



An
Bord
Pleanála

Inspector's Report

ABP-315078-22

Development	Construction of a dwelling and all associated site works
Location	Brickhill East, Cratloe, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	22582
Applicant(s)	Shane and Jill O'Donnell
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Walter Walsh and Mary Carroll
Observer(s)	None
Date of Site Inspection	19 th June 2023
Inspector	Eoin Kelliher

1.0 Site Location and Description

- 1.1. The subject site is situated on a residential cul-de-sac road serving 6 no. dwellings to the northwest of Cratloe Village, Co. Clare. Cratloe is a low-density commuter settlement approximately halfway between Limerick City and Shannon. The village is not served by a public wastewater treatment facility with individual dwellings reliant upon on-site domestic wastewater treatment systems.
- 1.2. The subject site is situated in the front garden of an existing dormer dwelling owned by one of the applicant's parents. The site has a stated area of 0.27ha which is, for the greatest part, laid out in lawn. The overall curtilage of the existing dwelling, inclusive of the subject site, measures circa 0.55ha. The topography of the site falls c.4m from east to west. A stone wall and a belt of mature and semi-mature trees extend along the southern, western, and northern boundaries of the site.
- 1.3. There are 3 no. dwellings set on their own grounds to the west and southwest of the site on lower terrain and a dwelling to the northeast of the site on higher terrain.

2.0 Proposed Development

- 2.1. Permission is sought to construct a detached single storey dwellinghouse comprising four bedrooms. Cut and fill ground works are proposed to create a level base for the house which would be centrally positioned within the site.
- 2.2. The house would have a U-shaped plan with parallel living and bedroom blocks connected by an entrance foyer and ancillary accommodation and pitched roofs with an overall ridge height of c.5.5m. The living accommodation block would be orientated towards the southwest. A covered patio is proposed at the north-western end of the living accommodation block and a detached garage is proposed to the rear of the house.
- 2.3. A new independent vehicular entrance was originally proposed on the cul-de-sac road that serves the site. In response to a request for further information from the Planning Authority it was subsequently proposed to utilise the vehicular entrance serving the existing dwelling with access to the subject site located on the driveway of the existing dwelling.

2.4. An on-site domestic wastewater treatment system is to be installed to the north of the dwelling. The applicants initially proposed to discharge surface water to a soak pit in an unspecified location. The applicants subsequently proposed, by way of further information, to discharge surface water to a rainwater harvesting tank to the south of the site and 2 no. soak pits to the north of the site. A new connection to the public water mains is proposed.

3.0 **Planning Authority Decision**

3.1. **Decision**

By Order dated 19th October 2022 Clare County Council decided to grant permission subject to 10 no. conditions. The following conditions are noteworthy:

C.2: Requiring the provision of cross section drawings through the shared boundary with the existing dwelling to the east of the site demonstrating the extent of cut and fill proposed.

C.3: That the finished floor level of the house shall be as specified on the site layout plan submitted by way of further information.

C.6: That all surface water generated within the site shall be collected and disposed of within the curtilage of the site.

C.7: That the proposed wastewater treatment system shall comply with the EPA's Code of Practice (2021) as amended.

C.8: That all existing trees on the site shall be retained except those required to be removed to facilitate the development; where gaps in existing planting are evident along the north-western boundary existing landscaping it to be supplemented with additional native broadleaf trees.

C.9: Restricting the use of the proposed garage to purposes incidental to the enjoyment of the dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Report

The Planning Officer's initial report considered the principle of development, the design, siting, and proposed wastewater treatment system acceptable but raised concerns regarding surface water management / run-off and the proliferation of vehicular access points in close proximity on a narrow road. The Planning Officer recommended seeking further information as follows:

- Existing and proposed levels across the site and the extent of groundworks proposed.
- Detailed surface water management proposals which mitigate any potential surface water ponding / run-off issues on the site and adjacent lands by reason of residual impact / displacement.
- An access solution that incorporates the existing access arrangements serving the existing dwelling on the landholding.

