



An
Bord
Pleanála

Inspector's Report

ABP-314883-22

Development	Renovation of existing cottage, other house improvements, and ancillary works
Location	The Cottage, Ballyknockan, Valleymount, Co Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	22/399
Applicant(s)	Peter Behan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Con Behan & Jack Paton
Observer(s)	None
Date of Site Inspection	8 th March 2023
Inspector	Philip Maguire

1.0 Site Location and Description

- 1.1. Located in the western foothills of the Wicklow Mountains and within the Blessington Lakes Area of Outstanding Natural Beauty (AONB), the appeal site straddles the settlement boundary of Ballyknockan, a rural village 8km southeast of Blessington. It is accessed via a narrow laneway off Quarry Road (L43855), east of Lake Drive (L4365). This laneway, known as 'The Bull Lane', also serves a house, listed as a protected structure, and farm buildings. Ballyknockan public water supply and Granite Cottage, a protected structure, are situated to the south. A disused granite quarry, now operating as a stonemason's yard, is situated to the southwest with Granite House, a protected structure, further west. The area is characterised by a rural upland landscape and a dispersed settlement pattern overlooking Pollaphuca Reservoir.
- 1.2. The appeal site has a stated area of 0.95ha and consists of three individual fields, one of which includes an old cottage and outbuilding. This field lies within the village settlement boundary. Its boundaries are defined by dry-stone walling and ground levels fall gradually in a north-easterly direction. The other fields are similarly defined and follow a similar topography, falling away from the cottage and outbuilding. These fields are under grass save for a farm shed along the western boundary and some trees and scrub to the northeast. Ground conditions appear heavy through cattle use.
- 1.3. The cottage is of vernacular construction, scale and form. It follows an east-west alignment and is situated to the southwestern corner of the appeal site. The cottage includes both pitched and flat roof structures although the gable ends suggest the flat roof was a later replacement. The rear wall of the cottage nestles into the landform which is typical of such upland cottages and replicated elsewhere in the area. A detached outbuilding lies to the northeast of the cottage. Quarry Road adjoins the southern site boundary and is significantly elevated above the ridgeline of the cottage.

2.0 Proposed Development

- 2.1. The proposal seeks permission for:
 - renovation of the existing cottage including:
 - new slate roof with 3 no. roof lights in rear roof slope; and
 - window and external door alterations to front and side

- demolition of shed and outbuildings to east of the cottage
- construction of a single-storey linked extension to the side of the cottage; and
- installation of a domestic wastewater treatment system.

2.2. The Planning Authority sought Further Information on 7th June 2022 in respect of design, visual impact and landscaping.

2.3. The applicant responded on 9th August 2022 in which they sought to amend the proposed extension by locating it to the rear of the cottage and providing additional native planting within the site boundaries.

2.4. The applicant submitted Significant Further Information notices on 2nd September 2022.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted planning permission on 23rd September 2022 subject to 8 conditions.

3.1.2. Conditions of note include:

- **Condition 3:** Revised car parking and driveway arrangement and landscaping proposal to be submitted and agreed prior to commencement. Parking to be relocated to the south of existing farm shed and driveway reduced.
- **Condition 6:** Domestic Wastewater Treatment System (DWWTS) – photographic evidence of the installation of the secondary treatment system and polishing filter etc. to be submitted upon completion. Relevant certification to be submitted prior to occupation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report (03/06/22): Seeking Further Information as outlined above.

- Planning Report (20/09/22): Basis for the Planning Authority decision. The proposal, as amended, was deemed to be consistent with the objectives of the Wicklow County Development Plan. Having regard to its location and design, and allowing for a relocation of the parking area and driveway, it was considered that the proposal would not seriously injure the visual amenities of the area and would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health.

