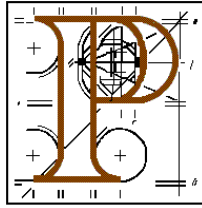


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Wicklow County**

**Planning Register Reference Number: 15/1031**

An Bord Pleanála Reference Number: PL 27.246892

**APPEAL** by John Wall of Newtownsaunders, Baltinglass, County Wicklow against the decision made on the 15<sup>th</sup> day of June, 2016 by Wicklow County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of alterations and extensions to dwelling granted under previous permission, planning register reference number 02/6008, for two houses with combined entrance as follows, retention of dwellinghouse as constructed, retention of domestic garage as constructed and retention of single domestic entrance as constructed, all ancillary site works and services including retention of the boundary walls as constructed and permission for demolition of portion of garage as constructed and retention of the remaining portion of same. All at Newtownsaunders, Baltinglass, County Wicklow, as amended by the revised public notice received by the planning authority on the 10<sup>th</sup> day of May, 2016.

## 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 nature and scale of the proposed development, to the character and pattern of existing development in the vicinity of the site and to the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or other amenities of the surrounding area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board shared her concerns in relation to the character and capacity of the existing on-site effluent treatment and disposal system. However, the Board considered that this could be adequately addressed by way of the attachment of an appropriate condition to a grant of planning permission.

## **CONDITIONS**

1. The development shall be retained 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 retained 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 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. Within three months of the date of this order the applicant shall submit to, and agree in writing with, the planning authority a comprehensive landscaping plan for the site. The agreed scheme shall include details of agreement in relation to the time frame for the implementation of the scheme together with a requirement that any planting that fails in the first season after planting shall be replaced.

**Reason:** In order to provide for screening of the dwelling and to help to visually integrate the dwelling bulk into the local environment and to soften its visual impact in the interest of visual amenity.

4. Within three months of the date of this order the applicant shall submit to, and agree in writing with, the planning authority details to ensure that on-site effluent treatment and disposal facilities comply with the standards as set out in the 'Wastewater Treatment Manual – Treatment Systems for Single Houses' published by the Environmental Protection Agency. The agreed arrangements shall provide for the delivery and completion of any works necessary in order provide a satisfactory system for a single (seven bedroom) dwelling. In default of agreement, the matter shall be referred to An Bord Pleanála for determination.

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

5. 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.

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

**Dated this                      day of                      2016.**

