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Bord  
Pleanála

## Inspector's Report ABP 301935.18

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<b>Development</b>	Retain unauthorised alterations and extension
<b>Location</b>	Ballymoney Lower, Courtown, County Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20180095
<b>Applicant(s)</b>	John Hickey
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Pauline O'Neill
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> September 2108
<b>Inspector</b>	Hugh Mannion

## 1.0 Site Location and Description

- 1.1. The site has a stated area of 0.4ha and is one of ribbon of detached houses on this minor road which links Ballymoney crossroads in the west to Ballymoney Lower at its beach in the east at the Irish sea. Ballymoney crossroads is about 4kms east of Gorey town and 3kms north of Courtown. Between the site and the coast, along with housing, is a holiday caravan park and a soccer pitch and tennis court.
- 1.2. The site is rectangular and the house proposed for retention is set back to the rear of the site.

## 2.0 Proposed Development

- 2.1. Retain alterations and extensions to a development permitted under reference 20150774 to a house at Ballymoney Lower, Courtown, County Wexford.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission with conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Initially the planning authority required revised drawings accurately describing the works which had been carried out on site.

The revised drawings were acceptable and the planner's report recommended a grant of permission as set out in the manager's order.

#### 3.2.2. Other Technical Reports

The **Environment Section** recommended a grant of permission with condition in relation to meeting the EPA code of practice for effluent disposal.

### **3.3. Prescribed Bodies**

No submissions.

### **3.4. Third Party Observations**

The current appellant made a submission raising, generally, similar points to the grounds of appeal.

## **4.0 Planning History**

Reference 20150774 Permission granted for an extension to the existing house on site.

## **5.0 Policy Context**

### **5.1. Development Plan**

The site is un-zoned in the Wexford County Development Plan 2013 to 2019

### **5.2. Natural Heritage Designations**

Not relevant.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- There was a single storey house on the application site. This was demolished under the guise of erecting an extension and a two storey house has been built in its stead. This development is out of character with the pattern of development in the area.
- The ground level within the site has increased and the current application reflects these, elevated, measurements. This raised site level has added about 900mm to the height of the house. The applicant should be required to revert to the previous ground level.

## 6.2. Applicant Response

- The original floor level of the house on site was about 100mm above ground level. The new floor level is about 125mm.
- It is standard practice to measure roof height from the FFL. Under the previous permission (20150774) the height from FFL was 5648mm, the recently permitted height is 6000mm.
- The foundations have not been raised by 500mm.

## 6.3. Planning Authority Response

- no comments

## 6.4. Observations

- No observations.

## 6.5. Further Responses

No further submissions.

## 7.0 Assessment

### 7.1. Background

7.2. Ballymoney Lower is not specifically referenced in the County Wexford settlement hierarchy set out in table 6 in the County Development Plan and may be considered a smaller village/rural settlement. The established use of the site is residential. Permission was granted for alterations/extension to the original house on site under 20150774 which was being carried out not in accordance with the application details. The current application sought to regularise the works on site and in response to a request for further information amended drawings were submitted and a new notice was published. The new notice described the works as retention and completion of alterations and extensions to a dwelling house granted under reference 20150774, the further information consists of extensions to the site and rear of the house, minor revision to footprint and elevation and an increase ridge height of 0.35m.

### 7.3. **Character of the Area**

7.4. The appeal makes the point that the house conflicts with the pattern of single storey houses in the area. At Ballymoney cross roads immediately to the west of the site there is a small retail outlet which has dormer windows, immediately opposite this is another dormer/or two storey house (marked Isla Cottage on the OS map). The two houses to the east of the application site are bungalows and the third and fourth houses are two storey. Immediately opposite the application site is a dormer bungalow. I conclude, based on this variety of house types, that the proposed development will not conflict with the pattern of development in the area in a manner to negatively impact on the residential or visual amenity of the area.

### 7.5. **Site Levels**

7.6. The appeal makes the point that site levels have been increased on site and that the applicant should be required to revert to the original levels. It is not possible now to definitively state what the original site levels were but a visual inspection does not demonstrate that very significant change has occurred. The net point in this regard is that the house, because of its ordination and separation distances from nearby property, will not give rise to overshadowing or overlooking in a manner which would seriously injure the amenity of nearby property.

### 7.7. **Traffic Safety**

7.8. The speed limit on the public road serving the site is 50km/h. There is a single white line at the entrance and a footpath on the opposite side of the public road. Having regard to the established and permitted use of the site, the speed limit applying to the public road and the sightlines available at the entrance I conclude that the proposed development would not endanger public safety because of traffic hazard.

### 7.9. **Effluent Treatment**

7.10. The site suitability assessment for the disposal of domestic effluent was carried out and submitted for the application under 20150774. The T test were not carried out, the applicant stated that the site was unsuitable for the disposal of domestic effluent and that therefore a proprietary waste water treatment system was being proposed. The applicant stated that this was acceptable because there was an existing house and septic tank on site. The planning authority's environment section recommended

a grant of permission noting that proposed system is not guaranteed to work in the long term.

- 7.11. Under the previous application for an extension of the existing house on site (reference number 20150774) the planning authority's environment section raised the issue of waste water treatment and this was raised as a request for further information with the applicant. The planning authority's concerns were overcome and a grant of permission issued which permitted the proprietary DWWTs which has not yet been installed. It appears from the material submitted with the current case that the application site is part of a larger family landholding which currently accommodates two existing houses and is proposed to accommodate a third, the proposed house. It is not clear from the documentation how effluent from the two existing houses is being treated but it may be noted that the area where the proposed amended house is located is unsuitable for the safe disposal of septic tank effluent due to the marl dominated soils in the vicinity and that the application site is equally unsuitable.
- 7.12. The application must demonstrate that the proposed DWWTs will adequately treat effluent in a manner which does not give rise to serious risk to public health and water pollution must be considered. Little information has been submitted with this application but the material submitted with reference 20150774 proposes a secondary treatment system followed by a sand polishing filter. The proposed system may be characterised as biological aerated filter system described in the EPA code of practice for domestic wastewater treatment systems. The proposed system appears to meet the minimum separation distances required by the EPA code of practice but the proposed system will absorb most of the front garden and there is, effectively, no rear garden to the house.
- 7.13. Having regard to the planning history of the site I do not recommend refusal on this issue.
- 7.14. **Environmental Impact Assessment Screening**
- 7.15. Having regard to the established residential use of the site and the proposals for domestic effluent disposal there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental

impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.16. Appropriate Assessment**

7.17. Having regard to the modest scale of the proposed development and the foreseeable emissions therefrom no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

8.1. I recommend a grant of permission.

### **9.0 Reasons and Considerations**

9.1. Having regard to the established use of the site for residential purposes and to the pattern of development in the area and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the residential amenity of nearby property and would otherwise accord 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 14<sup>th</sup> day of May 2018 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. (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 document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (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 house 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 EPA document.

**Reason:** In the interest of public health.

3. The details of the proposed front boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



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

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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. Hugh Mannion  
Senior Planning Inspector

21<sup>st</sup> September 2018