3.2.2. Other Technical Reports

- EHO (19/05/22): No objection subject to conditions (in particular the EPA Code of Practice, 2021.)
- EHO (25/08/22): No objection to Further Information received subject to conditions (in particular the EPA Code of Practice, 2021).
- DCC Liffey Basin (12/05/22): No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. Three 3rd Party submissions were received:

- Jack Paton, Ballyknockan, Co. Wicklow ('Miley Cottage')
- Keith Grimes, Nass, Co. Kildare
- Con Behan, Blessington, Co. Wicklow

3.4.2. The issues raised can be summarised as follows:

- Site is landlocked with no right of way over laneway – owners of laneway have refused consent for its vehicular use.
- No access details shown for construction phase or occupancy thereafter – concerns regarding impact on adjacent house from construction traffic.
- Laneway unsuitable for vehicular traffic, bar narrow tractor.

- Concerns regarding increase in traffic on narrow cul-de-sac and in village – road infrastructure unsuitable for increased traffic.
- Concerns regarding visibility splays on to the road.
- Applicant is not from or local to the area, nor is involved in farming etc. – applicant does not meet any of the “Local Area Needs” conditions.
- Concerns regarding development within Blessington Reservoir catchment.
- Disused quarry on site and located under proposed percolation area.
- Natural spring on site feeds wells which in turn village water supply – DWWTS could impact on village supply.
- Concerns regarding surface water management – flooding issue on site relating to adjacent quarry.
- Cottage uninhabited for over 50 to 60 years – no electric or sewage treatment at that time.

4.0 Planning History

4.1. None.

4.2. Sites in vicinity:

Miley Cottage (along access lane to northwest)

PA ref. 10/2238: Permission **granted** in 2010 for the re-roofing and re-plastering of existing house, a protected structure, including rooflights to the rear and upgrading septic tank system. Conditions of a standard nature with emphasis on architectural heritage (Condition 3). The Bull Lane to be resurfaced prior to commencement (Condition 7).

Granite Cottage (along Quarry Road to south)

PA ref. 07/937: Permission **granted** in 2007 for an office extension to side of existing cottage, a protected structure, and garage/boat shed adjacent to existing garage etc. Conditions of a standard nature with emphasis on architectural heritage (Condition 2). Garage not to exceed 60sq.m (Condition 7).

PA ref. 99/137: Permission **granted** in 1999 for renovation and extension of existing cottage, a protected structure.

The Bull Lane (near Quarry Road junction)

22/610: Permission **granted** in 2022 for single-storey house, onsite treatment system and upgrades to the existing entrance. Conditions of a standard nature including occupancy restriction in respect of Level 8 settlements (Condition 3) and retention, repair and upgrading of existing stone walls (Condition 14).

5.0 Policy Context

5.1. Wicklow County Development Plan 2022-2028

- 5.1.1. The appeal site straddles the settlement boundary of Ballyknockan, a designated Level 8 (Type 2) village. These settlements have limited capacity to absorb growth and expansion should be commensurate with the village structure and based on integrated infill sites according to the Development Plan.
- 5.1.2. The main policy objectives relevant to the proposal are set out under Chapter 6 (Housing), Chapter 8 (Built Heritage), Chapter 12 (Sustainable Transportation) and Chapter 13 (Water Services) of Volume 1 (Written Statement). Relevant design standards are set out in Volume 3 (Appendix 1).
- 5.1.3. The following sections are relevant to the issues raised in this appeal:
- Section 6.4 – Housing Objectives (General)
 - Section 6.4 – Housing Objectives (Housing in Rural Settlements)
 - Section 6.4 – Housing Objectives (Housing in the Open Countryside)
 - Section 8.5 – Built Heritage Objectives (Other Structures & Vernacular Architecture Objectives)
 - Section 13.2 – Water Services Objectives (Waste Water Objectives)
 - Section 13.2 – Water Services Objectives (Storm & Surface Water Infrastructure Objectives)
- 5.1.4. I consider the following policy objective particularly relevant:

CPO 6.43 The conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets the following criteria:

- the original walls must be substantially intact – rebuilding of structures of a ruinous nature will not be considered;
- buildings must be of local, visual, architectural or historical interest;
- buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained; (a structural survey by a qualified engineer will be required with any planning application); and
- works must be executed in a sensitive manner and retain architecturally important features wherever possible and make use of traditional and complementary materials, techniques and specifications.

