



An
Bord
Pleanála

Inspector's Report

ABP-308211-20

Development	Demolition of foundations and slab, and construction of a part single storey/part dormer dwelling.
Location	Askingarran Lower, Ardamine, Co Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	2020/0708
Applicant	Brigid Byrne
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant	Brigid Byrne
Observers	Stephen & Maura Cullen
Date of Site Inspection	10 th March 2021.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located within a holiday home development in the townland of Askingarran Lower, Ardamine, Co. Wexford. The rural coastal area is situated c. 6km south of Courtown and is characterised by low density detached housing.
- 1.2. The gated holiday home development known as Roney Point extends to the coastline to the east. It is accessed from a local road to the south which connects to the R742 Wexford Coast Road to the west.
- 1.3. The complex which was developed in the 1970's comprises c. 48 no. houses including the appeal site No. 35 which is vacant. Plot No. 35 is centrally located within the overall development and approx. 200m west of the beach at Roney Point.
- 1.4. The site has a foundation and subfloor constructed and is currently overgrown. There are dwellings on all sides of the site. Site boundaries comprise timber post and rail fence and hedgerow. Site boundaries to the east, west and north consist of mature trees and hedgerow.
- 1.5. The existing communal waste water treatment system (WWTS) is located approx. 20m to the southeast, adjoining which is a playground. The tertiary treatment is constructed of reed-bed wetlands with an outfall to the Irish Sea.
- 1.6. The stated area of the appeal site is 0.1145 ha.

2.0 Proposed Development

- 2.1. Permission is sought for;
 - Demolition of foundations and slab.
 - Construction of a part single storey/part dormer dwelling with ancillary plant building which has a gross floor area of 214sqm.
 - The floor area of the proposed dwelling is stated to be 199sqm, and 15sqm for the plant building.
 - The dwelling will comprise a kitchen/dining, informal living, lounge/playroom, tv room, 4 bedrooms, 2 wc's, a sauna, utility and pantry.

- Landscaping including external paving, entrance road, boundary treatment and new entrance point to site.
- 2.2. A connection to existing Irish Water public water mains is proposed.
- 2.3. A connection to existing foul drainage and Communal Water Treatment System serving neighbouring dwellings.
- 2.4. A shallow bed attenuation system is proposed on site with connection to existing stormwater drainage.
- 2.5. The application for the proposed development was accompanied by the following;
- Planning Report – Doyle Kent Planning Partnership Ltd.
 - Engineering Report – Donal J. Power & Associates Consulting Engineers Ltd.
 - Appendix A: Secretary of Roney Residents Association - Email giving consent to connect to the estate WWTS
 - Appendix B Site Layout Plan showing waste water collection system
 - Appendix C: Site Map attached to relevant Discharge Licence Ref. SS/W325/06R1 including Site 35
 - Appendix D: Independent Analytical Supplies (IAS) Laboratories - Effluent Sample Test Reports
 - Appendix E: H&S Environmental Limited - Service Inspection Report (June 2020) and Letter confirming service of the Communal WWTS (December 2018 and February 2019) -
 - Appendix F: Surface Water Calculations
 - Appendix G: Soakaway/Attenuation Details
 - Appendix H: Entrance sightlines

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission for the above described development for 1 no. reason.

1. 'The current application is unacceptable based on its proposal to serve the proposed dwelling by an existing developer provided communal wastewater treatment system thereby increasing loading. It is the Planning Authority's experience that such systems are not maintained, are frequently abandoned and fail. The proposed is prejudicial to public health representing an unacceptable¹ and is therefore contrary to the proper planning and sustainable development of the area.'

3.2. Planning Authority Reports

3.2.1. Planning Report (dated 21/08/2020)

The planners report is the basis for the planning authority decision. It includes:

Proposed Dwelling

- Is not significantly larger than adjoining dwelling houses
- Proposal is acceptable in principle
- Would not result in overlooking or loss of privacy of adjoining properties
- Will not impact significantly upon the surrounding pattern of development.
- Proposed access and transport arrangements acceptable.

Existing Roney Point Communal Water Treatment System

- Notes the Environment Section of the PA highlighted serious issues with the communal Roney Point wastewater treatment plant (discharge licence SS/W325/06R1) as part of PA Reg.Ref.2018/1684. It was noted that the WWTS would not be able to adequately deal with the increased loading.

¹ Appears to be error in wording/missing text.

Permission was refused on basis of being premature and on public health grounds.

