



Planning and Development Acts 2000 to 2020

Planning Authority: Wexford County Council

Planning Register Reference Number: 20200595

Appeal by Noreen and Patrick Byrne of Perrymount Country Home, Inch, Gorey, County Wexford and by Sergiu Braila of Perrymount, Inch, Gorey, County Wexford against the decision made on the 18th day of September, 2020 by Wexford County Council to grant subject to conditions a permission to Michael Molloy care of Molloy Architecture and Design Studio of 9 McCurtain Street, Gorey, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission to erect a two-storey dwelling with services and domestic garage with ancillary works at Perrymount, Ballylarkin, 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 location of the house on an infill site on the edge of Inch village, to the site specific flood risk assessment with modelling of the flood risk of the Inch and Boleybaun Rivers submitted to the planning authority on the 8th day of June 2020, and to the finished floor level of the house 0.35 centimetres above the existing levels within the application site, the Board was satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity, would provide a satisfactory level of residential amenity for future occupants 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 noted the Inspector's concerns in relation to flooding but concurred with the planning authority that the site-specific flood risk assessment demonstrated that the development that was before the Board for consideration would not give rise to an increased risk of flooding of the site or of property in the vicinity. The Board was, therefore, satisfied that the proposed infill development was 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 on the 27th day of August, 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. 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: To ensure adequate servicing of the development and to prevent pollution.

3. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

4. Details of the materials, colours and textures of the 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. (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 27th day of August, 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 first occupation of the dwelling, 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.

6. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment shall provide a screen along the side and rear boundaries, consisting predominantly of trees, shrubs and hedging (of holly, hawthorn, blackthorn, field maple) planted continuously in double rows of 400 millimetres intervals along the boundaries of the site. A minimum of six deciduous trees (not dwarfed species) shall be included in the hedgerow or elsewhere in the landscaping of the site. Suggested species include field maple, sycamore, silver birch, rowan, white beam, and space permitting, oak, beech and chestnut. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

7. 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.

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

Dated this day of 2021.