



An  
Bord  
Pleanála

**Board Direction**  
**BD-007374-21**  
**ABP-308197-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/01/2021.

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 upgrading of the wastewater system

and

- (2) refuse permission for the retention of the garage, and its subsequent conversion to habitable accommodation described as ancillary to the main dwelling on site

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

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

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and the requirements of the 'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses' (EPA 2009), the Board considered that, subject to compliance with the conditions set out below, the proposed upgrading of the on-site wastewater system from the current septic tank and percolation area to an EPA (2009) compliant wastewater treatment system development would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1.	<p>The development of a replacement wastewater system shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 24<sup>th</sup> of June 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<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 24<sup>th</sup> day of June 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. 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 completion of the wastewater 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 in accordance with the standards set out in the EPA document.</p> <p><b>Reason:</b> In the interest of public health.</p>

3.	<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><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>

## 2 Reasons and Considerations

The proposed detached family flat would materially contravene the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and specifically Section 8.2.3.6 (vi) which seeks to ensure that family flats are linked directly to the main dwelling house and are temporary in nature. In exceptional circumstances, the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 allows for the conversion of use of outhouses etc in rural areas. Insufficient justification for such a conversion has been provided by the applicants and they have failed to demonstrate compliance with all relevant aspects of Section 8.2.3.6 (vi) of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Board Member:**

**Date:** 20/01/2021

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Paul Hyde