



An
Bord
Pleanála

Inspector's Report PL 27.248554

Development	Extensions and alterations to house, secondary treatment system, percolation area and associated site works.
Location	Castletimon, Brittas Bay, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/94
Applicant(s)	Hugh & Hilary Hamilton
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Owen Reid
Date of Site Inspection	1 st August, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development is located in a rural area east of Brittas Bay in County Wicklow. There is an existing single-storey house on the site close to the public road. The curtilage of the established house is enclosed by hedgerow. The site is bounded to the south-west and east by agricultural lands. The area for the proposed soil polishing filter is separated from the remainder of the site by a drain and an established hedgerow. The field of which it forms part is in agricultural use. Two detached houses are located to the north-east of the site.

2.0 Proposed Development

- 2.1. The applicants state in the planning application that they are the owners of the 0.2763 hectare site on which the existing single-storey house is located. It is proposed to extend the house by c. 53.5 square metres to the rear and side, to decommission the existing septic tank system and to provide a new secondary treatment system.
- 2.2. Details submitted with the application included a site characterisation report.

3.0 Planning Authority Decision

3.1. Decision

On 26th April, 2017, Wicklow County Council decided to grant permission for the development subject to 6 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the objection received and the Environmental Health Officer's request for further information. The proposed extension was considered to be acceptable in design terms. Sightlines from the existing access was considered necessary to improve. It was acknowledged that a portion of the site on which the upgraded effluent treatment system would be sited appears to be outside of the applicants' ownership and a letter of consent from the landowner was required. A

further information request was recommended seeking the information requested by the Environmental Health Officer, details showing improved sightlines at the entrance to the property, and a letter of consent from the landowner.

3.2.2. Other Technical Reports

The Environmental Health Officer recommended that the applicants submit proposals for a raised polishing filter, having regard to a possible high water table level of 0.6m below ground level and a revised site plan showing the location of the effluent treatment system serving an adjacent dwelling and the separation distance from that treatment system to the applicant's well.

3.3. **Third Party Observations**

A submission by Owen Reid raised concerns about the ownership of all of the lands relating to the application.

The applicant responded to this submission, indicating that the observer is not the owner of any lands relating to the development and that the landowner is fully aware of the application, with additional lands being transferred when planning permission is granted.

A further submission from Owen Reid, following the receipt of further information, raised concerns about potential waste water entering adjoining property.

A request for further information was issued by the planning authority on 23rd March, 2017 and a response from the applicant was received on 31st March, 2017.

Following the receipt of the information, the reports to the planning authority were as follows:

The Environmental Health Officer submitted the revised proposals complied with the requirements of the previous report and concluded that there were no objections subject to the attachment of two conditions.

The Area Engineer had no objection.

The Planner noted the Environmental Health Officer had no objection to the proposal and that adequate response had been received by way of further information. A grant of permission was recommended. A note attached to the end of this report by an unspecified person recommended the attachment of a condition and considered the Environmental Health Officer's report had addressed third party concerns.

4.0 Planning History

I note the Planner's report makes reference to two previous planning applications relating to this site, namely P.A. Refs. 98/9343 and 01/4499.

5.0 Policy Context

5.1. Wicklow County Development Plan 2016-2022

The site is located in a coastal area designated an Area of Outstanding Natural Beauty.

6.0 The Appeal

6.1. Grounds of Appeal

A synopsis of the submission by the appellant, residing at Ballinacarrig, Brittas Bay, is as follows;

- There is concern the increase in dwelling size will lead to increased volumes of effluent produced that would be detrimental to the appellant's adjacent property.
- The watercourse to which surface water could discharge (in accordance with Condition 5) is on the appellant's land and he objects to such a discharge as it would result in damage to his property.
- There is a discrepancy in the owned land area reported in the application and that registered and there are further discrepancies with previous planning applications.

- The Council made a request that the applicant should furnish an assurance as to the nature of the land area in ownership from a Solicitor with indemnity insurance and this has not been provided.
- There are differences in the location of septic tanks in the different planning applications.

7.0 Assessment

- 7.1. The proposed development comprises an extension to an existing house and the replacement of an existing septic tank system, resulting in an upgrade of the effluent treatment system serving this house. It is noted that, with the extension, the dwelling would remain a three-bedroomed house. There is no objection to the extension of the house in principle. The design is seen to be in keeping with the character of the existing house and is regarded as acceptable.
- 7.2. The third party concerns relate to ownership of land and the potential for the proposed development to cause a pollution concern. The Board will first note that the proposed effluent treatment system is intended to be sited further south-west of the existing house and, as a consequence, further away from existing houses in the immediate vicinity. This also results in the effluent treatment system being sited further from the existing well on the site than the existing treatment system.
- 7.3. The Board will note the range of drawings submitted in this application, which showed the existing and proposed development, and included drawings indicating the potential for adjoining development to the north-east to be served by an upgraded effluent treatment system. This may have caused some confusion in relation to the concerns raised about differences in locations of septic tanks. However, it is again pointed out that this is a proposal which seeks to provide a new effluent treatment system and this is the development which requires assessment.
- 7.4. The Board will note the reasonable observations made by the Council's Environmental Health Officer and the subsequent changes made to the proposed treatment system by way of further information to address the concerns raised in relation to the water table. The Environmental Health Officer had no objection

following the receipt of the further information. It is apparent that the proposed effluent treatment system has been designed with the capacity to accommodate the volume of effluent that would be generated by the extended dwelling and that the original proposal submitted to the planning authority was reviewed to address concerns about potential effects on the water table. It is my submission that the provision of the proposed effluent treatment system, in accordance with the revisions made, will significantly improve the environmental conditions, resulting in an improved treatment of effluent. It is again acknowledged that this feature of the development would be sited further from well supplies and from adjacent residential properties. I do not consider the proposed development would result in any significant pollution threat.

- 7.5. With regard to the disposal of surface water, I note the land area of the site, the existence of an established dwelling on the site, and the ability to satisfactorily accommodate the disposal of surface water within the confines of the site without posing any significant pollution threat to adjoining properties. I have no concern relating to the disposal of surface water at this location.
- 7.6. Finally, with regard to the issue of title, the Board is aware of section 34(13) of the Planning and Development Act 2000, whereby a person is not entitled, solely by reason of a permission, to carry out any development. The applicant can only legally undertake the development evidently when there is sufficient legal title to do so. The applicant has, during the application process, informed the planning authority relating to the circumstances of the landownership of the area proposed to site the proposed soil polishing filter and has attached an email from the landowners permitting the making of the application. In these circumstances, I consider the Board may reasonably take a decision on the appeal without requiring further details relating to title.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons and considerations and subject to the recommended conditions.

9.0 Reasons and Considerations

Having regard to the established dwelling on the site, to the design, character and layout of the proposed extension, and to the proposed replacement and upgrading of the effluent treatment system serving the existing and proposed development, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would not constitute a pollution threat, and would otherwise be in accordance with the provisions of the current Wicklow County Development Plan. The proposed development would, therefore, 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 drawings and details submitted to the planning authority on the 31st March, 2017, 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 external finishes of the proposed extension shall harmonise in colour and texture with the existing finishes on the house.

Reason: In the interest of visual amenity.

3. (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

(c) 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 raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

4. 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 and to ensure a proper standard of development.

Kevin Moore
Senior Planning Inspector

3rd August 2017