



An  
Bord  
Pleanála

**Board Direction**  
**BD-005971-20**  
**ABP-306484-20**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/06/2020.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for the development comprising internal and external alterations to existing two storey detached dwelling,

and

- (2) refuse permission for the retention of a change of use of adjoining outbuilding to additional living accommodation at first floor level accessed via ground floor stairs and retention for first floor terraces to side and rear of existing outbuilding

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations (1)**

Having regard to the design and scale of the proposed development, to the existing residential use of the site for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Reasons and Considerations (2)**

1. Having regard to the planning history of the site, to the nature of the application as submitted which is for the retention of the use of the first floor of the existing outbuilding as residential accommodation, to the extent of works that have been undertaken to this outbuilding in recent years as evidenced by available historic photography and to the absence of clear information on file regarding the original scale, form and layout of the outbuildings on the site, the Board is not satisfied that the outbuilding the subject of the subject application has not been significantly extended beyond its original size without the benefit of planning permission. The granting of retention permission as sought would therefore lead to the inappropriate consolidation of unauthorised development that would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site within an Area Under Urban Influence as identified in the Waterford County Development Plan, 2011-2017 (as extended) and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current County Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to 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 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. For the avoidance of doubt, this permission excludes the retention of the change of use of the adjoining outbuilding to additional living accommodation at first floor accessed via ground floor stairs and first floor terraces to side and rear of outbuilding.

**Reason:** To clarify the extent of the permission.

3. Details of the materials, colours and textures of all the new external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.  
(b) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and

Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

(c) Within three months of the completion of the extension works authorised by this permission, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document and also certification that the old septic tank has been satisfactorily decommissioned and that there are no residual risks to the environment.

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

**Board Member:**

**Date:** 18/06/2020

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Michelle Fagan