

An
Coimisiún
Pleanála

Commission Order

ABP-321252-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 24/67

Appeal by Sean and Ann Owens of Lowlands, Killadreenan, Newtownmountkennedy, County Wicklow against the decision made on the 25th day of October, 2024 by Wicklow County Council to grant subject to conditions a permission to Niamh Kavanagh care of Alphaplan Design of Suite 14, Block 1, Broomhall Business Park, Rathnew, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwellinghouse, wastewater treatment system to EPA standards, garage, entrance, driveway and associated works, all at Glendarragh, 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 objectives of the Sustainable Rural Housing Guidelines (2005) and the Wicklow County Development Plan 2022-2028 to allow single dwellings in the open countryside in accordance with the criteria set out under Objective CPO 6.41, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the rural settlement policy, the visual and residential amenities of the area and would be acceptable in terms of traffic safety and drainage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 21st day of May, 2024 and on the 3rd day of October, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least 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, as amended, 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 house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

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

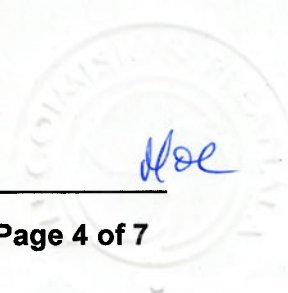
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, 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.

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 proposed 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. (a) The entrance gates to the proposed house shall be set back not less than five metres and not more than six metres from the edge of the public road. Wing walls, timber fences or stone banks forming the entrance shall be splayed to provide an overall width of 6-9 metres and shall not exceed 0.8 metre in height (including any pillars) within 2.4 metres of the public road.



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- (b) The proposed front boundary set-back and finish shall be in accordance with drawing number NK-24-01C submitted with the application, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) The gradient of the access driveway shall not exceed 1 in 40 for a minimum six metres from its junction with the public road.
- (d) Prior to the new entrance being brought into use, the existing agricultural entrance to the west shall be permanently and effectively closed off by the erection of a boundary matching the existing boundary, or as otherwise agreed in writing with the planning authority.

Reason: In the interest of traffic safety and visual amenity.

- 7. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with the Revised Site Layout Plan (drawing number NK-24-01C) submitted with the application. The existing shrub and tree vegetation on the site shall be retained, except to the extent that its removal is necessary to provide for the entrance to the site. Any plants, trees or hedging 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.

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8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays 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: In order to safeguard the amenities of property in the vicinity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

10. 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 Coimisiún 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.


Marie O'Connor

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 01 day of July 2025.