the area for more than five years. The applicant does not own this site but has consent to make the application and will buy the site on receipt of planning. A letter have submitted in support from Scoil Mhuire, Horeswood, National School and also submitted is the letter of consent from the landowner. From the submitted information, I am satisfied that the applicant has demonstrated that they comply with the requirements for a rural house.

7.4. Wastewater Treatment and Water Supply

7.4.1. It is proposed to install a 'Bio-Crete' wastewater treatment system which has capacity for 10 persons. The treatment system is located approx. 11 m to the south east of the house. Table 6.1 of the 'EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses' sets out minimum separation distances and the proposed development is compliant.

7.4.2. The site is located in an area identified with an "Extreme" vulnerability classification in the GSI Groundwater maps and is located within area defined "Poor" Aquifer category, representing a Groundwater Protection Response of R2¹ under the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B2). There was no indication of ponding on the day of the site visit.

7.4.3. The trial hole had a depth of 0.9 m and the assessment submitted by the applicant indicates that solid shale bedrock was encountered at this depth. The submitted site characterisation records a T-test value (Standard Method) of 7.39 min indicating a good soakage and a P-test value of 10.89 min (Standard Method). The submitted report indicates that three separated trial holes were provided. The report has found that the topsoil is suitable for used in the construction of a raised percolation area. A packaged wastewater treatment system and polishing filter is to be provided to serve this house. All required separation distances to houses, structures and other treatment systems are complied with.

7.4.4. In conclusion, from the submitted details in addition to the report of the Senior Executive Scientist (Environment), no concerns regarding the provision of a wastewater treatment system have been raised and the proposed development is unlikely to have a negative impact on the groundwater in the area or on

watercourses subject to the provision of the wastewater treatment system as detailed in the application.

- 7.4.5. The report of the Senior Executive Scientist (Environment) does not raise any concerns in relation to the provision of a suitable water supply to serve this development.

7.5. Design and Impact on the Character of the Area

- 7.5.1. The proposed house is a contemporary design but has regard to traditional house form. The pitched roof is to be either of a zinc or tiled finish and walls are to be white render on the majority of the elevations with stone/ brick finish on part of the north-east/ north-west elevations – the front of the house addressing the public road. Although the applicant has not provided certainty in relation to the finish, the options provided are acceptable and appropriate in this location. The proposed garage/ shed is also visually acceptable.
- 7.5.2. The form of the house consists of three sections, each joined by a glass link. This may give the impression of three small units when viewed from the public road, however the house is approximately 35 m from the roadside edge and combined with the topography/ boundary treatment, I do not foresee that it will have a negative impact on the landscape. The height at 6.5 m is also acceptable.
- 7.5.3. I am also satisfied that the proposed house is sufficiently separated from the existing houses to the west/ north west. The proposed house does not increase the amount of ribbon development in the area.

7.6. Impact on Residential Amenity

- 7.6.1. The proposed house provides for suitably sized rooms including storage provision to serve the future occupants. I note the office that was referred to in the appeal. This is a large house and the applicant has outlined their occupation in the supporting documentation; the increase in working from home in recent times is noted and therefore I accept that there is a good reason for the provision of such a facility in this house. I do not foresee that this will give rise to commercial transactions/ business related visitors to this site.
- 7.6.2. The issue of overshadowing leading to a loss of daylight does not arise and I do not foresee that overlooking will be significant as the proposed house will be located

approximately 80 m from the boundary to the north west. I accept that the house will be at a higher point than the properties to the north west – perhaps as much as 6 m, however I am satisfied that the separation distance is sufficient. The north west elevation of the proposed house includes a number of windows – one serves the office, a small window serves part of the sitting room and a large corner window serves also serves the sitting room. Whilst there will be some loss of privacy through the introduction of a new house into the area, this will not be significant on a day to day basis. There is no restriction on housing in the area and the presence of existing housing does not prevent similar additional development.

7.7. Access and Transportation

- 7.7.1. Vehicular/ pedestrian access is from the road to the north east of the site. The submitted roads report did not raise any issues of concern. I noted very little traffic on the day of the site visit along this road and immediate area.
- 7.7.2. The appellant raised issues of concern in relation to how agricultural lands are to be accessed, the site forms part of a larger agricultural field. This is not issue for consideration in this appeal and is a matter for the Planning Authority if new entrances are required.

7.8. Other Issues

- 7.8.1. The removal/ relocation of powerlines is a matter between the applicant/ developer and ESB. There is no evidence on the archaeology.ie website of any archaeological finds in the immediate vicinity of the site and it would be unreasonable to require an archaeological assessment in such a case. If any finds are made, the relevant legislation will ensure their protection.
- 7.8.2. The appellant raised procedural issues in relation to drawing details and site notice location. I am satisfied that sufficient information is provided and, in any case, it is not a matter for the Board to determine the validity of site notices etc.

7.9. Appropriate Assessment Screening – Stage 1

- 7.9.1. The River Barrow is located 720 m west of the subject site. The River Barrow is a designated Special Area of Conservation (SAC – Site Code:002162), however there

is no direct hydrological connection in the form of a stream or other watercourse from the site to the river.

- 7.9.2. Having regard to the nature and scale of the proposed development and the provision of a wastewater treatment system combined with the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to 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 be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature, extent and design of the proposed development and the provisions of the Wexford County Development Plan 2013 – 2019 as extended, 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 and would not negatively impact on the River Barrow, which is a designated SAC. 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 and completed in accordance with the plans and particulars lodged with the application on the 4 th of February 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.
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	Reason: In the interest of clarity.
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the Planning Authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
4.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 4th day of February 2020, and in accordance with</p>

	<p>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 prior to commencement of development.</p> <p>(b) 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 in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
5.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>The following requirements shall be adhered to in full:</p> <ul style="list-style-type: none"> i) The vehicular access, serving the proposed development, shall comply with the requirements of the Planning Authority for such road works. ii) The existing front boundary shall be retained except to the extent that its removal is necessary to provide for the entrance to the site. iii) Any gate to be installed shall be inwards opening only and shall not open across the public footpath.

	<p>Reason: In the interest of traffic and pedestrian safety.</p>
8.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
9.	<p>The proposed garage/ shed shall not be used for human habitation or for the keeping of livestock, poultry, pigs, horses or ponies and shall not be used for any purpose other than a purpose incidental to the enjoyment of the house. The finishing of the garage shall match that of the dwelling house.</p> <p>Reason: In the interest of clarity and in the interest of the proper planning and sustainable development of the area.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
11.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
12.	<p>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</p>

<p>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.</p> <p>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.</p>
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Paul O'Brien
Planning Inspector

17th September 2020