Further Information Submission

The applicants submitted the following further information on 15th September 2022.

- Revised site layout plan and site section drawings including a proposal to share the existing vehicular entrance on the cul-de-sac road.
- Rationale for the proposed 50m O.D. finished floor level, which mediates between the higher ground level to the east and the lower ground level to the west.
- Proposal to install a 4,600litre rainwater harvesting system to the front of the house to collect the majority of storm and surface water generated within the site.
- Proposal to construct 2 no. soakaways designed and constructed in accordance with BRE Digest 365 within the site as indicated on the site layout plan.

- Proposal to construct a 26m long retaining wall to the west of the house with a piped surface water drain inside the wall discharging to a soakaway.
- Details of proposed separating boundary treatment with the existing dwelling on the site.
- Proposal to install a surface water drain in the grounds of the existing dwelling which would discharge to a soakaway to the north of the proposed dwelling.

The further information was deemed significant by the Planning Authority and revised public notices sought.

Subsequent Report

The Planning Officer's FI report was satisfied that the access issues raised had been addressed and that a robust response was received in respect of surface water runoff. To allay concerns in the third-party observations a condition that no surface water shall discharge to neighbouring properties was recommended.

The Planning Officer's recommendation is reflected in the Planning Authority's decision.

3.2.2. Other Technical Reports

Environment Section: Report dated 15th August 2022 states it has been demonstrated that the site meets the criteria for an on-site wastewater treatment system and the proposed DWWTs would comply with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (2021). Conditions recommended regarding the DWWTs and the management of surface water.

3.3. Prescribed Bodies

Uisce Eireann: No objection. Notes area is prone to low water pressures.

Irish Airport Authority: No observations to make on the application.

3.4. Third Party Observations

5 no. third-party observations were made on the initial planning application. 2 no. observations from neighbours Angus O'Looney and Paul O'Looney were in support

of the application. 3 no. observations from adjoining residents raised concerns regarding aspects of the proposed development as summarised below.

Triona Walsh and Feargal Carroll

- The elevated floor level and ridge height of the proposed dwelling would result in excessive ground built-up and overlooking of neighbouring dwellings.
- Consent to locate the proposed new vehicular entrance on a private road was not obtained.
- The private roadway serving the site does not have capacity to accommodate additional traffic; access should be provided through the site of the existing dwelling.
- The retention of existing trees and hedges for 10m from the site boundaries should be conditioned to preserve existing screening with neighbouring properties.
- Significant volumes of surface water currently drain from the site into neighbouring properties at lower levels; insufficient information has been provided regarding surface water management.
- Concerns raised regarding the extent of car parking and the location of the proposed garage; design changes sought to address overlooking from this area and the garage on neighbouring properties.

Veronic O'Connor

- Assurances sought that the proposed on-site wastewater treatment system would not contaminate the observer's water well on the adjoining property to the northeast.

Mary Carroll and Walter Walsh (the appellants)

- The contents of this observation are largely echoed in the appeal summarised in Section 6.1 below. Additional issues raised in the submission related to the proposed vehicular entrance being on a private road and anomalies in the description of the site boundaries in the application.

Councillors P.J. Ryan and Pat O'Gorman made silent representations on the initial planning application.

2 no. third party observations were made on the significant further information received by the Planning Authority. The observations are summarised below:

Triona Walsh and Feargal Carroll

- Welcome the revised access and surface water proposals.
- Raises concerns regarding overlooking/privacy impacts on their property owing to the site levels.
- All other properties in the area are located uphill to allow natural soakage within the site and afford privacy to adjoining properties.
- The proposed dwelling would be located just 11.5m from the rear of their home; this is not in keeping with the pattern of development in the area.
- The master bedroom window of the proposed dwelling would directly overlook the rear bedrooms of their property, the proposed covered patio would directly overlook their kitchen/dining/living area and rear garden, the proposed west facing garage windows are unnecessary.
- The extent of trees to be removed has not been addressed in detail; the maximum number of trees should be retained to minimise overlooking.
- Surface water ponding / flooding occurs to the rear of their property where the subject site drains towards. Requests that no further surface water be allowed to discharge into their property.

