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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 23/60301**

**Appeal** by Noreen Eager of Truder, Newtownmountkennedy, County Wicklow against the decision made on the 30<sup>th</sup> day of May, 2024 by Wicklow County Council to grant subject to conditions a permission to Simone Kavanagh and Jim McDonnell care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of 11 square metres dormer extension to rear of dwelling, 5 square metres single storey plant room extension to rear of dwelling, alterations to all elevations, 22 square metres garden shed/hobby room in rear garden and wastewater treatment system at Thistledown, Callow Hill Lower, Newtownmountkennedy, 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 nature, scale and design of the development to be retained, the orientation of the dormer windows and separation distances to the neighbouring dwelling, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously impact on the residential amenity of the adjacent property. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, 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, and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. The existing dwelling and extensions shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity

3. Within three months of the date of grant of this retention permission, the applicant shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.

**Reason:** In the interest of public health and to prevent water pollution.

4. Within three months from the date of grant of this retention permission, the applicant shall submit documentary evidence to the planning authority for written agreement that the decommissioned septic tank on site has been removed in its entirety or backfilled with inert material.

**Reason:** In the interest of public health and to prevent water pollution.

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent flooding or pollution.

6. The garden shed/hobby room shall be used for domestic purposes ancillary to the dwelling on site and shall not be used for human habitation.

**Reason:** In the interest of residential amenity and to control the density of residential units.

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.



Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 4<sup>th</sup> day of December 2024.