



Planning and Development Acts 2000 to 2019

Planning Authority: Wexford County Council

Planning Register Reference Number: 20191561

Appeal by Kenneth and Alice Kavanagh of Wintermere, Coolakip, Enniscorthy, County Wexford against the decision made on the 13th day of March, 2020 by Wexford County Council to refuse permission to the said Kenneth and Alice Kavanagh for the proposed development:

Proposed Development: Permission for the demolition of existing outbuildings and for the erection of a replacement outbuilding comprising of a garage and study space, and for the erection of a replacement outbuilding comprising of a self contained residential unit (granny flat) and for the upgrading of an existing wastewater treatment system to serve self contained residential unit and the existing dwellinghouse, including the installation of a treatment plant and percolation area, along all ancillary site works, all at Coolakip, E.D. Edermine, Enniscorthy, 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 current Development Plan for the area which makes provision for self-contained residential units for use by a family member subject to certain criteria, to the permitted residential use on site and to the nature and scale of the proposed garage/study and granny flat, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the provisions of the Development Plan in relation to self-contained residential units for use by a family member, would not be prejudicial to public health and 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 to the planning authority on the 21st day of February, 2020 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 granny flat shall be used solely for that purpose, and shall not be sold, let or otherwise transferred or conveyed, save as part of the main dwelling on the application site.

Reason: To restrict the use of the of the granny flat in order to comply with the objectives of the current Development Plan for the area.

3. (1) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (2) Treated effluent shall be discharged to a raised percolation area which shall be provided 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.
- (3) Within three months of the first occupation of the granny flat, 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 raised percolation area is constructed in accordance with the standards set out in the EPA 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 be applied to the permission.

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

Dated this day of 2020.