Mary Carroll and Walter Walsh

- The contents of this observation are echoed in the appeal summarised in Section 6.1 below.

4.0 Planning History

Subject Site:

P.A. reg. ref. 22/581: Permission granted 15th November 2022 to decommission and remove existing septic tank and percolation area servicing the existing dwelling and to install a new wastewater treatment system for Joseph and Mona O'Donnell.

This was a concurrent application made with the application subject to this appeal.

Relevant Applications:

P.A. reg. ref. 07/167: Permission granted 24th April 2007 for the construction of a two-storey dwelling house with proprietary treatment system for Triona Walsh on a site to the northwest of the subject site.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

The site is zoned 'Existing Residential' with a stated objective to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities.

Relevant Objectives of the Plan include:

CDP2.11(b) to ensure the implementation of Sustainable Drainage Systems (SuDS) and in particular, to ensure that all storm water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system.

CDP11.32(g) to permit the development of single dwelling houses in un-serviced areas only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent \leq 10), EPA, (2021).

Volume 3 of the Plan deals specifically with the village of Cratloe.

General objectives for the village include:

- Consolidating the existing settlement form by defining the settlement limits and facilitating the development of infill and backland sites.
- Ensuring future growth is incremental and small scale in nature.

- Acknowledging the existing constraint posed by local geology and the absence of public wastewater infrastructure and restricting development that would negatively impact groundwater and/or result in watercourse pollution.

5.2. **Project Ireland 2040: National Planning Framework (2018)**

The National Planning Framework seeks to focus growth on cities, towns and villages with an overall aim of achieving compact urban growth.

National Policy Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)**

The guidelines state that for small towns and villages to thrive and succeed their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages. The scale should be in proportion to the pattern and grain of existing development.

5.4. **Natural Heritage Designations**

The nearest European site is the Lower River Shannon SAC (Site Code 002165) which is located circa 1.5km west of the subject site.

5.5. **EIA Screening**

Having regard to the infill nature and small scale of the proposed development, which comprises a single dwelling with an on-site wastewater treatment system and a rainwater harvesting tank and soakaways, the nature of the receiving environment and the distance to the nearest sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal against the decision of Clare County Council to grant permission made by the residents of a dwelling to the southwest of the appeal site.

The grounds of appeal can be summarised as follows:

- The proposed 50m O.D. floor level requires raising the ground level by 2m resulting in an embankment at a slope of 1:4; the surface water from this embankment would run into the appellant's property.
- The proposed dwelling would overlook and overshadow the appellant's property owing to its proximity (16m) and elevation; the existing mature screening would not, even if it survives construction, mitigate these impacts.
- In other planning approvals the Council required site levels to be lowered; it is extraordinary that the Council approved a 2m increase in site levels in this instance.
- Not all areas of the site are 'firm and dry'; the trial holes undertaken as part of the site suitability assessment were dug at the most northerly and elevated point of the site where soil depth and dryness are at a maximum; ground conditions adjoining the appellant's property were not considered.
- The required soil depth of 1.2 to 3m between the invert level and bedrock in the infiltration area as set out in the EPA Code of Practice is not achievable, hence the proposal for a secondary treatment with an intermittent sand filter and soil polishing filter.
- The percolation value is only marginally within the category above which the infiltration area would be required to be increased to 100%; no margin of error was applied in selecting the chosen treatment system and infiltration area.
- The proposed development exceeds the recommended density of development (3.5 units per ha) for DWWTS in an area where groundwater vulnerability is classified as 'Extreme' as set out in a report by Morrissey et al (2015).