- Notes Engineering Report, Test Report and letter confirming servicing of the WWTS in December 2018 and February 2019 submitted with the current application.
- Notes report and recommendation of the Environment Section of the PA to grant permission subject to condition.
- Notes the Planning Section's experience of such waste water plants over a significant time period throughout the county including the Gorey Municipal District is the following:
 - Infrastructure is provided by developers rather than Irish Water
 - No control over specification or quality of infrastructure or its functionality
 - No control of frequency and regularity of maintenance
 - Frequently fail due to inconsistency/lack of maintenance/upgrading
 - PA are unable to take in charge, play any role in management and maintenance, and cannot be assured this will be done or to requisite standards.
- Considering the above, there is a significant risk of failure for which the PA/IW may be unable to intervene successfully in relation to detrimental issues to residential amenity (odour nuisance) and general health of residents.
- PA cannot take risk of granting permission and proposed development is subsequently prejudicial to public health.
- Recommend permission be refused.

3.2.2. Other Technical Reports

- **Environment:** Report dated 17/08/2020 recommends no objection subject to a condition that foul sewerage only be connected to the sewerage system. Report notes that the proposed connection is to an existing private waste water system serving 48 residences at Roney Point. It has a discharge licence reference no. SS/W325/06R1. This Licence includes the dwelling to

which the application applies. According to the applicant there is a connection pipe from the dwelling in place. Consulted with PA Scientist. 3 latest tests on file for April 2018, October 2018 and January 2019. All 3 test results are compliant with all the emission limit values.

3.3. Prescribed Bodies

- **Irish Water:** No report received.
- **Dept of Culture Heritage and the Gaeltacht:** No report received.

3.4. Third Party Observation

There was one objection lodged with the planning authority from the following parties;

- Stephen and Maura Cullen – No. 34 Roney Point

Issues raised can be summarised as follows;

- Excessive scale of dwelling relative to adjoining properties
- Overlooking of back patio and garden, with loss of privacy
- Permanent residents for over six years, impact on quality of life

4.0 Planning History

Appeal Site

PA Reg.Ref.2018/1684: Permission **refused** February 2019 for the demolition of existing foundations and slab and construction of a part single storey/part dormer dwelling with ancillary plant building along with all ancillary site works at 35 Roney Point. The proposed development will measure a gross floor area of 214sqm of which the proposed dwelling is 199sqm. The dwelling will comprise of a kitchen/dining, informal living, lounge/playroom, TV room, 4 bedrooms, 2 wc's, a sauna, utility, and pantry. An associated percolation area will be installed as part of the site works. Landscaping including external paving, entrance road, boundary treatment and new entrance point to the site for Noel and Bridget Hartley. File attached.

Reason for refusal;

1. 'Based on the proposed increased loading to the existing wastewater treatment system from the proposed development and the lack of information provided to demonstrate the capacity, functioning and quality of discharge from this system, it is considered that the proposed development would be premature pending the provision of these details and represent an unacceptable risk to public health.'

Parent Permissions

PA Reg.Ref.4956: Permission **granted** January 1971 for 49 bungalows.

PA Reg.Ref.7193: Permission **granted** August 1972 for revision of site layout.

Recent Permissions

Site No.26

PA Reg.Ref.2017/1135: Permission **granted** October 2017 for change of house type.

Site No.5

PA Reg.Ref.2017/0052: Permission **granted** March 2017 for the demolition of existing bungalow and the erection of a fully services, part two storey, detached dwelling with all associated site works for David and Reita Powell. (See attached)

5.0 Policy Context

5.1. Wexford County Development Plan 2013-2019 (as extended)

5.1.1. The site is not zoned.

5.1.2. **Chapter 4** Housing

Section 4.3 Sustainable Rural Housing

Section 4.3.3.2 – Coastal Zone/Natural Heritage Areas

'A Coastal Zone area has been designated in order to ensure an integrated approach to the management of the County's coastal areas. The Coastal Zone is shown on Map No. 11. As with the Landscape Character Assessment the issues in

relation to this zone are manifold and rural housing is just one component. In coastal areas there has been a significant pressure for development and as a result some of these areas are reaching capacity in terms of their ability to accommodate further development. There is still demand for development in these areas and this demand needs to be managed in a way which does not take away from the special character of these areas or interfere with sensitive areas or coastal processes’.

