



Planning and Development Acts 2000 to 2018

Planning Authority: Wexford County Council

Planning Register Reference Number: 20180481.

Appeal by Brendan and Laura O'Mara care of Gilligan Architects of 20 Anglesea Road, Ballsbridge, Dublin against the decision made on the 8th day of June, 2018 by Wexford County Council to refuse permission for the proposed development.

Proposed Development: A single storey extension (41 square metres, ridge height 5.4 metres to match existing) to the north-west side of existing annex (planning register reference number 17848) to existing house, extension of existing pitched roof (ridge height 4.1 metres) over existing entrance hall/door to annex, removal of chimney on existing annex and installation of proprietary Ecoflo tertiary treatment filter tank (height 1.65 metres) on gravel distribution polishing bed with enclosing grassed embankment all round and associated pipework from existing Enviropak LRD 12 wastewater treatment system and installation of new surface water soakaways and associated drainage and site works at "Adair Heights", Ballymoney Sea Road, Ballymoney, Gorey, County Wexford.

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 existing permitted residential use of the site, to the modest scale of the proposed development relative to the area of the site and, subject to compliance with the conditions set out below, it is considered that the proposed development would not give rise to ground or surface water pollution or be prejudicial to public health and would, otherwise, 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, 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. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. (a) The tertiary treatment system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 16th day of April, 2018, 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. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

- (b) Certification by the tertiary treatment system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the tertiary treatment system shall be entered into and paid in advance for a minimum period of five years from the date of completion of the proposed extension the subject of this grant of permission and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the date of completion of the proposed extension the subject of this grant of permission, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the tertiary treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

4. 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 the 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.

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

Dated this day of 2018.