5.2. Natural Heritage Designations

Wicklow Mountains SAC (002122) 0.7km

Wicklow Mountains SPA (004040) 0.7km

Poulaphouca Reservoir SPA (004063) 0.7km

Poulaphouca Reservoir pNHA (000731) 0.7km

5.3. EIA Screening

Not a prescribed development type for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 3rd Party appeal has been lodged by Con Behan of Blessington and Jack Paton of Ballyknockan, Co. Wicklow. Con Behan has indicated that he farms the adjoining lands. Jack Paton has indicated that he part-owns the access laneway to the appeal site and lives in the adjoining house to the lane. Their appeal submission includes an

enclosure from Lisa Edden and Micheal MacGiollaCoda of Granite Cottage, Ballyknockan. These latter individuals did not make a submission or observation to the Planning Authority but their comments can be considered under this appeal.

6.1.2. The main grounds of appeal can be summarised as follows:

- Quarry Road is narrow and unsuitable for increased traffic. Laneway on to Quarry Road has poor sight distances. Entrance laneway is unsuitable with poor sight distances. Laneway to site is incapable of servicing or providing adequate access. Appeal site is landlocked and no entry other than via a narrow lane across 3rd Party lands.
- Concerns regarding development within Blessington Reservoir catchment and proximity to neighbouring wells. Water supply borehole for Granite Cottage not considered in Site Characterisation Report. Proposed percolation area is c. 77m from borehole and 13m above the base of the borehole in an area of high vulnerability groundwater. Percolation area will have direct effect on water supply to Granite Cottage.
- Applicant is not from local area, nor is involved in farming or any local business that would necessitate the requirement to live in the area.
- Old quarry on appeal site and land floods during the winter. Water from disused granite quarry flows across road during winter and exacerbates flooding on appeal site.
- Scale and size of the extension is disproportionate to the floor area of the cottage and detracts from area and the AONB.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and inspected the site, and having regard to relevant local, regional and national planning policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Access and Traffic
- Public Health
- Rural Housing Policy
- Visual Amenity
- Flooding
- Appropriate Assessment

7.2. Access and Traffic

7.2.1. The appeal site is accessed via an existing laneway off The Bull Lane. The laneway is narrow, and access was restricted by a locked gate during the site inspection. The gate opening is roughly 2.40m wide. The initial section of laneway is flanked by the external wall of the appellants house to the north. A dry-stone wall flanks the laneway to the south. The layout drawing shows a section of the laneway measuring between 2.40-4.20m in width although it is not included within the application site boundary. The appellants suggest that the site is landlocked as they part-own this section of the laneway and have not consented to any vehicular access to the site. This appellant hasn't elaborated on their consent, if any, to the existing access arrangements other than to state that the site is currently accessed using a "very narrow tractor". On balance, I consider the applicant has demonstrated a sufficient interest in accessing the appeal site via the laneway for the purposes of the planning application and in any case, this is a matter to be resolved between the parties, having regard to the provisions of s. 34(13) of the Planning and Development Act 2000 (as amended).

7.2.2. The appellants also contend that the laneway to the site is incapable of servicing or providing adequate access, including sight distances, to and from the appeal site. Concerns were also raised regarding the potential damage to the appellants house

from passing traffic including construction traffic. I agree with the appellants that the laneway is restricted in width but other than the 90-degree bend off The Bull Lane, the horizontal and vertical alignment of the laneway provide a reasonable form of access to the appeal site no different to other such cottages in the area. I also agree that The Bull Lane and Quarry Road junction presents some challenging access geometry, but I do not consider that the proposal, with its associated vehicular traffic, will adversely impact on this junction from a road safety perspective, having regard to the posted speed limited of 50kph, road alignment and low traffic volumes and notwithstanding possible cumulative impacts arising from the permission granted for under PA ref. 22/610.

- 7.2.3. I do have some residual concerns regarding access to the appeal site for household waste services. I agree that the site is incapable of being directly accessed by average sized bin lorries but I consider reasonable alternatives are available. The maintenance, including de-sludging, of the DWWTS may not necessitate access of a larger vehicle and an alternative bin pick-up location could be agreed. Vehicular access is possible having regard to the average sized car. Whilst I also share the appellants concerns regarding potential damage to their house during the construction phase, this is a civil matter outside the scope of this appeal. On balance, I am satisfied that the proposed development is acceptable from an access and traffic perspective.

