

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 16/374

An Bord Pleanála Reference Number: PL 27.246785

APPEAL by Jamie Kelly and Caroline Scally care of Lane Planning and Design of 34 Garden Village Crescent, Kilpedder, County Wicklow against the decision made on the 27th day of May, 2016 by Wicklow County Council to refuse permission.

PROPOSED DEVELOPMENT: Permission for (1) a 214.00 square metres dormer dwelling, (2) a 53.28 square metres garage/store, (3) a new site entrance, (4) an on site wastewater treatment system to current EPA standards and (5) all associated site works at Seaview, Kilpedder West, County Wicklow.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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

1. The Board is not satisfied on the basis of the documentation on file in relation to this application and appeal that the applicants come within the housing need criteria as set out under Objective RH14 of the Wicklow County Development Plan 2010-2016 and in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in April, 2005 for a dwelling in an area designated as an area under strong urban influence. The proposed development would, therefore, contravene an objective of the Development Plan, would be contrary to the Sustainable Rural Housing Guidelines and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the position on site of the proposed dwelling and its location to the rear of the established pattern of development on this local road and the extent of the driveway necessary to access the proposed development, it is considered that the proposal would represent inappropriate and haphazard backland development and would set an undesirable precedent for similar patterns of development in the area. Furthermore, it is considered that the design and suburban style of the proposed dwelling would be out of character with the established pattern of development in the surrounding area. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that, on the basis of the submissions made in connection with the planning application and the appeal, the applicants have not satisfactorily demonstrated how adequate sightlines as required in accordance with the Design Manual for Roads and Bridges - National Roads Authority 2011, can be achieved at this location. Accordingly, it is considered that the proposed development would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The Board is not satisfied, on the basis of the documentation submitted with the planning application and the appeal, that the applicants had satisfactorily demonstrated that the proposed method of disposal of foul effluent by means of a septic tank was appropriate having regard to the proximity of the site to public sanitary facilities. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board, for the reasons set out above, did not share the Planning Inspector's conclusions that the applicants had overcome, in their appeal submission, the reasons for refusal stated by the planning authority.

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

Dated this day of 2016.