- The proposed development would set an undesirable precedent for similar high density backland developments in areas of extreme groundwater vulnerability.
- The Clare County Development Plan 2022 states in respect of Cratloe that to allow further development would exacerbate the existing public health risk and would be contrary to the further planning and sustainable of development of the area.
- Concerns raised regarding surface water run-off into the appellant's property and the pollution of their natural well.
- No regard was had to rock outcrops to the south of the site and fissures in the rock that can potentially pollute wells.
- The applicants did not provide the detailed surface water management information sought by the Planning Authority in its FI request, yet the planning authority granted permission with compliance conditions requiring additional drawings.
- The proposed surface water measures submitted by way of further information mitigates the effects of surface water from east to west only; no account was taken of surface water runoff to the southwest.
- The site provides a natural run-off / drainage area for the existing dwelling on the site and for neighbouring houses to the north and east.
- The proposed development will create a large impermeable area mitigated only by a 4,600litre rainwater harvesting system; concerns raised regarding the capacity of same to deal with heavy rainfall events.
- No calculations were provided to demonstrate how rerouted surface water can be properly managed to prevent flooding of the appellant's property and well.
- The proposed development would detract from the rural setting of the area and separation distances currently enjoyed by the appellant and would be out of character with the established pattern of development in the area.

- The site layout maximizes the distance between the proposed and existing dwelling on the site with no consideration for the impact on neighbouring properties with minimum boundary distances proposed.
- A S.47 occupancy condition should have been attached to the permission.

6.2. Applicant Response

By letter dated 7th December 2022 the applicants set out their response to the appeal which is summarised as follows:

- Pre-planning consultations confirmed the principle of development is acceptable subject to specific matters being addressed, particularly the proposed additional DWWTS. A Hydrogeological Impact Assessment prepared by Dr. Pamela Bartley was submitted with the application in this respect.
- The proposal has been designed so that wastewater is treated in accordance with EPA requirements (2021).
- The most suitable area for the site investigation was tested in accordance with best practice.
- The proposed DWWTS was selected having regard to groundwater vulnerability and primary, secondary, and tertiary treatment, and would discharge to EPA compliant soil depth. The provision of a sand filter was recommended by Dr. Bartley and maximises ground treatment prior to below ground discharge.
- There is no potential for contamination at either the resource or source scale.
- The proposed development has been designed to comply with the Building Regulations, Groundwater Regulations, Surface Water Regulations, and the EPA CoP for DWWTSs (2021).
- The fact that the PV value of the soil is only marginally within a category is not a valid argument; minimum areas for the sand filter and soil polishing area are in full compliance with the EPA's CoP.

- The Site Assessor has ensured compliance with the EPA's CoP; it can be concluded there will be no impact on any local wells, including the appellants' well.
- The appellants have incorrectly interpreted the tenet of Morrissey et. al. because the research relates to Catchment Scale Assessments. Dr. Bartley has correctly applied the EPA's catchment delineations, HydroTool outputs and Irish research to conclude that the development is justifiable in all respects of Irish water protection. The objectives of the Water Framework Directive can be achieved with increased density in this area.
- The introduction of 2 no. modern DWWTS in place of one 30 year old septic tank would improve the treatment of wastewater in the area.
- The proposed retaining wall on the western side of the proposed dwelling incorporates a gravelled surface water drain which would direct any excess surface water from hard and soft surfaces to a soakaway; these works have been designed to ensure surface water does not discharge into adjoining properties or roadways.
- A fully detailed topographical survey was submitted with the application.
- The level difference of the site within the footprint of the proposed dwelling, as stated by the appellants, is incorrect. It is in fact 1.5m and not 3m as stated.
- The proposed outdoor patio area is located 25m from the appellants' dwelling, not circa 16m as suggested. The proposed dwelling would be located at least 11m from all shared boundaries.
- The finished floor level of 50m O.D. has been chosen as the optimum level between the higher and lower ground levels to the east and west of the proposed dwelling.
- The amount of cut proposed is greater than the amount of fill, ensuring the proposed dwelling would sit well into the site. Ground levels to the southwest of the site would be raised 1m and not 2m as stated by the appellant.

