

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/800

Appeal by Brendan and Eileen Buck care of BPS of Ballinatone, Greenan, County Wicklow against the decision made on the 14th day of February, 2023 by Wicklow County Council to grant subject to conditions a permission to Kerrin Geoffrey Buck of The Old Farmhouse, Ballinatone Lower, Greenan, Rathdrum, County Wicklow in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of foundations and rising walls constructed on site (granted under PRR11/4667 and 05/3286) and permission for completion of dwelling with some alterations to same with associated site works at Ballinatone Lower, Greenan, Rathdrum, County Wicklow.

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.

Reasons and Considerations

Having regard to the policies and objectives of the Wicklow County Development Plan 2022-2028, and to the rural zoning which applies to the site under which new residential development is subject to demonstrating housing or economic need, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development in terms of design and form, would not seriously injure the character or the visual amenities of the area, would not seriously injure the amenities of residential property in the vicinity and would be acceptable in terms of wastewater treatment. 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, as amended by the further plans and particulars submitted to the planning authority on the 19th day of January 2023, 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 dwelling when completed shall be first occupied as the place of permanent residence by the applicant and shall remain so occupied for a period of seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority, a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed dwelling is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting local need in the interest of proper planning and sustainable development.

3. Details of the materials, colours, and textures of 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.

4. (a) The effluent treatment system shall be located, constructed and maintained in accordance with the details received by the planning authority on the 19th day of January 2023, 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, 2021.
- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report, including photographic evidence of the installation, 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 standards set out in the EPA document.

Reason: In the interest of public health.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) Contoured drawings to scale of not less than 1:500 showing –
 - (i) a survey of all existing trees and hedging plants on the site, their variety, size, age, and condition, together with proposals for their conservation or removal.
 - (ii) proposals for planting within the site consisting of both hedge planting of indigenous species (for example, holly, hawthorn, beech or field maple) and native trees, incorporating species, variety, size, type, number and location of all trees and shrubs.

- (iii) any hard landscaping works, including car parking layout, enclosed areas, lighting, and outdoor seating, specifying surfacing materials
- (b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment
- (c) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established
- (d) A timescale for implementation including details of phasing, which shall provide for the planting to be completed before the dwelling/building is first made available for occupation

Deciduous trees shall be planted at not less than two metres in height and evergreen species at not more than 750 millimetres in height. Species to be used shall not include either cupressocyparis x leylandii or grisellinia.

Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, 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 and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 properties in the vicinity.

7. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

8. Details of the vehicular entrance and front boundary finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall accord with the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

Reason: In interest of visual amenity, to protect the character of the area.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

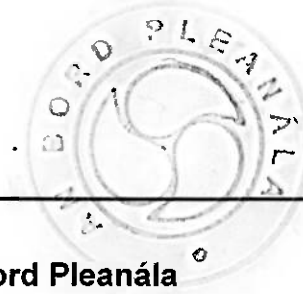
Reason: In the interest of visual amenity.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including construction parking, hours of working, noise management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution of 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.

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.



Mary Gregg

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

Dated this 23rd day of April 2024.