



An
Bord
Pleanála

Board Order ABP-320628-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 24/60302

Appeal by Damien and Tanya Fetherston of Laburnum Lodge, Old Paddocks, Blessington, County Wicklow against the decision made on the 25th day of July, 2024 by Wicklow County Council to refuse permission.

Proposed Development: Retention of the rebuilding of part of an existing single storey out-building following natural collapse and the internal conversion of whole of said out-building to suit holiday-letting use and for the retention of small, attached sheds. Permission for the change-of-use of the whole of aforementioned existing outbuilding, including rebuilt part and aforementioned sheds, to holiday-letting use, and retention of existing foundations of a proposed garage/storage building and permission for continuance of the construction of said new garage/storage building for the incidental enjoyment of the existing main house and all associated site works and ancillary services as may be required and as may relate to the above, including a new wastewater treatment system and percolation area, all at Laburnum Lodge, Old Paddocks, Blessington, County Wicklow.

Decision

GRANT permission for the development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the information submitted with the planning application and the appeal, and the nature and scale of the proposed development and development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would be in accordance with the policies with respect to the refurbishment of vernacular structures and the provision of domestic storage, as set out in the Wicklow County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area, would be in accordance with CPO 11.13 of the Wicklow County Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's (split) recommendation to refuse permission for the holiday letting aspect of the proposed development, the Board considered that the anticipated additional traffic movements associated with such use would not significantly intensify the operation of the junction of the private access laneway and the N81, would not endanger public safety by reason of traffic hazard or interfere with the free flow of traffic on the N81.

Conditions

1. The development shall be retained, carried out and completed 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 prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The outbuilding for which retention permission is sought shall not be sold or otherwise transferred or conveyed, save as part of the main dwellinghouse.

Reason: To protect the amenities of property in the vicinity and comply with the objectives of the current development plan for the area.

3. The proposed garage shall be used solely for use incidental to the enjoyment of the dwellinghouse and shall not be used for human habitation or the carrying on of any trade or business.

Reason: To prevent unauthorised development.

4. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the installation of the treatment plant and percolation area, the developer 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 document referred to above.
- (d) Within three months of the installation of the new treatment plant and percolation area, the developer shall submit detailed plans for the decommissioning, removal and disposal of the existing treatment plant, together with any soil remediation works required as a result of its removal, to the planning authority for written agreement.

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

- 5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturday and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of adjoining property in the vicinity.



Declan Moore

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

Dated this 23rd day of JANUARY 2025.