- All larger sized windows are located on the southern elevation of the proposed dwelling; this elevation does not directly face the appellants' property and in fact faces a large established hedge.
- Concerns that existing mature screening will not survive construction have been addressed by way of conditions attached by the Planning Authority to the grant of permission.
- The single storey nature of the dwelling, its siting on the site, existing and replacement screening, and the orientation of the appellant's living accommodation would mitigate overshadowing and overlooking impacts.
- The ridge levels of the proposed dwelling relative to the ground level is less than that of the surrounding properties; a single storey design was chosen to negate potential overlooking and visual impact concerns.
- The size of the proposed dwelling is in keeping with the size of surrounding properties; comparative analysis of surrounding dwellings provided. The subject site is sufficient to accommodate the proposed dwelling.
- The proposed dwelling, by virtue of its location relative to the appellants' dwelling, would not impact natural sunlight levels during the year; daylight would not be affected.
- The area is zoned existing residential. The current County Development Plan's general objectives for Cratloe seek to facilitate the development of infill and backland sites.
- The appellants' have misinterpreted the County Development Plan standards in respect of private open space and contradict their own approach to their landholding which was subdivided to facilitate a new dwelling for their daughter.
- The appellants are seeking to maintain a rural status quo for their own benefit when Cratloe is described as having a suburban feel in the County Development Plan.
- A S.47 condition as sought by the appellants is not of relevance to the proposed development.

6.3. **Planning Authority Response**

The Planning Authority considers that the issues raised in the appeal were addressed in the Planner's Report which formed part of its decision.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Wastewater Treatment
- Surface Water Management
- Impacts on Residential and Visual Amenity
- Appropriate Assessment
- Other Matters

7.2. **Principle of Development**

7.2.1. The subject site is zoned 'Existing Residential' wherein single dwellings for permanent occupation are identified as an open for consideration land use in the current County Development Plan.

7.2.2. The proposed development site comprises an area (0.27ha) of the front garden of an existing dwelling on a relatively large landholding of circa 5.5ha. The existing dwelling would retain a site area of circa 0.28ha and would be centrally located within its newly formed curtilage. I note the residential landholdings surrounding the site range from 0.17ha to 0.29ha in size. As such, the subdivision of the overall landholding to provide for an additional dwelling within the settlement boundary of the village would be in accordance with the County Development Plan's general

objectives for Cratloe to consolidate the village by facilitating infill development and ensuring growth is incremental and small scale in nature.

- 7.2.3. I note the County Development Plan does not preclude further development in the village of Cratloe on the grounds of public health risk, as suggested in the appeal, but states that *“any future residential, commercial or employment-generating development will require private wastewater treatment subject to suitable site specific conditions. The EPA Code of Practice for Wastewater Treatment Systems will be strictly adhered to in order to ensure protection of the receiving environment.”*
- 7.2.4. Having regard to the foregoing I consider the principle of the development to be acceptable.

7.3. **Wastewater Treatment**

- 7.3.1. The proposed development involves, in conjunction with the development permitted under P.A. reg. ref. 22/581, the decommissioning of an existing septic tank on the site serving the applicant’s parent’s dwelling, and the installation of advanced DWWTs within the newly formed sites of the existing and proposed dwelling.
- 7.3.2. The site is situated in an area classed as having ‘extreme’ groundwater vulnerability area and comprising locally important (LI) aquifer bedrock. As per the EPA’s CoP, the appropriate groundwater contamination risk response is R2¹. In these zones DWWTs are acceptable subject to normal good practice. The CoP states where domestic water supplies are located nearby, particular attention should be given to depth of subsoil over bedrock such that minimum depths required are met. A minimum depth of 0.9m is required for polishing filters following secondary treatment systems.
- 7.3.3. The photographs accompanying the applicant’s Site Characterisation Form indicate that trial and percolation holes were dug to the north of the site, in the vicinity of the proposed DWWTs, in accordance with the advice given in Appendix D the EPA’s CoP for percolation tests. Notwithstanding the appellants’ concerns, the applicants are not required to test the soil in proximity to common boundaries.
- 7.3.4. The Site Characterisation Form states the trial hole encountered bedrock 1.4m below ground level, beneath a a layer of topsoil and silt. Water ingress and mottling were not observed, and the water table was not encountered. The subsurface

