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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 19/819**

**Appeal** by Edward Muldowney of Lisselty, Dunmore East, County Waterford against the decision made on the 18<sup>th</sup> day of December, 2019 by Waterford City and County Council in relation to an application by Edward Muldowney for permission for internal and external alterations of an existing two-storey house including new two-storey side extension to provide for conservatory at ground floor level and bedroom at first floor level, alterations to pitched roof, provision of new ground floor gable window to front elevation, two dormer windows to either side of front gable porch, existing ground floor door blocked up to front elevation and all associated site works to include new foul water treatment system with raised percolation area and decommissioning of existing septic tank system. Retention permission for adjoining outbuilding to additional living accommodation at first floor accessed via ground floor stairs, and retention of first floor terraces to side and rear of existing outbuilding, all at Lisselty, Dunmore East, County Waterford in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for internal and external alterations of an existing two-storey house including new two-storey side extension to provide for conservatory at ground floor level and bedroom at first floor level, alterations to pitched roof, provision of new ground floor gable window to front elevation , two dormer windows to either side of front gable porch, existing ground floor

door blocked up to front elevation and all associated site works to include new foul water treatment system with raised percolation area and decommissioning of existing septic tank system, and to refuse permission for retention of adjoining outbuilding to additional living accommodation at first floor accessed via ground floor stairs, and retention of first floor terraces to side and rear of existing outbuilding).

## **Decision**

**GRANT permission for internal and external alterations of an existing two-storey house including new two-storey side extension to provide for conservatory at ground floor level and bedroom at first floor level, alterations to pitched roof, provision of new ground floor gable window to front elevation , two dormer windows to either side of front gable porch, existing ground floor door blocked up to front elevation and all associated site works to include new foul water treatment system with raised percolation area and decommissioning of existing septic tank system in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for retention of adjoining outbuilding to additional living accommodation at first floor accessed via ground floor stairs, and retention of first floor terraces to side and rear of existing outbuilding based on the reasons and considerations marked (2) under.**

## **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 design and scale of the proposed development, to the existing residential use of the site, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed internal and external alterations to the existing two-storey detached dwelling, would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would not be prejudicial to public health. This element of 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. For the avoidance of doubt, this permission excludes the retention of the change of use of the adjoining outbuilding to additional living accommodation at first floor accessed via ground floor stairs and the first floor terraces to side and rear of outbuilding.

**Reason:** To clarify the extent of the permission.

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

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

4. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

- (b) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
  
- (c) Within three months of the completion of the extension works authorised by this permission, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document and also certification that the old septic tank has been satisfactorily decommissioned and that there are no residual risks to the environment.

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

## **Reasons and Considerations (2)**

1. Having regard to the planning history of the site, to the nature of the application as submitted which is for the retention of the use of the first floor of the existing outbuilding as residential accommodation, to the extent of works that have been undertaken to this outbuilding in recent years as evidenced by available historic photography, and to the absence of clear information on file regarding the original scale, form and layout of the outbuildings on the site, the Board is not satisfied that the outbuilding the subject of this application has not been significantly extended beyond its original size without the benefit of planning permission. The granting of permission for retention as sought would, therefore, lead to the inappropriate consolidation of the development which might not have the benefit of planning permission, which would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within an Area Under Urban Influence as identified in the Waterford County Development Plan, 2011-2017 (as extended) and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, and in an area where housing is restricted to persons demonstrating local need in accordance with the Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need, would contribute to the encroachment of random rural development in the area, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. This element of the development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2020.**