



An
Bord
Pleanála

Inspector's Report ABP315650-23

Development	Two-storey extension to existing dwellinghouse, domestic shed and new sewage treatment system and well.
Location	Keeloges, Barntown, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20221166.
Applicant	Sabina Murphy.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant	Sabina Murphy.
Observer	None.
Date of Site Inspection	13 February 2024.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site is 5km west of the M11 junction with the R769 which provides access into the Wexford town. There is also easy access to the N25 which connects New Ross and Wexford. The main features of interest in the general area include the Irish National Heritage Park and Ferrycarrig Hotel and castle to the north-east as well as the Slaney River, to the north. The nearby village of Barntown is located along the N25 and within 3km of the site. The local road which provides access to the site provides a connection between the N25 and the R730 and Ferrycarrig area and from there to settlements north of Wexford town.
- 1.2. The existing two storey cottage is positioned to the west of the 0.265-hectare site.
- 1.3. There is an existing vehicular access point close to the cottage; this would provide access to the lands within the curtilage of the house. Just inside the vehicular entrance point there is a small flat portion of the garden, and the garden area falls steeply away to the north and east. The northern site boundary is marked by the river and small floodplain.
- 1.4. The southern (front) boundary of the site is defined by a hedgerow. In the immediate vicinity of the existing vehicular access close to the cottage the hedgerow includes a box hedge and to the east the hedgerow appears to comprise beech, briars and native species.
- 1.5. At the opposite side of the road across from the entrance to the dwellinghouse plot is a small roadside layby area. This has clearly been in situ for some decades, judging by the growth of shrubs and small trees which intertwine with the boundary stone wall. At the time of inspection two dustbins were in place. The layby would accommodate two cars parked parallel to the public road.
- 1.6. To the east of the site is a wooded area and to the west is a third-party dwelling house. There is a small gap in the site boundary / road frontage close to the wooded area. This is described by the applicant as an existing secondary site entrance.
- 1.7. The cottage on site comprises a traditional style building of stated area of 61sq.m. It is laid out in 4 rooms, two upstairs and two on the ground floor.

2.0 Proposed Development

2.1. Permission is sought for the following:

- Two-storey extension to the rear and side – of stated area of 159 sq. m.
- Domestic storage shed – of stated area of 72 sq. m.
- Wastewater treatment system
- Well.

2.2. Further information was received on 30 November 2022. The submitted response notes:

- Revised drawings enclosed – A1.0 A and A1.1 – the former refers to suggested relocation of proposed percolation area and ‘accompanying site suitability report and proposals prepared by Geoenvironmental’. However, the submitted further information does not include any additional report by Geoenvironmental.
- A site-specific flood risk assessment as requested by the planning authority was not provided. The percolation area could be moved 6m closer to the road (away from the stream) if the proposed shed is omitted.
- The proposed shed can be omitted if it is considered to constitute over development or over intensification of current access arrangements. It is intended to be used to store vintage tractors and garden equipment.
- The achievement of the suggested 65m sightlines would require removal of most of the mature hedgerow at the site frontage and be detrimental to amenities. The existing access point has been in use since the cottage was constructed and is mostly used for pedestrian access as the applicant and previous owners have had the benefit of the layby across the road for parking.

3.0 Planning Authority Decision

3.1. **Decision**

The planning authority decided to refuse permission for the following reason:

- Would endanger public safety by reason of traffic hazard as adequate sightlines have not been demonstrated at the access point to the site and would therefore be contrary to section 6.2.6 of the development plan.

3.2. Further information

Further information was requested as follows:

- Site specific Flood Risk Assessment to demonstrate that the proposed development including the wastewater treatment system would be resilient to future flooding events.
- A revised layout omitting the second entrance and clarification of the use of the shed.
- A revised layout showing that 65m sightlines are achievable at the existing entrance close to the cottage. Sightlines to be measured 2m back and at the centre of the access point. Details of any required works to be shown.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The planner's original report notes:

- Due to the form and position and ground levels, the proposed extensions are acceptable. No overlooking arises.
- The relatively large, proposed shed is to have use of an existing agricultural access which is not immediately evident on the site. Sightlines are not shown and may not be achievable. Further information is required in relation to the use of the shed - the access close to the cottage should be used.
- The site assessment and design were undertaken by a qualified person. The new system would be an upgrade on the existing septic tank.
- Sightlines at the access adjacent the cottage are impeded by the hedge. Sightlines are not shown on the drawings. The local road is relatively busy.
- The northern side of the site is in Flood Zone A. A Site-Specific Flood Risk Assessment is required.

