



An
Bord
Pleanála

Inspector's Report PL26.247999.

Development	Permission for changes to site boundaries, dwellinghouse and garage positions previously permitted.
Location	Ballymitty, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20161128.
Applicant	Ralph and Pauline Wickham.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant	Fiona Daly and Patrick Quirke.
Observer	None.
Date of Site Inspection	12 April 2017.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site is located in the south of county Wexford, close to the village of Ballymitty and near Hilltown. The landscape in this area is low lying and reasonably flat but is also attractive. The quality of light is highly influenced by the proximity to the coast.
- 1.2. The site adjoins a county road in a low lying part of south county Wexford. There are two dwellinghouses across the road from the site and a house to the east. On both sides of the site (immediately to the east and west) are strips of undeveloped lands. The strip to the east is set out as an agricultural access to the lands to the rear. The area to the west appears to be part of lands reserved as a site for a house. A hedgerow traverses the site and there is an opening in the hedge into part of the
- 1.3. Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

- 2.1. Permission is sought to revise the site boundaries. The documentation indicates that when laying out the site entrance recently errors came to light and the current application arises as a result. The application cover letter indicates that the entrance position, treatment plant and percolation area will not be altered. The site position of the previously permitted development and of the current proposal are set out on the application submissions. The result of the proposal is that the site is repositioned to the west to incorporate an area beyond a hedgerow.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to the development being in accordance with the plans and particulars submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report of November 28th 2016 requested further information including in relation to the ownership of the site and in particular provision of folio maps. The report notes that the application is essentially to move the site further north by about 12m into the adjoining plot – the permitted development follows the existing field boundaries and the proposed will involve removing the existing boundary ditch to the north. The location of the access and treatment plant and percolation area will be unchanged. No issues in relation to drainage, visual impact, access, public water and site drainage.

The subsequent report notes the provision of national guidance and the information submitted by the application including the folio maps and on that basis a grant of permission is recommended.

3.2.2. Other Technical Reports

The report of Laura Griffin notes the site suitability test results under the previous application and the fact that there is no change in the location of the percolation area or the design of the house. Permission recommended.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A letter of objection encloses a map and an aerial image of the site and the basis for the objection is that the location of the site has completely changed and that the proposal would be located on land owned and occupied by them since 2006.

4.0 Planning History

Under reg. ref. 20080756E permission was granted to the current applicants at a similar site for the development of a dwellinghouse and a detached garage. A site suitability assessment form enclosed testified to the suitability of the site for the proposed wastewater disposal to ground. A public water supply was stated to be available. Sightlines at the entrance were indicated as 65m.

The permitted dwellinghouse was a 6.1m height single storey dwellinghouse of 149 square metres in floor area. The area of the garage was stated to be 23 square metres.

The planner's report noted the three previous refusals of permission and the location of the site in a Structurally Weak area as defined under the then current development plan (2007-2013).

5.0 Policy Context

5.1. Development Plan

The site is in an area defined as a Structurally Weak area – a copy of the relevant map is attached to the rear of this report.

5.2. Natural Heritage Designations

Bannow Bay SAC is over 2km to the west of the site. Qualifying interests include dunes and salt marshes and other habitats. There are no clear evident pathways to the designated area from the site.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the third party appeal are:

- Contesting site boundaries
- Against the removal of 20-30 black hawthorn trees that are in place for over 40 years, the removal of which will adversely affect landscape and privacy.

6.2. Applicant Response

The applicant's initial submission notes that the appeal was not referred to them and requests further time to comment.

The subsequent submission refers to an error which became evident in the setting out of the site entrance. On foot of that we retained the services of a licenced topographical surveyor – on foot of the survey results which show that the boundaries on the site matched exactly those on the lane registry map we requested our architectural technician to prepare a new site layout. On that basis permission was sought and granted. No part of the development interferes in any way with the hedgerow on site and the hedgerow will be retained by us. A site plan of the application and the location of the hedgerow and house are shown.

6.3. Planning Authority Response

The planning authority considers that all salient points were addressed in the planner's report and considers that there is nothing further to add at this time.

6.4. Observations

None.

7.0 Assessment

7.1. I consider that the two issues in this appeal concern:

- Impact on the hedgerow which traverses the defined site
- Legal issues.

7.2. In relation to the hedgerow which traverses the defined site I note the submissions of the applicant that it is proposed to retain the hedgerow. I accept that the applicant may have an interest in retaining this feature. There is no reason in terms of the layout of the site to require removal of that feature. However, the presence of the hedgerow does separate a relatively narrow strip of land from the body of the site where the house and septic tank and percolation area would be positioned. I propose that the landscaping of the site be reserved for agreement between the planning authority and the applicant.

7.3. Legal issues are a private matter to be resolved under separate processes. I note and concur with the consideration by the planning authority of this matter. I do not consider having regard to the particular circumstances that a refusal of permission is

warranted. In this regard I refer the Board again to the similarity between the location of the permitted and proposed houses and the associated system for wastewater treatment and disposal.

7.4. I note that the planning authority undertook a screening for Appropriate Assessment. Having regard to the nature of the application which relates only to the technical matter of revision to the site boundary, I am satisfied that there is no likelihood of significant effects on European Sites.

7.5. In conclusion the revision to the site boundary proposed under the current application is largely a property and procedural matter, which is without consequences for the proper planning and development of the area in terms of residential and visual amenity and traffic safety. Nothing in planning legislation supersedes private property rights. I do recommend as a precautionary measure that a condition be attached relating to site landscaping.

8.0 Recommendation

8.1. I recommend that the Board uphold the decision of the planning authority to grant permission for the reasons and considerations and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the planning history on site and to the nature and scope of the proposed development it is considered that subject to the conditions below the proposed development would not injure the visual or residential amenities of the area and would be acceptable in terms of wastewater treatment and traffic safety. The proposed development would thus be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted on the 22nd day of December 2016, 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 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.

Reason: In the interest of residential and visual amenity.

Mairead Kenny
Planning Inspector
19th May 2017