

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 15/909

An Bord Pleanála Reference Number: PL 27.245764

APPEAL by Niall Davis and Tarja Owens care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 23rd day of October, 2015 by Wicklow County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The erection of a single storey detached dwelling. The proposed dwelling shall have a floor space of 222 square metres, comprising four bedrooms, a combined kitchen/living/dining room and home office together with ancillary utility, a bathroom and hallway accommodation. The dwelling would be served by a new entrance off local road L1036, the drilling of a well for a private water supply, and on on-site effluent disposal system to current Environmental Protection Agency standards. The application also includes an integral building which is to be used solely by the applicant personally for bike repair and general maintenance purposes and for storing equipment associated with the adjacent bicycle rental business, all at Ballinastoe Woods, Roundwood, County Wicklow.

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 rural housing policy considerations as set out in the Wicklow County Council Development Plan 2010-2016, to the close proximity of the proposed development to a local sports/tourism related business operated by the applicants, to the nature and extent of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would meet the criteria set out in Objective RH14 of the Development Plan, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development 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 and with the further particulars received by An Bord Pleanála on the 13th day of November, 2015 with the appeal documentation, 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. (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.
- (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.

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.

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 to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. (a) 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.
- (b) Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of public health and traffic safety.

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 first occupation of the dwelling, 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 Environmental Protection Agency document.

Reason: In the interest of public health.

5. The existing native roadside hedge and mature trees shall be retained, except where removal is required for adequate sight visibility lines at the proposed entrance and in the first planting season following occupation of the house, the site shall be planted in accordance with a planting scheme which shall be submitted to, and agreed in writing with, the planning authority before the development is commenced.

Reason: In the interest of visual amenity.

6. (a) The external finishes of the proposed development shall be nap plastered or dry dash, with use of natural stone as indicated on the drawings submitted to the planning authority, unless otherwise agreed in writing with the planning authority.

- (b) The slate roof shall be of a blue/black, black, dark brown or dark grey colour.

Reason: In the interest of visual amenity.

7. All service cables associated with the proposed development (such as electrical, television and telephone) shall be run underground within the site.

Reason: In the interest of the visual amenities of the area.

8. During construction, the developer shall provide adequate off-carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

Reason: In the interest of traffic safety.

9. 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

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

Dated this day of 2016.