percolation tests returned a PV of 37.64 minutes/25mm. As such, I am satisfied the site is suitable for the proposed tertiary DWWTs, which comprises a Eurotank BAF2 P6 wastewater treatment system, sand polishing filter and infiltration area.

- 7.3.5. Whilst the appellants contend that the soil PV is only marginally within the category ($21 < PV \leq 40$) that allows for the proposed 45sq.m tertiary infiltration area, it nevertheless falls below the PV value requiring a doubling of the size of the infiltration area i.e. < 41 . The proposed infiltration area has, therefore, been sized correctly in accordance with the EPA's CoP. The CoP does not require the application of a margin of error in this respect.
- 7.3.6. Regarding the density of DWWTs in the area, I note the CoP states densities of DWWTs greater than six per hectare in areas of 'extreme' or 'high' groundwater vulnerability may mean a negative effect on groundwater quality, particularly with respect to levels of E. Coli and nitrate. This suggests a minimum site area of 0.17ha should be provided in these areas. The subject site exceeds this site area by 0.1ha. Taking the overall landholding and the permitted DWWT for the existing dwelling into consideration, a density of 3.6 dwellings per hectare is proposed. This is only marginally above the 3.5 units per hectare recommended by Morrissey et. al. for areas of 'extreme' groundwater vulnerability. It should be noted that this recommendation was not included in the EPA's CoP.
- 7.3.7. Having regard to the proposal to replace an existing septic tank system with 2 no. tertiary wastewater treatment systems, I concur with the applicants that the net benefit to the environment would be favourable. Specifically, I note the significant reduction in COD, BOD and NH₄-N loadings that would arise as a result of the proposal (Table 2 of the submitted Groundwater Cumulative Impact Assessment refers).
- 7.3.8. Finally, I note that the proposed infiltration area would be located circa 68.5m from the appellants' domestic well. This is more than the maximum separation distance (40m) required by the CoP for a down-gradient domestic well where the PV is between 30 and 120. The infiltration area would be located 16m from the up-gradient well on the adjoining property to the northeast of the site; this exceeds the required 15m separation distance set out in the CoP. Having regard to the foregoing, and the improved standard of wastewater treatment arising from the proposed development,

I am satisfied that the proposed development would not result in the contamination of water sources.

7.4. Surface Water Management

- 7.4.1. The appellants' dwelling is located downhill from the subject site and, as such, is vulnerable to surface water run-off ponding to the rear of their property during extreme or prolonged rainfall events. Whilst the proposed development would result in the loss of natural soakage provided by the subject site, the applicants proposed mitigating measures comprising a rainwater harvesting tank and 2 no. soakaways by way of further information. The appellants have raised concerns regarding the adequacy of these measures, noting that detailed calculations were not provided in respect of same. They also consider the rainwater harvesting tank to be a water conservation measure rather than a surface water management solution and raised concerns regarding the creation of a sloped embankment on the western side of the site.
- 7.4.2. The proposed 'Gamma' or similar approved 4,600litre rainwater harvesting tank to the south of the site would collect all storm and surface water generated by the proposed dwelling and surrounding hard surfaces. 'Gamma' product specification states that harvested rainwater can be used for w.c. and urinal flushing, garden and landscaping watering, vehicle washing and domestic laundry. Whilst one of the benefits of rainwater harvesting tanks is water conservation, they also provide for storm water storage during periods of heavy or prolonged rainfall.
- 7.4.3. I note it is also proposed to install a retaining wall, and not an embankment as stated by the appellants, on the western side of the house, with a piped and gravelled drain installed inside the wall to direct excess surface water from hard and soft surfaces around the dwelling to an on-site soakaway. This measure would redirect surface water away from the appellants' boundary. A similar arrangement is proposed on the shared boundary with the existing dwelling to the east of the site, which would further reduce surface water run-off towards the west / the appellants' property.
- 7.4.4. Whilst detailed hydrological calculations were not provided in respect of surface water management, this is not unusual for a development of this scale. I am satisfied that an adequate level of detail was provided in the applicants' further information submission, and I consider the Planning Authority's condition that all surface water

