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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20230714**

**APPEAL** by Anna Doyle care of Nicholas Mernagh Architects of Mullanour, Wexford against the decision made on the 16<sup>th</sup> day of August, 2023 by Wexford County Council to refuse permission for the proposed development.

**Proposed Development:** Erection of a fully serviced dwelling house, new entrance, together with associated and auxiliary site works at Bearlough, E.D. Rosslare, County Wexford (curtilage of site contains a protected structure).

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## Reasons and Considerations

The proposed dwelling, by virtue of its location and design, would have an overbearing impact on the existing adjacent dwelling which is listed in the Wexford County Development Plan 2022- 2028 on the Record of Protected Structures (RPS WCC1372). The proposed development would be contrary to objectives BH06 and BH07 which seeks to protect the curtilage of Protected Structures or proposed Protected Structures from any works which would cause loss of, or damage to, the special character of the structure and loss of or damage to, any structures of heritage value within the curtilage or attendant grounds of the structure. The proposed development would, therefore, be contrary to the Wexford County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

The Board did not concur with the Inspectors conclusion regarding the availability of services. The Board noted the 'amber' status of the wastewater treatment plant and that the plant does not consistently meet the requirements of the Environmental Protection Agency Wastewater Discharge License.

The Board concurred with the planning authority that it had not been demonstrated that capacity exists in the wastewater treatment plant for the proposed development. The Board noted the Uisce Éireann correspondence to the planning authority dated the 14<sup>th</sup> of March 2023 which stated that the wastewater treatment plant is constrained. From the planning authority's report on file, it is evident that a Combined Approach Assessment is required to establish that the proposed development would not be prejudicial to public health.

The Board noted the Uisce Eireann observation on the appeal received on the 9<sup>th</sup> day of October 2023, but considered there is no evidence on file or by way of this correspondence that a Combined Approach Assessment has been completed. Therefore, the proposed development is considered premature as it may be prejudicial to public health.

  
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**Mary Henchy**

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

Dated this *18<sup>th</sup>* day of *July* 2024.