5.1.3. **Chapter 13** Coastal Zone Management

Section 13.6 Development within Existing Settlements in the Coastal Zone

5.1.4. **Chapter 14** Heritage – Landscape Character Assessment

5.1.5. **Chapter 18** Development Management Standards

Section 18.21.2 Holiday Homes

5.2. **National Policy**

5.2.1. **Sustainable Rural Housing Guidelines**

‘Acknowledging the trends for holiday homes in some coastal, scenic and lakeside parts of the country the guidelines emphasise the importance of clustering appropriately scaled holiday home development in or adjoining small towns and villages and the importance of adopting a plan led approach to holiday homes in general. The guidelines suggest a number of policy responses to the varying categories of holiday home developments.’

5.3. **Natural Heritage Designations**

The appeal site is not located within any European site. Donaghmore Sandhills pNHA (Site Code 001737) extends inland from the coast to include a stream located c. 80m to the south of the subject site.

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, the proposed connection of the development to public water and communal foul drainage connections, it is considered that 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

- 6.1.1. A first party appeal against the decision to refuse permission by the planning authority has been lodged by PAC Studio Limited Architecture + Environments on behalf of the applicant. It includes a report prepared by Donal J. Power and Associates Consulting Engineers with updated test results.
- 6.1.2. A copy of the PA planners report, and internal reports, including Notification of decisions for the current application and previous application under PA Reg.Ref.2018/1684 also accompany the appeal.
- 6.1.3. The main grounds of appeal can be summarised as follows;
- Clear from both the current and previous applications that the PA is supportive of the principle of the site being developed and that the design of the house is acceptable.
 - Roney Point waste water treatment system (WWTS) is a well-designed, installed, maintained, and operational system as proven by most recent test results.
 - No evidence that this has not been the case historically, and nothing to suggest that the Roney Point Residents Committee will abandon the system that they themselves depend on for sewerage treatment for their family homes.
 - Residents have demonstrated that they are committed to maintaining the treatment system correctly.
 - WWTS has a Discharge Licence for the development under SS/W325/06R1.
 - Licence caters for 48 units of which the subject site No. 35 is included.

- WWTS has the capacity to accept the additional discharge from the proposal and has additional redundancy.
- WWTS is maintained on a scheduled basis by H+S Environmental, a specialised independent contractor.
- Licensees are obliged under the terms of the Discharge Licence to submit 3 No. effluent samples per year to the PA and have always done so. Samples are independently tested by IAS Laboratories, Co. Carlow.
- System was approved in 2009 and has routinely excellent sample test results. Latest sample result received 15/09/2020 and all results are comfortably within the parameters set by the Discharge Licence.
- Recent maintenance/upgrade works include pump replacement and UV filter lamps replacement.
- No representations on file from PA to the Roney Point Residents Committee with regards non-compliance.
- Unfair to hold applicant responsible for the misdemeanours of other developers elsewhere.
- Request the Board overturn PA decision.

6.1.4. The Report prepared by Donal J. Power and Associates Consulting Engineers, reiterates many of those already summarised. To avoid unnecessary repetition additional points can be summarised as follows;

Existing Waste Water Treatment System (WWTS)

- Design volume of effluent generated from the proposed dwelling is taken as 600 litres/day. All waste waters generated on site are directed to the private, communal WWTS which comprises;
 - Foul drainage collection system.
 - A primary settlement tank (32m³ storage capacity).
 - Secondary package treatment plant incorporating aeration, a clarifier with sludge return to aeration unit and with sludge waste return to the primary settlement tank. The package plant is designed to cater for 40.5m³/day.

- UV sterilisation unit.
- Pump station to lift effluent to wetlands.
- Tertiary treatment in the form of 770m² of constructed reed-bed wetlands.
- A sampling chamber located beyond the reed bed at the top of the outfall pipe.

Discharge Licence Details/System Performance

- The Roney Point WWTS has a single outfall to the Irish Sea at Askingarran Lower.
- Volume of effluent is restricted to 28.8m³ per day. This volume of discharge would have been derived from the typical design allowance of 600 litres per house per day which equates to 48 units.
- Package treatment plant installed at Roney Point is designed to cater for 40.5m³ which comfortably exceeds both the discharge limit of 28.8m³ and the actual volume generated on site.
- This volume equates to a design Population Equivalent (PE) of 144 when allowing 200 litres per PE.
- The EPA waste water treatment manual recommends that 5m²/PE be allowed for in the constructed wetland.
- In the case of Roney Point this equates to 720m². The reedbed constructed is approx. 770m², exceeding the requirement by 50m².

