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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20190553**

**Appeal** by Kay Crean of Old Orchard Lodge, Kilrane, Rosslare Harbour, County Wexford against the decision made on the 14<sup>th</sup> day of June, 2019 by Wexford County Council to grant subject to conditions a permission to Peter and Siobhan Whitehead care of O'Brien Design of 11a Selskar Street, Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** 1. Construction of a fully serviced dwelling with access using existing entrance. 2. Construction of a new boundary wall between the proposed dwelling and the existing Kilrane House. 2. Modification of the site boundaries of Kilrane House. All at the rear of Kilrane House, Churchtown, Kilrane, Rosslare Harbour, 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 provisions of the Wexford County Development Plan 2013-2019, the context of Kilrane House, the disposition of the two-storey living accommodation described as “existing granny flat” in the application drawings, the existing walled gardens, and the layout, form and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, 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 considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable quantity and quality of private open space for the future occupants of the proposed development, and that sufficient car parking provision would be safely accommodated on the site. 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, 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 proposed development shall be amended as follows:
  - (a) The proposed new 1.8-metre high boundary wall to the south and east of the living accommodation described as “existing granny flat” on drawing number SW 01 PP 01B, shall be omitted.
  - (b) The southern wall of the existing walled garden shall be retained as the boundary wall to the proposed dwelling, and extended to the western boundary of the site.
  - (c) The living accommodation described as “existing granny flat” shall be retained as an integral part of the Kilrane House site, as per planning permission, planning register reference number 993772.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the residential amenity of future occupants.

3. The proposed development shall be amended as follows:
  - (d) The windows to the north elevation serving bedroom 2 and bedroom 3 at first floor level shall be omitted.
  - (e) The window to the north elevation serving the hall landing at first floor level shall be permanently fitted with obscured glass.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. 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.

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

**Dated this            day of            2019.**