



An  
Bord  
Pleanála

## Inspector's Report ABP305665-19

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<b>Development</b>	Construct house on footings of approved garage, connect to existing waste water treatment system.
<b>Location</b>	Newtown, Carrick, County Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20190675
<b>Applicant(s)</b>	David Ryan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Thomas and Ena Brennan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> December 2019
<b>Inspector</b>	Hugh Mannion

## **1.0 Site Location and Description**

1.1. The application site has a stated area of 0.29ha and is located to the east of the N25 at Carrick, Newtown, County Wexford. The area comprises a generally undeveloped rural area between the N25 and Wexford town. To the south is a regional route (R769) which links the northern end of Wexford Town to the N25. The site has an access onto a local road where the speed limit is 60kms/h. There is a steeply sloping access lane from the public road up and west into the site. The site is relatively flat and comprises an existing two storey house and within the northern boundary of the site is the foundations/concrete floor slab of a new building.

## **2.0 Proposed Development**

2.1. The proposed development comprises the construction of a house in the footprint of a permitted garage and connection to an existing waste water treatment plant at Newtown, Carrick, County Wexford.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to 8 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

3.2.2. The planning report recommended a grant of permission as set out in the Manager's Order.

#### **3.2.3. Other Technical Reports**

3.3. The Chief Fire Officer recommended changes to comply with the Buildings Regulations. This request was the subject of a further information request.

3.4. The Senior Executive Scientist Environment Section recommended a grant of permission subject to compliance with the EPA code of practice for domestic wastewater treatment systems.

3.5. The Area Engineer reports that sightlines are acceptable at this location.

#### 4.0 **Planning History**

4.1. ABP 306027-19 on the adjoining site to the west refers to the retention of an agricultural shed.

#### 5.0 **Policy and Context**

##### 5.1. **Development Plan**

5.2. Wexford County Development Plan.

5.3. Section 18.13.3 Self-contained Residential Unit for use by a Family Member.

5.4. The Council will consider the provision of self-contained residential unit for occupation by a family member. The self-contained unit should be connected to the main dwelling house and be designed so that it can be incorporated into the main dwelling house when its use as a self-contained unit is no longer required. The Council may consider the provision of a detached self-contained unit where the need for such a unit is demonstrated. The Council will require the following:

- Details of the need/occupant of the unit
- Need for a detached unit, where applicable
- The unit should not consist of more than a combined kitchen/dining/living area, a WC bathroom and no more than two bedrooms
- Vehicular access to the unit shall be shared with the main dwelling house
- Private open space shall be shared with the main dwelling house
- Required separation distances from wastewater treatment systems shall be achieved.

##### 5.5. **Objective WW06**

To permit the provision of private wastewater treatment facilities to serve a single dwelling house only where it demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the

Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (EPA, 2009) and subject to complying with the provisions and objectives of the EU Water Framework Directive, relevant River Basin Management Plan, relevant Pollution Reduction Programmes for Shellfish Waters and the Habitats Directive. An annual renewed contract for the management and maintenance of the system contracted to a reputable company/person will be required; details of which shall be submitted to the Planning Authority.

5.6. The site is zoned Residential Super Low in the Wexford Town and Environs Development Plan 2009-2015 (lifetime extended).

#### 5.7. **Natural Heritage Designations**

Not relevant.

#### 5.8. **EIA Screening**

5.9. Having regard to the minor scale of the proposed development 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.

### 6.0 **The Appeal**

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

- The proposed development conflicts with the County Development Plan in that a self-contained unit meant for occupation by a family member should be connected to the main house.
- There is an existing house available to the proposed occupant of the proposed new house which could be extended to provide a granny flat.
- The proposed development and boundary alterations will impact on adjoining property.

## 6.2. Applicant Response

- The application arises from a genuine housing need related to the medical condition of the applicant's mother.
- The proposed development can utilise the existing foundations on site and the proposal will form part of a housing cluster.
- The proposed development does not alter the boundaries of the site.

## 6.3. Planning Authority Response

- Response stated that the planning authority had no further comment to make.

## 6.4. Observations

- None

## 6.5. Further Responses

None.

## 7.0 Assessment

7.1. This assessment will address development plan policy for self-contained residential units for family members, road safety, waste water treatment, water supply, boundary impact and appropriate assessment.

### 7.2. Self-contained Residential units for Family Members.

7.3. The County Development Plan (18.13.3) refers to the provision of self-contained residential units for use by a family member which should be connected to the main dwelling house and be designed so that it can be incorporated into the main dwelling house when its use as a self-contained unit is no longer required. Additionally, a need for a detached unit should be separately justified, shared access with the existing house is required and demonstration of the required separation distances from the on-site domestic waste water treatment system (DWWTS) where applicable.