WWTS Maintenance

- Active Residents Management Committee in operation for the Roney Point Development and given approval to the applicant to connect to the WWTS along with other utilities.
- Many of the dwellings are occupied permanently year round, the estate is well maintained and demands good standards of the residents.
- Committee and residents have demonstrated that they are proactive in ensuring that the WWTP is well maintained and operating within the licenced parameters as granted in 2009/2010.

PA Decision

- In this case there is no risk of the plant being abandoned and assert that it would be inappropriate to refuse permission for a dwelling on the basis that it is connecting to a private WWTS, or on the basis of the PA's experience elsewhere with other private systems.
- The system was approved in 2009 and is required to comply with a Discharge Licence. As such the quality of effluent must be of a required standard and the functioning of the system must ensure these standards are achieved. To ensure the consistent achievement of effluent quality regular tests are carried out and regular maintenance enacted. Test results are regularly submitted to the Environment section and where non-compliant the PA can initiate legal action. There have been no instances of this in the Roney Point development.
- Independent on site testing has consistently shown that the WWTS is well maintained and operating satisfactorily. Notes that one sample taken on the 5/07/2018 reported that the total coliform count exceeded the permitted value of 1000MPN/100ml. Upon investigation it was ascertained that the sample was taken incorrectly due to the low through volume in the system as it was not typically possible to acquire a sample from the inlet pipe to the sampling chamber. The last 3 samples were taken from the material entering the sampling chamber via the inlet pipe from the reedbed and recorded excellent results well below the 1000MPN/100ml limit.
- Interim Report on effluent water sample test results dated 15/09/2020 issued by Independent Analytical Supplies (IAS) indicated as acceptable.

6.2. Planning Authority Response

- None.

6.3. Observation

An observation to the appeal was lodged by Stephen & Maura Cullen, 34 Roney Point, Askingarron Lower, Gorey. Issues raised can be summarised as follows;

- Excessive scale of dwelling relative to adjoining properties, Proposed is 214sqm compared to 107sqm no. 34.
- Original building planned for the site was similar to adjoining properties
- Floor and foundations can be seen on site, approx. half the size of the proposed dwelling
- Overlooking of back patio and garden, loss of privacy
- Two storey height out of keeping with adjoining single storey properties, a single storey dwelling would not give rise to overlooking

6.4. **Further Responses**

None.

6.5. **Prescribed Bodies**

Appeal circulated to Department of Arts, Heritage, Regional and Gaeltacht Affairs, An Taisce, Fáilte Ireland, An Chomhairle Ealaíon, Heritage Council with no responses received.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Principle of Development
- Foul and Surface Water Drainage
- Residential Amenity
- Appropriate Assessment

This is the second planning application on this site by the applicant, both of which have been refused by the PA. The current application seeks to address the previous reason for refusal which related to the capacity, functioning and quality of discharge from the WWTS.

The current application differs from the previous application in that supporting documentation, reports, and drawings have been submitted. These include water sample test results, confirmation of consent from the Discharge Licensee / Roney Residents Association to connect to the existing Communal WWTS, and details of all the components of the existing waste water treatment system.

7.1. Principle of Development

- 7.1.1. The appeal site no. 35 is one of a total of 48 no. plots originally granted permission in 1971. The subject site is unzoned and is the last remaining site within the overall permitted holiday home development. The subject site represents an infill site within the established holiday home development.
- 7.1.2. The principle of development was accepted by the PA as being in accordance with county development plan policy, for development within the coastal zone as set out in Section 4.3.3.2 of the CDP. This was also the accepted view of the PA in the previous planning application under PA Reg.Ref.2018/1684.
- 7.1.3. I have had regard to Section 13.6 of the CDP which refers to development within existing settlements in the coastal zone and also to Section 18.21.2 which refers to holiday homes policy and concur with the PA in this regard.
- 7.1.4. I am satisfied, therefore, that the proposed development is acceptable in principle, and in accordance with CDP policy.

7.2. Foul and Surface Water Drainage

- 7.2.1. Reason for Refusal No. 1 refers to concerns regarding the increased loading to an existing developer provided communal waste water treatment system. Based on the PA's experience of such schemes in terms of maintenance and failure of such systems, the proposal was deemed prejudicial to public health.
- 7.2.2. The proposed development provides for a new 4 bedroom house with kitchen dining, 2 WC's, sauna and utility and separate plant building. It is proposed to serve the proposed dwelling by providing a connection to an existing communal WWTS.
- 7.2.3. The Roney Point communal WWTS serves the overall permitted development and comprises primary and secondary treatment with an associated reedbed polishing

filter system with a single outfall to the Irish Sea. The WWTS is licenced from Wexford County Council under Discharge Licence reference SS/W325/06R1.

