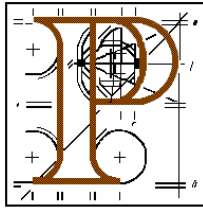


An Bord Pleanála



Inspector's Report

PL27.246232

DEVELOPMENT:- Demolish single storey side extension, development of new single storey side extension, new raised roof with first floor accommodation, wastewater treatment system, widen existing entrance, ancillary works at 'The Old Post Office', Glenealy, Co. Wicklow

PLANNING APPLICATION

Planning Authority: Wicklow County Council
Planning Authority Reg. No.: 15/1314
Applicant: R. and S. O Connor
Application Type: Permission
Planning Authority Decision: Grant Permission

APPEAL

Appellant: John Shorten
Type of Appeal: Third v Grant
Observers: None

DATE OF SITE INSPECTION : 19th May 2016

INSPECTOR: Mairead Kenny

1.0 SITE LOCATION AND DESCRIPTION

The site is located in the centre of Glenealy village in east Wicklow and is of stated area of 0.117 hectares. It comprises part of the original plot associated with the old post office. The site is now defined at the front (north-west) by a low wall and to the side (north-east) by a shed and other boundaries and to the rear and south-west by a timber post and rail fence. To the rear of the overall field is the appellant's house (beyond which is the railway line) and to the side is the avenue to the appellant's house, which is defined by a mature beech hedge, stated to be 100 years old. Between the side boundary of the defined site and the avenue are a number of mature horticultural shrubs.

The building on site, the 'Old Post Office' is a detached structure with attic accommodation. It is in poor condition and is of stated area of 113 square metres. Trial and test holes were in place on the site positioned in the southern corner of the site.

Photographs of the site and surrounding area are attached.

2.0 PROPOSED DEVELOPMENT

Permission is sought for works to restore and extend the building to include:

- raise roof and develop first floor accommodation to relevant standards
- replace extension to side
- new wastewater treatment system.

3.0 PLANNING HISTORY

Under Planning Reg. Ref. 07/2794 the Planning Authority considered an application for permission for 25 houses at this site and adjacent lands. The application was withdrawn following a recommendation that permission be refused for reasons related to wastewater treatment capacity and traffic hazard.

4.0 PLANNING AUTHORITY DECISION

The Planning Authority decided to grant permission subject to standard conditions.

4.1 Planning and technical reports

The report of the Senior Executive Planner notes objectors' comments and that the site has been deemed to be acceptable by the EHO and the site is not identified as having a risk of flooding. The application can only be assessed in terms of the current proposals within the red line boundary. Any future proposals for a road access would be considered under a further application. The proposed new

wastewater treatment system would be considered an improvement. Acceptable in terms of design and traffic.

Principal E.H.O. No objection.

Area Engineer. No objection.

4.2 Planning Authority Decision

Planning Authority decided to grant permission subject to conditions including:

- prior to occupancy certification by profession that effluent disposal system installed in accordance with EPA Code of Practice 2009.

5.0 GROUNDS OF APPEAL / OBSERVATIONS

5.1 Grounds of Appeal

The main points of the appeal submission are:

- Planning Authority accepted false information regarding planning history and dumping
- Recent developments in combination with underground streams leave the area subject to flooding and the site is very heavy at the surface
- There is an exposed sewer line which needs to be investigated
- The Planning Authority did not adequately investigate the impact of developing the wastewater treatment system so close to the underground stream and neighbouring septic tanks and a more thorough survey is needed to mitigate risks to the stressed underground stream
- The development will prejudice a third attempt to create a reserve for a road
- I have refused previous approaches in connection with proposals for housing to agree to the removal of my boundary laneway and hedge
- Enforcement proceedings should be undertaken in relation to dumping
- The Board is urged to consider the application with reference to the plans for the surrounding environment and in particular if the 'green area' is subsequently developed then the design criteria for the treatment system should also change to ensure flooding is not triggered
- I welcome the restoration of The Old Post Office.

5.2 Observations

None.

6.0 RESPONSES

6.1 Planning Authority response

No detailed response.