7.3. Public Health

- 7.3.1. The appeal submission raises concerns regarding the impact of the proposed DWWTS on the Blessington Reservoir catchment and on neighbouring wells in the area. Concerns have also been raised over the treatment of surface water in this regard. As noted, the submission includes comments from the occupants of Granite Cottage to the southeast of the appeal site. Their concerns are specific to the proximity of their water supply borehole and the “percolation area”. They also raise concerns regarding the accuracy of the Site Characterisation Report (SCR) submitted with the application and dispute its contention that all houses are on mains supply. I note the general thrust of this submission and I accept that there are some inconsistencies in the SCR including the source of domestic water supply which should be conditioned.
- 7.3.2. The SCR identifies that the appeal site is located on a ‘poor aquifer’ where vulnerability is ‘extreme’. EPA mapping identifies the bedrock here is generally unproductive. The

mapping also notes that the appeal site straddles an area where rock is at, or near, the surface in terms of vulnerability. This was evident from the site inspection. Historical mapping also confirmed the presence of a quarried area to the northeast corner of the site which is now recolonised with scrub. This area does not coincide with the proposed polishing filter. The SCR indicates that the trial hole was dug to 1.60mBGL where bedrock was encountered. No water was observed in the trial hole. The soil conditions found in the trial hole are described as a mixture of sandy clay and gravel. It is stated that the soil is free draining down to 0.90mBGL. A Ground Protection Response of "R2,," is noted by the applicant but this would appear to be a typographical error having regard to Table E1 of the Code of Practice (CoP) *Domestic Waste Water Treatment Systems* (EPA, 2021) i.e. R2¹. Accordingly, I note the acceptability of the appeal site subject to normal good practice with particular focus on the depth of subsoil over bedrock so the minimum depths are met, and the likelihood of microbial pollution is minimised where domestic water supplies are located nearby.

7.3.3. Percolation test holes were dug and pre-soaked twice. The time of the pre-soaking has not been indicated. A subsurface percolation value of 17.58 was recorded indicating good drainage in the subsoil. As bedrock was encountered in the trial hole, a subsurface test was also carried out. A surface percolation value of 12.11 was recorded indicating good drainage in the topsoil. The tests appear to have been carried out in accordance with Appendix D of the CoP and the results would be consistent with my observations of the area albeit without examination of the trial or percolation test holes on the date of inspection. The heavier ground conditions to the front of the cottage would appear to be from cattle movements and does not accurately represent the underlying ground conditions. Based on Table 6.3 of the CoP, the site is unsuitable for a septic tank system as depth of unsaturated soil and/or subsoil beneath percolation trench and above the bedrock would be less than 1.20m. The SCR indicates that the site is suitable for a secondary or tertiary treatment system.

7.3.4. Table 6.3 of the CoP requires a minimum depth of unsaturated soil and/or subsoil of 0.9m below the base of the polishing filter for secondary treatment systems. Noting the inadequate depth of the subsoil and having regard to the slope, indicated as 5%, the applicant proposes to install a secondary treatment system with tertiary sand polishing filter. It is indicated that the footprint of the sand polishing filter will reduce the impact of the slope and ensures effective treatment before discharge to ground.

A longitudinal section of the sand polishing filter has also been submitted. The sand layer (0.90m) is to be constructed on the basal gravel layer (0.30m) with the point of infiltration set at ground level at the upper part of the slope. The lower part of the slope will be levelled up with soil from the site. I am satisfied that the proposed system will provide the required depth of unsaturated subsoil to treat effluent on the site. I am also satisfied that the proposal complies with the required separation distances set out in Table 6.2 of the CoP. In this regard, the separation distances from both up and down-gradient domestic wells are met notwithstanding the appellants submission.

- 7.3.5. The SCR submitted with the application concludes that the appeal site is suitable for development. Based on the information submitted, I agree that the appeal site is suitable for the DWWTS proposed, including the size of the sand polishing filter having regard to Table 10.1 of the CoP. Concerns regarding the appeal site's proximity to Blessington Reservoir catchment and neighbouring wells can therefore be dismissed as the proposed development complies with the EPA CoP. I recommend a condition in respect of the proposed DWWTS be attached in the event of a grant of permission.