- 7.2.4. The discharge licence caters for 48 serviced sites including the subject site. The license sets out the parameters regarding the quality of effluent and the volume is restricted to 28.8.m3 per day. This volume of discharge was derived from the typical design allowance of 600 litres per house per day, equating to 48 units. The package treatment plant is designed to cater for 40.5m3 which exceeds the discharge limit.
- 7.2.5. This volume equates to design Population Equivalent of (PE) of 144 when allowing 200 litres per PE. In accordance with the EPA WWT Manual, it is recommended that 5m2/PE be allowed for in the constructed wetland. In this case that equates to 720m2. The reedbed provides for 770m2 exceeding the requirement by 50m2.
- 7.2.6. The Environment Section of the PA recommends no objection subject to a condition that foul sewerage only be connected to the sewerage system. The Case Officer of the PA, however, was concerned about the additional loading on the existing privately operated WWTS.
- 7.2.7. I am satisfied therefore that the existing system provides sufficient capacity for the increased loading associated with the proposed development.
- 7.2.8. The applicant has clearly demonstrated that the WWTS is subject to a Discharge Licence reference no. SS/W325/06R1. The Discharge Licence issued by the PA in respect of the overall development (caters for 48 serviced sites in total of which No. 35 is included).
- 7.2.9. The application as lodged was accompanied by Effluent Sample Test Reports carried out by Independent Analytical Supplies (IAS) Laboratories and included in Appendix D of the Engineering Report. These test results from the Roney Point WWTS, are set out in Table No.1 below.

Date of sample taken	Coliform count	E. Coli count MPN/100ml
30/04/2018	248.9	2.0
01/10/2018	145.0	13.4
25/01/2019	357.8	7.5

24/04/2019	1732.9	2.0
11/11/2019	142.1	1.0
04/03/2020*	0	0
20/05/2020*	22.8	1.0
20/05/2020**	127.4	1.0

*Sample taken directly from the inlet pipe

**Sample taken from the bottom of the chamber

7.2.10. In support of the first party appeal a further water sample test report carried out by IAS Laboratories was submitted, the results of which are set out in Table No.2 below.

Table No. 2 Effluent sample test results

Date of sample taken	Coliform count	E-coli Count MPN/100ml
08/09/2020*	261.3	18.9

*Sample taken directly from the inlet pipe

7.2.11. The Environment Section of the PA note in particular the test results from April 2018, October 2018 and January 2019 which are deemed compliant with all the emission limit values. While I note the previous application on the site was refused in February 2019, the application was not supported by any sample test results.

7.2.12. I accept that the most recent sample taken on 8th September 2020 and processed on 15th September 2020 by IAS is within the parameters set by the Discharge Licence.

Management & Maintenance

7.2.13. I have considered the case presented by the applicant with regards the management, and maintenance of the WWTS, and concerns of the PA. I note that recent works carried out on the plant include pump replacement and UV filter lamp replacement.

7.2.14. I note in particular that the WWTS is maintained regularly by H+S Environmental, and that effluent is sampled 3 times per year and independently tested by IAS Laboratories as evidenced above in Table 1 and 2. I also note that the applicant has approval from the Residents Management Committee to connect to the WWTS.

7.2.15. I am satisfied, therefore, that the applicant has demonstrated that the existing WWTS has adequate capacity to cater for the increased loading and is being managed and maintained, and as such the proposed development would not be prejudicial to public health.

Surface Water Drainage

7.2.16. It is proposed to provide on-site permeable paving which will incorporate a collection pipe at a lower gradient and discharge to the estate drainage system via a flow restriction device. Surface water calculations are presented in Appendix F, and soakaway/attenuation details are indicated in Appendix G of the Engineering Report.

7.2.17. The required storage volume has been determined to be 9.8m³.

7.2.18. A shallow bed of single sized drainage stone, -200 to 350mm depth is to be provided under the proposed driveway. Additional volume of attenuation will also be provided in the stone bedding of the paved area.

7.2.19. The Environment Section of the PA recommends no objection subject to a condition that foul sewerage only be connected to the sewerage system. If the Board are minded to grant permission a suitably worded condition could be attached.

Summary

7.2.20. I am satisfied therefore, that the proposed connection to the existing Roney Point WWTS and surface water drainage proposals are acceptable and would not be prejudicial to public health.

7.3. Residential Amenity

7.3.1. Concern has been raised in a third party submission/observation to the appeal to the impact on residential amenity particularly in terms of the scale and height of the proposed dwelling and overlooking from the first floor element of the proposed house.

