



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0441

Appeal by Robert and Rosemary Allison care of Rogers Brassil Associates of 72 Albert Road Lower, Sandycove, Dún Laoghaire, County Dublin against the decision made on the 18th day of August, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission for development comprising (a) retention of the original detached garage (1997) and its subsequent (2020) conversion to habitable accommodation (56 square metres), ancillary to the main dwelling, including proposed internal alterations and (b) upgrading of the on-site wastewater system from the current septic tank and percolation area to an EPA (2009) compliant comprehensive wastewater treatment system, all at 'Auckland Lodge', Ballycorous, Kilternan, Dublin, in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the upgrading of the on-site wastewater system from the current septic tank and percolation area to an EPA (2009) compliant comprehensive wastewater treatment 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 the retention of the original detached garage (1997) and its subsequent (2020) conversion to habitable accommodation (56 square metres), ancillary to the main dwelling including proposed internal alterations 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 Dún Laoghaire-Rathdown County Development Plan 2016 – 2022 and to the requirements of the ‘Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses’ (EPA 2009), the Board considered that, subject to compliance with the conditions set out below, the proposed upgrading of the on-site wastewater system from the current septic tank and percolation area to an EPA (2009) compliant wastewater treatment system would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development of a replacement wastewater system shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 24th of June 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. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 24th day of June, 2020 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. 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.

- (b) Within three months of the completion of the wastewater treatment system, 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 in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

3. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 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 amenities of property in the vicinity.

Reasons and Considerations (2)

The proposed detached family flat would materially contravene the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022 and specifically Section 8.2.3.6 (vi) which seeks to ensure that family flats are linked directly to the main dwelling house and are temporary in nature. In exceptional circumstances, the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022 allows for the conversion of use of outhouses in rural areas. Insufficient justification for such a conversion has been provided by the applicants and they have failed to demonstrate compliance with all relevant aspects of Section 8.2.3.6 (vi) of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul Hyde

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

Dated this day of 2021.