generated within the site be collected and disposed of within the site to be fair, reasonable, and practicable.

7.5. Impacts on Residential and Visual Amenity

- 7.5.1. The proposed dwelling has a stated area of 234sq.m, which is not excessive for a four-bedroom house. As per the applicants' submission, the existing dwelling on the landholding has a stated area of 275sq.m. I consider the single storey design of the proposed house appropriate given the elevated nature of the site and the single storey nature of the dwellings to the north and east of the site. I also consider the location of the proposed dwelling appropriate, given the contours of the site, which are more pronounced to the north. Furthermore, I am satisfied that the proposed dwelling would be in keeping with the pattern of development in the area which is characterised by large family homes on generous plots.
- 7.5.2. I am also satisfied that the ground works and floor level of the proposed dwelling (50m O.D) are an appropriate response to the topography of the site and the floor levels of the adjoining dwellings to the east and west, and that adequate separation distances would be maintained for the purposes of protecting adjoining properties from overlooking, overshadowing, daylight and sunlight impacts and visual impacts. In this regard I note that the proposed dwelling would not be orientated directly towards the appellants' dwelling and would be located circa 27m from the appellants' dwelling, and more than 11m from the shared boundary, which is acceptable for a suburban environment.
- 7.5.3. The existing trees to be retained along the shared boundary would mitigate any perceived visual impacts on the appellants' property and assimilate the proposed dwelling into the landscape. A condition regarding the retention of these trees should be attached to a decision to grant permission.

7.6. Appropriate Assessment

Having regard to the nature and small scale of the development, which comprises a dwelling served by an on-site domestic wastewater treatment system, rainwater harvesting tank and soakaways, and the distance to the nearest European sites and the absence of known pathways to European sites, it is considered that the proposed development would not be likely to have a significant effect individually, or in

combination with other plans or projects, on a European site. Appropriate Assessment is not, therefore, required.

7.7. Other Matters

- 7.7.1. The proposed development relates to residential zoned lands within the settlement boundary of a village. Local rural housing need requirements do not apply to the proposal and, as such, a Section 47 occupancy condition is not necessary in this instance.

8.0 Recommendation

- 8.1. I recommend permission be **granted** subject to conditions for the reasons and considerations below.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning and infill nature of the site within the settlement boundary of Cratloe village, and the design and location of the proposed dwelling, domestic wastewater treatment system and surface water management proposals, it is considered that the proposed development would be in keeping with the pattern of development in the area and would not, subject to conditions, seriously injure the residential amenity of the area or property in the vicinity, 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 15 th day of September 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 authority prior to commencement of development and the
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	<p>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 proposed garage shall be used solely for purposes incidental to the enjoyment of the dwelling house and shall not be used for any commercial purpose or for human habitation.</p> <p>Reason: In the interest of residential amenity and clarity.</p>
3.	<p>a) The treatment plant and sand polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 30th of June 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 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 soakaways shall be located such that 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</p>

	<p>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>
4.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Prior to commencement of development, the developer shall enter into a water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following:</p> <ul style="list-style-type: none"> a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development. b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens. <p>Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, and planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 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</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</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.

Eoin Kelliher
Planning Inspector

26th July 2023