The planner's final report notes in response to the further information submitted:

- On balance refusal of permission is not recommended in relation to flood risk.
- Permission should not be granted for the shed having regard to the inadequate access arrangements proposed and the proposed relocation of the wastewater treatment system.
- Ownership of the parking layby at the opposite side of the road is not clear. I have observed cars parked at that location.
- Due to the overall scale of the extension, there would be intensification of use and the increased use of the access could give rise to traffic hazard as sightlines are very restricted. This is a busy road with relatively high traffic speeds. Permission should be refused.
- Comment of Senior Executive Planner endorses recommendation.
- Stage 2 AA not required based on Screening Report undertaken.
- No requirements for EIA.

3.3.2. Other Technical Reports

Executive Technician (Roads) – No technical observation.

4.0 Planning History

Planning reg. ref. 027894: this relates to a decision of the planning authority in 1986 to grant permission for an extension to the dwellinghouse and installation of sewerage facilities. No drawings are available. Amongst the conditions attached by the planning authority are:

- Condition 3 – entrance gate to be set back 5m.
- Condition 7 – roadside fence to be removed for 12m distance and the land adjusted to the level of the public road for 3m depth and 12m length.
- Conditions 8 and 9 relate to removal of front boundary and erection of new boundary fence of open design and at a location to be agreed.

ABP-303426-19: this relates to the lands to the south at the opposite side of the public road – permission was granted for erection of a shed for agricultural purposes.

The relevant site to the south of the public road has a long site frontage at the roadside boundary.

5.0 Policy and Context

5.1. Development Plan

The relevant plan is the Wexford County Development Plan 2022-2028.

Policy relating to the **sighting and design of access/egress points**, including the intensification of existing access points is set out in section 6.2.6 of volume 2 of the development plan. The requirement is to demonstrate that the principle of a new/intensified access meets the criteria set down in the Road Section of Volume 1 Chapter 8. The second criterion is that the detailed sighting and design is acceptable, having regard to the characteristics and features of the public road, availability of required sightlines, design and construction of the access/egress point and impacts on existing mature trees and existing built features such as stone walls at the road frontage. Each application for a proposed new or material intensification will be assessed on its particular merits and will have regard to relevant guidance. For a local/county road with a road speed limit greater than 60 kph the required sightline is 65m, measured 2m back from the edge of the public road in the case of a dwelling house. There is a further requirement that sight lines improvements be in place for the construction phase.

Chapter 8 of Volume 1 of the development plan refers to more strategic policy provisions. In terms of roads, it is noted that the N25 improvements undertaken will have significantly improved connectivity. The objectives include:

- TS43 – ensure that the public safety of all road users including pedestrians and cyclists has the highest priority in the design of development and vehicular access points and in the exercise of traffic management, functions. Road Safety Impact Assessments, Road Safety, Audits and other road safety reports shall be sought where appropriate.
- TS47 – require all developments to make appropriate provision for safe access and arrangements for servicing and deliveries having regard to the nature and location of the development and other criteria.

The site is within the Slaney / Bann River Valley landscape character unit.

Section 4.9.4 of Volume 1 encourages the **restoration of habitable or substantially intact or derelict, vernacular buildings**, and sets out criteria for such developments. The general principal is to protect the vernacular building stock. The criteria to be considered include that the remaining character and original historic fabric is retained. Extensions to the structure must be proportionate in scale and visually subservient. Normal assessment criteria apply in relation to the treatment of wastewater, safe access and water supply.

