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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20200423**

**Appeal** by Martin Scott care of DMVF Architects of 276-278 Lower Rathmines Road, Rathmines, Dublin and by Bob Etchingham of 4 Victoria Road, Dalkey, County Dublin against the decision made on the 14<sup>th</sup> day of July, 2020 by Wexford County Council to grant permission to Nick and Anne Rackard care of P. Nolan Architecture of 62 Weafer Street, Enniscorthy, County Wexford for the development comprising: (1) a permission for construction of an extension to existing dwellinghouse included attached garage and (2) retention permission for existing garden room, with all associated site works at Tory Cottage, Bearlough, Rosslare Strand, County Wexford in accordance with the plans and particulars lodged with the said Council.

**Decision**

**GRANT** retention permission for existing garden room 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 construction of an extension to existing dwellinghouse included attached garage, with all associated site works 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 provisions of the Wexford County Development Plan 2013-2019 (as extended), and to the nature, scale, form and design of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual or residential amenities of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained, 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 within three months of the date of this grant of permission and the development shall be retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the garden room shall be used solely for purposes ancillary to the enjoyment of the dwellinghouse as such and shall not be used for human habitation or for any business or commercial purpose, unless otherwise authorised by a prior grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity and in the interest of clarity.

3. Water supply and drainage arrangements, including the 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.

4. This permission relates solely to the retention of the garden room as outlined in the submitted public notices and shall not be construed as giving assent to any other development on the subject site.

**Reason:** In the interest of clarity.

5. 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.

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

Having regard to the scale, height, massing and siting of the proposed extension, it is considered that the proposed development would be overbearing in relation to the adjacent residential property to the north and would lead to excessive overshadowing of that property. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and would 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            2021**