7.3.2. The observers single storey property No. 34 is located to the east of the appeal site. The subject site is a triangular shaped corner site and the property is set at an angle addressing the access road to the appeal site.

7.3.3. The floor area of the proposed house is stated as 199sqm, which it is asserted is twice the size of the original building planned for the site (reflected in the existing

foundations on site) and that of the observers property. The appeal site is relatively large with a stated area of 1,145sqm and in my opinion the scale of the proposed dwelling is easily accommodated on the subject site and does not constitute overdevelopment.

- 7.3.4. The proposed ridge height is 7.3m, which I do not consider excessive. In my opinion the bulk and massing of the first floor element has been designed to minimise height bulk and massing.
- 7.3.5. The layout of the proposed house has been designed to take full advantage of the southern aspect and is set back approx. 17m from the front boundary, and approx. 5m from the rear boundary of the site.
- 7.3.6. At ground floor level the proposed house has a reasonably large footprint and includes an veranda/covered terrace area to the front and sides. A separation distance of 6.324m is provided at ground floor from the veranda to the eastern boundary with the appeal site.
- 7.3.7. I note existing and proposed planting along site boundaries. The site benefits from existing mature trees and hedgerow along the northern boundary, with existing hedging along the eastern and western side boundaries. It is also proposed to provide additional planting along the southern front boundary.
- 7.3.8. At first floor level 3 no bedrooms, bathroom and attic storage space are accommodated within the much smaller dormer roof area. Accommodation at first floor comprises;
- Three no. dormer windows located on the front south facing elevation.
 - Two no. bedroom windows located on the west facing side elevation, with
 - One no. bedroom window on the east facing side elevation.
- 7.3.9. Consequently, both windows located along the west side facing elevation serving bedroom no's 2 and 3 and single window along the east side facing elevations serving the master bedroom, are set back approx. 13m and 12m respectively from the western and eastern site boundaries. These windows I consider to be reasonably large, each comprising 6 no. panes. However, given the separation distances from site boundaries, I do not consider that these would give rise to excessive overlooking.

- 7.3.10. In terms of the three modest dormer bedroom windows located on the front south facing elevation, I am reasonably satisfied that they will not give rise to excessive overlooking of the adjoining property to the east.
- 7.3.11. The rear north facing elevation at first floor is set back approx. 5m from the rear site boundary. There are no windows proposed along this elevation. Instead rooflights are proposed within the roof slope. Rear bedroom no.2, bathroom and attic storage space are all served by individual roof lights with 4 in total. Higher level roof lights (3 in total) are located just below the roof ridge.
- 7.3.12. In my opinion, the proposed accommodation at first floor level has been carefully considered in the design process, to take account of the residential amenities of adjoining properties and minimise potential overlooking. I am satisfied, that there is no possibility of overlooking perceived or otherwise from the front side or rear elevation at first floor level of adjoining properties.
- 7.3.13. I have examined the sunlight daylight shadow analysis drawings carried out and lodged with the application.
- 7.3.14. I am satisfied that the proposed dwelling is not excessive in scale or height and will not give rise to excessive overlooking of adjoining residential properties and is acceptable.

7.4. Appropriate Assessment

- 7.4.1. The appeal site is not located within any European site. The Donaghmore Sandhills pNHA (Site Code 001737) extends inland from the coast to include a stream which c. 80m to the south of the appeal site at its closest point.
- 7.4.2. Screening for Appropriate Assessment was carried out by the applicant which determined that the proposed development could be screened out from Stage 2 Appropriate Assessment.
- 7.4.3. The development is proposed to be connected to the exiting public water supply and on site communal waste water drainage system. This privately operated system is required to comply with Discharge Licence No. SS/W325/06R1.
- 7.4.4. Having regard to these factors, to the nature and scale of the proposed development i.e. the construction of a dwelling house and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that

the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be **granted** subject to the following conditions and reasons.

9.0 Reasons and Considerations

Having regard to the nature, and design of the proposed development and the provisions of the Wexford County Development Plan 2013-2019 as extended, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. Subject to the provision of a connection to the communal waste water treatment system the proposed development would not be prejudicial to public health. 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, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall prepare a suitable surface water drainage system that disposes of water wholly within the site and which

shall incorporate SUDs measures, with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

3. The applicant or developer shall enter into a water connection agreement with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

5. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

6. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Susan McHugh
Senior Planning Inspector

18th March 2021