- 7.4. The planning authority in its reports and the applicant in his response to the grounds of appeal make the point that the application complies with Development Plan policy in relation to provision of self-contained residential units for use by a family member. It is significant that the development plan in referring to such units makes the point that they should be attached to the main house on site and be capable of re-incorporation into the main house when the need for them has ceased. An exception to this in the form of a separate unit must be separately justified. In the present case the justification (set out on page 5 of the architect's appraisal submitted with the application) for the separate unit is that there is an existing substructure on site which was constructed for another purpose in 2008.
- 7.5. The County Development Plan is clear in its purpose in relation to self-contained residential units that they facilitate a specific need related to the circumstances of family members, but that care should be taken to avoid separate houses being constructed within individual sites which have no realistic prospect of being incorporated within the main house. In this case there is no realistic prospect of connecting the new unit and the existing house on site and the existence of a concrete floor slab related to earlier development which was not carried out is not sufficient justification for an additional free-standing unit.
- 7.6. I conclude that the proposed development does not comply with the County Development Plan provisions at paragraph 18.13.3 in relation to residential units for family members.
- 7.7. **Road Safety**
- 7.8. The County Development Plan (18.29.3) states that local/County level roads with a speed limit of 60kms/hour should have a sightline of 65m in both directions and that this distance should be measured 3m back from the edge of the public road or 2m in the case of a single house. The application includes a drawing which illustrates the availability of 65m in both directions from the site entrance. The area engineer reports that there are adequate sightlines available at the entrance.
- 7.9. The existing entrance serves two houses and comprises a steeply sloping private road which meets the public road where there is a solid white median line, no footpath and a very narrow grass verge. The public road rises steeply to the north from the junction of the access with the road and turns left. I entered and exited the

site as part of my site inspection in a standard saloon car and conclude that there is not 65m sight distance available from two meters back off the edge of the public road and in particular a rubble stone pier obstructs the view to the north.

7.10. The access for the new house already serves two houses and has a junction with the public road at a point where there is poor horizontal and vertical alignment, a solid single white line and inadequate sightlines, particularly to the north. The proposed development would give rise to additional traffic turning movements at the junction in a manner so as to endanger public safety by reason of traffic hazard and obstruction of road users.

7.11. **Waste Water Treatment.**

7.12. Objective WW 06 in the County Development Plan states that it will be an objective of the planning authority to permit the provision of private wastewater treatment facilities to serve a single dwelling house only where it demonstrated to the satisfaction of the planning authority that the proposed wastewater treatment system is in accordance with the Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (EPA, 2009).

7.13. The application did not provide a site suitability assessment for the disposal of domestic effluent in accordance with the EPA code of practice. The application did state that the proposed development would use the existing DWWTS which was permitted under application reference 20063643. In that case the on-site assessment reported a T value of 53 which, having regard to Table 6.3 of the EPA code of practice, indicates that the site is unsuitable for the disposal of domestic effluent from a septic tank. In the current case the planning authority's environmental scientist reports that soil had been imported into the site following on the grant of permission under application reference 20063643 and that a site inspection revealed no evidence of effluent ponding or odours on site.

7.14. The site suitability assessment submitted with application reference 20063643 predated the format prescribed in the EPA code of practice and it is not clear that any further assessment has been carried out in connection with the current application or that the potential for cumulative impact with other existing domestic waste water treatment systems on adjoining sites has been considered. Therefore, given the history of unsuitability of the site for the disposal of domestic effluent, the

ambiguity in the current application in relation to the current capacity of the on-site DWWTS and what, if any, changes are required to ensure that additional effluent is properly treated within the site it is not possible to conclude on the basis of the information submitted with the application that domestic effluent can be treated on site without prejudice to public health or ground or surface water pollution.

**7.15. Water Supply**

7.16. It is proposed to serve the house from a public mains water supply.

**7.17. Boundary Treatment**

7.18. The appeal makes the point that the proposed development will impact on site boundary treatments.

7.19. Having regard to the plans and particulars submitted with the application I am satisfied that the proposed development is located within the application site boundary.

**7.20. Appropriate Assessment.**

7.21. Having regard to modest scale of the proposed development and foreseeable emissions arising 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.

**7.22. Recommendation**

7.23. I recommend planning permission be refused. The Board may consider that recommended refusal reasons 2 and 3 raise new issues.



## 8.0 Reasons and Considerations

1.	The Wexford County Development Plan provides for consideration of the provision of a residential unit for use by a family member which is connected to the main dwelling house and is designed so that it can be incorporated into the main dwelling house when its use as a self-contained unit is no longer required. The proposed development is not connected to the main house on site and cannot be incorporated into the main house in the future. Therefore, the proposed development materially contravenes the policy set out in the County Development Plan and would be contrary to the proper planning and sustainable development of the area.
2.	The site is located on a minor road which is seriously substandard in terms of width and alignment, has a solid white median line and is without footpaths or adequate pedestrian refuge in the vicinity of the site. The proposed development would generate additional traffic turning movements on this road and would therefore, endanger public safety by reason of traffic hazard and obstruction of road users.
3.	The Board is not satisfied on the basis of the material submitted with the application and appeal that the additional domestic effluent which would arise from the proposed development may be treated on site without being prejudicial to public health or giving rise to the risk of ground and or surface water pollution.

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Hugh Mannion  
Senior Planning Inspector

8<sup>th</sup> January 2020