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**Planning and Development Act 2000, as amended**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 2560211**

**Appeal** by Robert Whelan and Margaret Harris against the decision made on the 15<sup>th</sup> day of September 2025 to grant permission, subject to conditions, to Theresa Lawless care of John Flynn for development comprising of domestic garage, new domestic wastewater treatment system to current EPA standards, relocation and improvements to existing entrance and associated site works at Killough Lower, Kilmacanogue, County Wicklow.

## **Decision**

**GRANT permission for the domestic garage and new waste water treatment system in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for relocation and improvements to existing entrance for the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

The proposed development for a domestic garage due its limited size and location on the site and the proposed new waste water treatment system on a site served by a public water supply, accords with the Wicklow County Development Plan 2022 -2028, CPO13.12 private wastewater treatment systems and policy CPO 17.38 that relates to landscape views and prospects. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This element of the proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information received by the planning authority on the 29<sup>th</sup> day of August 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 effluent disposal system shall be laid out as proposed and constructed to the specification of Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) Code of Practice published by the EPA 2021.

Photographic evidence of the installation of the secondary treatment unit, distribution chamber, and polishing filter and pipes shall be submitted on completion of the system. Before the development is occupied, a certificate from a Chartered Engineer, Environmental Health Officer, or Hydrogeologist, (with professional indemnity insurance) stating that the effluent disposal system has been installed in accordance with this condition, shall be submitted to the planning authority.

**Reason:** To ensure the provision of an adequate sewage disposal system, in the interests of public health and residential amenity.

3. Upon completion of the upgraded effluent treatment system the existing septic tank on site shall be removed or backfilled with inert material.

**Reason:** To prevent groundwater contamination.

4. The garage shall be used for private domestic use only ancillary to the main dwelling and shall not be used for human habitation or for any commercial purpose.

**Reason:** To safeguard the residential amenities of adjoining properties.

5. (a) The roof colour of the proposed garage shall be blue-black, black. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls of the garage shall have a cement render finish to match the existing dwelling.

**Reason:** In the interest of visual amenity.

6. This permission is for the domestic garage and new wastewater treatment system only and does not include permission for the proposed relocation and improvement to the existing entrance.

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

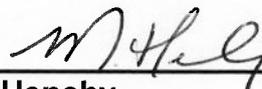
## **Reasons and Considerations (2)**

1. It is considered that the applicant has not demonstrated that that this element of the proposed development, by reason of:
  - (a) the site being located on a minor road which is seriously substandard in terms of width, horizontal and vertical alignment, and
  - (b) the restricted sightlines at the proposed vehicular entrance and the insufficient information regarding traffic speeds on the adjacent public road,

would not endanger public safety by reason of traffic hazard and obstruction of road users, therefore the proposed development would not be in accordance with the proper planning and sustainable development of the area.

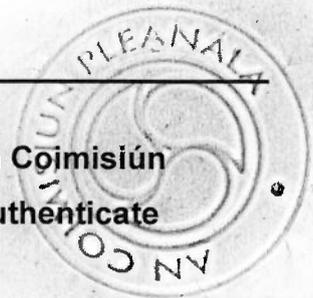
2. It is considered that this element of the proposed development, taken in conjunction with existing development in the area, would constitute an excessive removal of roadside boundary to serve an existing dwelling in a rural area designated as a High Amenity Landscape and would have a detrimental impact on a view of the Scalp and Scalp Valley from Ballyman to the west of the site which is designated with a Special Amenity Value in the Wicklow County development Plan 2022-2028. This element of the proposed development would contravene CPO 17.38 of the Wicklow County Development 2022-2028 which seeks to protect listed views and prospects from development, would be detrimental to the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspectors recommendation to Refuse Permission, the Commission considered the proposed garage, as revised at further information stage, did not detract from the wider setting. With regard to the proposed waste water treatment system, the Commission did not agree with the Inspector based on the size of the site, the site suitability report, the fact that this is replacing an existing system and the fact that the applicant is not reliant on a well for drinking water, the Commission concluded, that subject to compliance with conditions, the new waste water treatment system was acceptable. The Commission concurred with the Inspectors recommendation regarding the proposed works to the entrance.



Mary Henchy

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



Dated this 9<sup>th</sup> day of February 2026