6.2 First party response

The response on behalf of the applicant states:

- Cottage was purchased in its own right and therefore previous permissions do not pertain to the property
- The wastewater system will be in accordance with standards and constitute a significant improvement over existing 1960s septic tank and soakpit
- The flooding of 2013/2014 was unprecedented and affected the entire area while there was no adverse impacts due to heavy rains last winter
- Drainage issues in the area have nothing to do with this application
- The proposal has nothing to do with any lands outside the boundary or proposals for new housing.

7.0 POLICY CONTEXT

Glenealy is designated as a 'Large Village'.

Policy related to the construction of extensions to existing houses is to favour such developments subject to suitable design. A flexible approach will be taken unless the area has a unique character.

8.0 ASSESSMENT

I consider that the main issues in this appeal relate to:

- wastewater treatment
- future development
- extension.

Wastewater treatment

Regarding the appellant's concerns the focus is on underground streams and a possible future road and the potential for impact on (or arising from) the percolation area / polishing filter.

The site suitability assessment report indicates that the site is suitable for a septic tank or wastewater treatment system and that the houses in the area are at sufficient separation distances. No water was evident in the trial hole at the time of testing and there is no record of any mottling. The proposed polishing filter is clearly a response to the site size and the basic elements of the design are described and a commitment given to comply with the Code of Practice. The soil / subsoil below the invert level is a gravel / silt and the T test result was 30.

At the time of inspection the trial hole was covered but open and I was in a position to confirm that the above conclusions appear reasonable. Independent evidence of the site suitability is also presented in the report of the Principal EHO, which

indicates that all necessary separation from houses, streams and site boundaries are met and that the site is suitable for the system proposed. In addition to the inherent suitability of site conditions, I refer to the condition recommended by the Planning Authority, which requires certification prior to occupation of the site that the development complies with the EPA Code of Practice. I note the first party comments that the proposal would constitute a significant improvement on the existing septic tank and soakpit.

I agree with the first party submission that any existing drainage problems are not related to the proposed development. Notwithstanding any flooding, which resulted in 2013/2014 as a result of rainfall, I consider that the site would not be described as being within a flood risk area. Local drainage problems which exist are a separate matter and having regard to the fact that the site is already serviced by an individual treatment system a refusal of permission is not warranted. There is no evidence in my opinion to give rise to concerns that the development would add to flooding.

Having regard to the relatively low density development in the vicinity and the site size there is ample scope to ensure that the development is in accordance with the EPA standards. I conclude therefore that the development is acceptable in terms of wastewater treatment and disposal.

Reservation of lands for development

Regarding the reservation of a strip of land, which may in the future be used to access a potential development site to the rear, I have no objection in principle to the layout. It is reasonable and appropriate in this village centre location to provide for long-term options to develop land or to facilitate access for agricultural or other reasons. I also note the letter on file submitted on behalf of the first party which indicates that the purchase relates to the boundaries as are in place on the site and that the development of any other lands is beyond their control.

The protection of the appellant's hedge is primarily a private legal matter. The detailed design of any access laneway including sightlines would be assessed at a later date as part of any subsequent application. It is not of relevance in this appeal.

I conclude that the site selected and its layout insofar as it affects the existing and future development of the area is acceptable.

Extension

I consider that the extension comprising replacement of a side extension and raising of the roof of the house and other works is acceptable in terms of the residential and visual amenities of the area.

A parking and turning area will be developed to the front of the house.

I conclude that the works to the house are acceptable.

Appropriate Assessment

The nearest European Site is Deputy's Pass Nature Reserve Special Area of Conservation, 1.5km to the south-west of the site. The generic conservation objective relates to the qualifying interest Old sessile oak woods.

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, I consider that the Board can conclude that no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the nature, scale and design of the proposed development including the proposals for wastewater treatment and disposal, to the established residential use and the village centre location of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not give rise to flooding or pollution and would be acceptable in terms of traffic safety and convenience. 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the 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. The following shall apply in relation to the wastewater treatment unit and polishing filter:

(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the Environmental Protection Agency Code of Practice 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

5. 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.

Mairead Kenny
Senior Planning Inspector
25th May 2016