7.4. Rural Housing Policy

- 7.4.1. The appellants have suggested that the applicant is not from local area, nor is involved in farming or any local business that would require residency in the area. Part of the appeal site, including the cottage, is within the settlement boundary of Ballyknockan where new housing is acceptable under CPO 6.1 and CPO 6.36 subject to certain occupancy restrictions as set out in CPO 6.38. The majority of the site lies outside the settlement boundary, however, and would be subject to such 'local needs' criteria as set out in CPO 6.41 if the proposal was for a new house. This is not the case.
- 7.4.2. The proposal relates to the refurbishment and extension of a derelict cottage and the relevant policy is set out under CPO 6.43 which supports the reinstatement of abandoned residential buildings to residential use where certain criteria are met. The 'local needs' policy requirements under CPO 6.38 or CPO 6.41 are not therefore applicable. For completeness and with regards to the relevant criteria under CPO 6.43, I am satisfied that the original walls of the cottage are substantially intact, and the cottage is of local interest. I am also satisfied that the cottage can undergo the proposed refurbishment and extension and its original appearance will be retained.

7.5. Visual Amenity

- 7.5.1. The appeal submission argues that the scale and size of the proposed extension is disproportionate to the existing cottage. The appellants also suggest that the proposed development will detract from the AONB. The cottage has a floor area of roughly 65sq.m. The proposed extension, as amended by Further Information, has a modest floor area of roughly 61sq.m. The extension will be situated to the rear of the cottage and will replicate its scale and form, albeit in subordinate fashion. A new front porch projection, window openings and roof are amongst other renovations proposed. The finishes, including natural slates and plastered walls, are generally acceptable.
- 7.5.2. The appeal site is located in the Blessington Lakes AONB and it is intermittently visible along a 0.60km section of Lake Drive when travelling towards Ballyknockan. This part of Lake Drive is designated in the Development Plan as a prospect of special amenity value or special interest ('Prospect of Poulaphuca Reservoir'). These views are long distance and non-critical, however, and I am satisfied that the proposed development will readily assimilate into the landscape without adversely impacting on the AONB or prospect of special amenity value or special interest. On balance, I do not consider the proposed development will unduly impact on the visual amenities of the area.

7.6. Flooding

- 7.6.1. The appellants have indicated that there is an old quarry on the appeal site and allege that the subject lands flood during the winter. They also contend that water from disused granite quarry flows across the road during winter and exacerbates flooding on appeal site. Access to the site was restricted during the site inspection and whilst ground conditions appeared heavy in parts through agricultural use, there was no evidence of flooding or ponding, presumably due to the site topography.
- 7.6.2. The closest watercourse is Troman Brook which is roughly 175m east of the cottage. It discharges to Poulaphuca Reservoir following confluence with Oghill Brook some 360m northeast of the cottage. Having reviewed the relevant flood maps for the area and notwithstanding the any historical quarrying uses which appear to be focussed on the northeast corner of the site, away from the proposed sand polishing filter, there is no evidence that the appeal site floods. On balance, I do not consider that the proposal is vulnerable to flooding nor will give rise to, or exacerbate, flooding elsewhere.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development, which is for a cottage renovation and extension with new DWWTS which would be compliant with the EPA CoP (see para. 7.3 above), the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, 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 that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of Wicklow County Development Plan 2022-2028, the location of the proposed development partly within the settlement boundary of Ballyknockan, the small scale nature of the proposal and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, and would not seriously injure the visual or residential amenities of the area or 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 as amended by the further plans and particulars submitted on the 9 th day of August 2022, 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
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	<p>authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The existing cottage and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any trees or hedging which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity and to promote biodiversity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
5.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 14th day of April, 2022, and 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, 2021. No system other than the type proposed in the</p>

	<p>submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(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.</p> <p>(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 dwellinghouse 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.</p> <p>(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.</p> <p>(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.</p> <p>Reason: In the interest of public health.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Philip Maguire
Planning Inspector
29th March 2023