



An
Bord
Pleanála

**Board Order
PL 26.248623**

Planning and Development Acts 2000 to 2017

Planning Authority: Wexford County Council

Planning Register Reference Number: 20170392

Appeal by Sabina Purcell of 86 Hazel Avenue, Kilmacud, Blackrock, County Dublin against the decision made on the 10th day of May, 2017 by Wexford County Council to grant subject to conditions a permission to Jennifer Tierney care of Derek Whyte Urban and Rural Design and Planning Consultancy of Great Connell, Newbridge, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a single storey bungalow, single storey domestic garage, connection to foul, surface water and public watermains, recessed entrance and all associated site works at Rosetown, Rosslare, County Wexford.

Decision

REFUSE permission for the above proposed development in accordance with 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. Having regard to the fact that it is proposed to connect the foul sewage from the proposed development into the nearby South Bay housing estate, and in the absence of any evidence that the applicant has any right to effect such connection, the Board cannot be satisfied that the proposed development would not be prejudicial to public health.
2. Having regard to the lack of certainty as to whether or not the surface water arising from the development of the site can be connected into the surface water sewers in the vicinity, and in the light of evidence of flooding in the area, thereby raising concerns about the efficacy of any alternative proposal to dispose of surface water through the use of soakaways on the site, it is considered that the proposed development might lead to a risk of exacerbating such flooding. The proposed development, in such circumstances, would seriously injure the residential amenities of adjoining properties and would, therefore, 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 noted that the applicant had not provided the information sought by the Board in its Section 132 notice, and noted that there was no certainty regarding the method, or feasibility, of providing foul sewerage services to the proposed development, and no certainty regarding the means of properly catering for surface water arising from the proposed development that would not pose a risk of exacerbating existing flooding in the area. As these are fundamental issues that relate to the acceptability, or otherwise, of the proposed development, the Board did not consider it appropriate that the matters could be dealt with by the imposition of conditions in a planning permission.

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

Dated this day of 2018