



An
Coimisiún
Pleanála

Commission Order
ABP-322456-25

Planning and Development Acts 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 24/60473

Appeal by Barbara Rossiter care of Justin O'Callaghan of The Courtyard, 40 Main Street, Blackrock, Dublin against the decision made on the 7th day of April, 2025 by Wicklow County Council to grant permission subject to conditions to Sally-Anne Fisher care of MPBA Architects of 5 Stable Lane, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of existing vehicular entrance gates as constructed and Permission for (a) reinstatement of boundary fence and hedgerow to front of garage; (b) alterations to garage to allow access from within the site; (c) demolition of existing porch and construction of new entrance porch; (d) demolition of existing southern extension (bedroom); (e) demolition of existing eastern extension and shed; (f) construction of single storey extension to the east incorporating two number bedrooms and a single storey extension to the north incorporating a utility room; (g) covered terrace to the north; (h) skylights to existing roof; associated elevational changes to all elevations; (i) upgrade of waste water treatment system; and (j) all ancillary site works and services at Old School House, Ballyorney, Enniskerry, Bray, 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

The subject site which accommodates an existing dwelling is located in the rural area (Open Countryside) of Wicklow County's Settlement Strategy as set out within Section 4.2 of the Wicklow County Development Plan 2022-2028. It is considered that sufficient information is included with the application to facilitate consideration of this appeal case, and that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential and visual amenities of the area, would not result in surface water run-off onto adjoining property, would not impact on adjoining trees outside the site boundaries, would not have a detrimental impact on adjoining lands, that the design capacity of the proposed 6PE tertiary treatment plant is appropriately sized to serve the four bedroom house and would efficiently deal with effluent from the proposed development given that it is a significant upgrade and improvement of an existing and non-conforming system, thereby protecting human health and the environment as referred to in Section 1.3 (Variances for Existing Systems, Sensitive Areas and New Technologies) of the Environmental Protection Area Code of Practice for Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 18th day of March 2025, 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: To restrict the use of the extensions in the interest of residential amenity.

3. Drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

5. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 2nd day of August, 2024.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area / polishing filter which shall be provided in accordance with the recommendations included within the Site Characterisation Report and the associated Recommendation Report relating to the wastewater treatment system submitted with this application on the 2nd day of August 2024.
- (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 septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Site Characterisation Report and the associated Recommendation Report relating to the wastewater treatment system submitted with the application.

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

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This scheme shall show retention of all existing mature trees and boundary treatments on site, including along the northern boundary, and outline the measures to be put in place for their protection during the construction period.

Reason: In the interest of residential and visual amenity.

7. (a) The existing entrance shall be permanently closed off once the new entrance is operational.
- (b) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the front boundary in front of the garage consisting of indigenous hedgerow.

Reason: In the interests of visual amenity, traffic safety and the proper planning and sustainable development of the area.

8. (a) The garage shall not be used for human habitation or any commercial purpose other than a purpose incidental to the enjoyment of the main dwelling.
- (b) Prior to commencement of development the applicant shall submit pre- and post-development elevation drawings and floor plans of the garage for the written agreement of the planning authority.

Reason: In the interest of orderly development and the amenities of the area.

9. 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 and public holidays. Deviation from these times will 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.

10. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

11. 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.



Liam McGree

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



Dated this 25th day of AUGUST 2025