

An
Bord
Pleanála

Board Order

ABP-319608-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

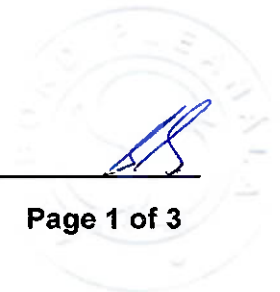
Planning Register Reference Number: 23/60218

Appeal by Daniel Kavanagh care of The Padraig Smith Partnership of The Red House, Market Square, Wicklow against the decision made on the 2nd day of April, 2024 by Wicklow County Council to refuse permission.

Proposed Development: Construction of a dwelling accessed via the existing site entrance (to be upgraded as appropriate), new effluent treatment system to current EPA standards and revisions to planning permission granted under planning register reference number 21/1371, all together with associated site works, all at Ballinahinch, Ashford, County Wicklow.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.



Reasons and Considerations

1. It is a policy objective of the Wicklow County Development Plan 2022-2028 that high quality rural infill/backland development will be facilitated 'provided that such development does not unduly detract from the residential amenity of existing properties or the visual amenities of the area, or the rural character and pattern of development in the area and does not result in a more urban format of development' (Policy Objective CPO 6.45). Given the site's configuration, it is considered that the siting and design of the proposed new dwelling relative to adjoining dwelling at the eastern-most end of the site would give rise to backland development which would unduly impact on residential amenities. The proposed development would also give rise to an ad-hoc layout owing to its siting, design and orientation which, coupled with surrounding development, would detract from the rural character and pattern of development in the area. The proposed development would be contrary to Policy Objective CPO 6.45 of the Wicklow County Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. In the absence of sufficient documentation presented with the application in relation to the relocation of a permitted on-site effluent treatment system and polishing filter under planning register reference number 21/1371 as part of the proposed development, it is considered that the proposed development on a site which is overlain on a locally important aquifer of high vulnerability would be prejudicial to public health and would pose a significant risk to groundwaters and surface waters. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *27th* day of *November* 2024.