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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 18/1253**

**Appeal** by Daniel Brady of Callowhill, Newtownmountkennedy, County Wicklow against the decision made on the 28<sup>th</sup> day of February, 2019 by Wicklow County Council to grant subject to conditions a permission to Brian Kehoe and Stephen Doran care of Emmet Duggan Architects of Beech Lodge Design Studio, Beech Road, Arklow, County Wicklow in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Alterations and additions to an existing two-storey detached farmhouse, comprising removal of an existing lean-to dormer roof structure to rear, and construction of a new pitched roof structure in keeping with the profile of the existing roof to the original two-storey dwelling. The proposed works will include the provision of a new bedroom and bathroom in lieu of existing bathroom and store room accommodation at first floor level to the rear, and the provision of new dormer windows to the side and rear. The proposed development will also comprise the conversion of part of an existing single storey shed structure to the rear at ground floor level into new boot room and utility room accommodation, together with alterations to existing window openings to the side and rear at ground floor level, and all ancillary site works including demolition of existing detached shed structure to gable

end, all at Callowhill Lower, Newtownmountkenny, County Wicklow. The proposed development was revised by further public notices received by the planning authority on the 8th day of February, 2019.

## **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 established residential use on site, to the proposal to install a new sewage treatment unit on site, and to the size and design of the proposed alterations and additions to the existing dwellinghouse, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would provide for an adequate and acceptable means of effluent treatment and disposal and would not be prejudicial to public health. 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, as amended by the further plans and particulars submitted on the 1<sup>st</sup> day of February 2019, and the 19<sup>th</sup> day of February 2019, 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 development 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 treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 19<sup>th</sup> day of February 2019, 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 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 treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the development 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 soakaways shall be located such that the drainage from the dwelling, outbuildings and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance, certifying that the proprietary effluent 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 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.

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**Dave Walsh**

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

**Dated this            day of            2019.**