



An
Bord
Pleanála

Inspector's Report ABP 302004.18

Development	Single storey extension to an existing annex permitted under reference 17848.
Location	Ballymoney Lower, Courtown, County Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20180481
Applicant(s)	Brendan & Laura O'Mara
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Brendan & Laura O'Mara
Observer(s)	None
Date of Site Inspection	20 th September 2018
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The site has a stated area of 1.377ha and is one a row of detached houses on this 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, County Wexford. Between the crossroads and the coast, along with housing, is a holiday caravan park and a soccer pitch and tennis court.
- 1.2. The existing house and garage have a combined floor area of 323m². The garage is to the left of the entrance off the public road. The house up-hill from the public road close to the southern boundary of the site. The existing house has a long façade and the eastern end is two storeys. The extension is to the north-western end of the existing house.

2.0 Proposed Development

- 2.1. The proposed development comprises a single storey extension of 41m² to the north-western end of an existing house. The proposed development includes the provision of a proprietary “Ecoflo” tertiary treatment filter tank (height 1.65m) on a gravel distribution polishing bed with enclosed grassed embankment and associated pipework from the existing Enviropak LRD 12 wastewater treatment system and new surface water soakaways all at Ballymoney Lower, Courtown, County Wexford.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission because the site is unsuitable for the safe disposal of domestic effluent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Other Technical Reports

The **Environment Section** recommended refusal because the site is unsuitable to accommodate additional effluent loading.

3.3. Prescribed Bodies

No submissions.

3.4. Third Party Observations

No objections.

4.0 Planning History

Reference 20170774 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

- The site suitability assessment demonstrates that the site is unsuitable for waste water treatment from a conventional septic tank but the proposed tertiary treatment system with polishing filter will ensure adequate wastewater treatment.

6.2. **Planning Authority Response**

- No comments

6.3. **Observations**

- No observations.

6.4. **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. There is a history of planning applications on site recorded in the planning authority's reports and on Wexford County Council's GIS database but none for the reference number quoted in the public notice associated with this application. Nevertheless, the site has a permitted residential use and the proposed development is an extension to that permitted use.

7.3. The sole issue in this appeal is effluent treatment.

7.4. **Waste water treatment.**

7.5. It is the case that there is a very significant level of residential development in this area between Ballymoney cross and the coast where there is no public sewerage and which is generally unsuitable for domestic effluent disposal because of marl clay in the area and the resulting very slow percolation rates available. There is also a large house already on site which the grounds of appeal state is used by three generations of the family. The house was unoccupied at the time of my inspection.

7.6. The application relates to a 41m² extension comprising two bedrooms, one of which has sanitary facilities and a separate bathroom. The planning authority's environment section noted the unsuitability of the site for increased effluent disposal due to very slow percolation but recalled that during an inspection related to an

application last year (2017) that there was no indication of a malfunction in the existing domestic waste water treatment system (DWWTS) on site.

- 7.7. The existing house drains to a to a proprietary treatment system which is located in the lawn to the left (east) of the existing house and camouflaged in a flower/shrub bed. The treated effluent is then distributed to a percolation area to the east of the proprietary treatment system. I carried out a walk-over site inspection and observed no ponding or soft ground in the area of the proprietary treatment system or of the percolation area. I detected no odour.
- 7.8. The Ballymoney stream is located on the opposite side of the public road to the north of the site and flows into the sea east of the application site. Having regard to the submissions made in relation to the application and appeal in relation to the provision of a DWWTS I am satisfied that effluent will be adequately treated within the site and will not contaminate the stream.
- 7.9. The standard for effluent treatment is set out in the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses. It is proposed to decommission the existing percolation area and re-route the effluent from the existing house and the additional proposed accommodation through the existing proprietary treatment system and then allow the treated effluent to fall with gravity down (direct discharge method) to a tertiary system with a filter bed in a semi-enclosed area shared with the garage on the northern boundary close to the gate out of the site to the public road. It is significant that the new tertiary system with a filter bed is capable of being enclosed which will minimise the pathways for contaminants to escape.
- 7.10. Having regard to the material submitted with the application and appeal, to the relatively modest scale of the proposed development, its limited capacity to generate additional effluent within the site and the relatively large site area I conclude that the proposed development will not give rise to surface or ground water pollution or impact on public health.
- 7.11. **Appropriate Assessment**
- 7.12. Having regard to the very 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.

7.13. Environmental Impact Assessment Screening

7.14. Having regard to nature of the development comprising an extension to an existing dwelling 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.

8.0 Recommendation

8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

Having regard to the existing permitted residential use of the site, to the modest scale of the proposed development relative to the area of the site and subject to compliance with the conditions set out below it is considered that the proposed development would not give rise to ground or surface water pollution or endanger public health 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, 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 (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. (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 date of completion of the proposed extension the subject of this grant of permission 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.

Hugh Mannion
Senior Planning Inspector

21st September 2018