Policy relating to **extensions to dwelling houses** is set out in section 3.4 of Volume 2. Extensions must be a suitable scale and position on site and design and external finishes need not necessarily replicate or imitate the existing dwelling house. An upgrade to the existing on-site wastewater facilities may be required.

Regarding the refurbishment and replacement of rural dwellinghouses – table 4.7 references the retention of character and historic fabric. Normal environmental criteria to apply in relation to treatment of wastewater, safe access and water supply.

5.2. **Natural Heritage Designations**

The river corridor of the main Slaney channel 1km to the north / northeast and northwest of the site is designated as the proposed Slaney River Valley pNHA.

The area further downstream to the northeast is part of the Wexford Slobs and Harbour pNHA.

5.3. **EIA Screening**

5.4. Having regard to the nature and modest scale of the proposed development, its location in a rural area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- Under the further information response, the applicant proposed that the shed be omitted, and this point is re-iterated.
- It is considered that there will not be an intensification of use as the proposed development provides only a master bedroom and living / dining accommodation.
- The existing accommodation is quite cramped. Instead of demolishing the cottage the applicant proposes that it be retained to accommodate less frequently used spaces (sitting room, library, two guest bedrooms) and the extended house will continue to be used by the applicant and her partner. There will be more spacious accommodation but the exact same level of use.
- Options to improve sightlines were examined but all would have resulted in removal of the roadside beech hedge. Any realigned hedge would be too close to the front of the cottage. The sightlines would be achieved at the cost of loss of character and visual amenity, would involve considerable civil engineering works on this steeply sloping site and would not be warranted for a remodelled small house.

6.2. Planning Authority Response

None received.

6.3. Observations

None received.

6.4. Further Responses

None.

7.0 Assessment

The issues arising in this case can be assessed under the following headings:

- Traffic safety
- Wastewater treatment facility and water supply
- Visual and residential amenities
- Appropriate Assessment Screening.

7.1. Traffic Safety

- 7.1.1. I consider that the development plan sets down a strong and clear policy context for consideration of the traffic safety implications in this case. While there is a provision that assessment of access/egress points involving new / intensifications of access will be based on their merits there is also a clear requirement for 65m sightlines under section 6.2.6, which is the basis for the decision of the planning authority to refuse permission.
- 7.1.2. I note and accept the comments of the officials of the planning authority to the effect that the traffic levels on this road are relatively high as it functions to provide access onto the N25. I refer also to the planning history relevant to a much smaller extension at this cottage and the requirements to improve the sightlines. The planning authority has been consistent with respect to the need to improve the sightlines at this dwelling house, including when considering a previous proposal.
- 7.1.3. The appellant's case relies substantially on the claim that the proposed development will not constitute an intensification of use of the dwelling house. I do not accept this argument. The proposed 159 sq.m extension at the cottage which is of stated area of 61 sq.m would result in a house of 220 sq.m which is over three times its existing size. I note the appeal comments relating to the number of bedrooms which is increased only by the additional master bedroom and the statement that there will continue only to be two occupants. Having regard to the scale of the overall development to the house I agree with the planning authority that there would be an intensification of use of the access / egress. In that circumstance and having regard

to the nature of the public road and the poor sightlines at the existing access / egress I concur with the decision of the planning authority to refuse permission.

- 7.1.4. The appellant rejected the planning authority's request for further information including revised sightlines on the basis of architectural heritage impacts. I do not accept that the intrinsic architectural merits of the cottage warrant such an approach as it is neither a listed building nor one which is identified in the National Inventory of Architectural Heritage. Furthermore, I am of the opinion that an appropriate landscape treatment could be achieved, and that significant diminution of the built heritage would not necessarily follow from removal of the roadside hedgerow.
- 7.1.5. Having regard to the quite steep drop from the public road into the site I consider that it is appropriate that road safety considerations be carefully considered in the design of any replacement boundary which would be associated with the revised sightlines. This matter might be considered under a Road Safety Audit. For this reason I do not recommend that the Board deal with traffic safety issues by condition. My conclusion is that a refusal of permission is warranted.
- 7.1.6. The appellant is silent on the construction phase traffic which is referenced in the development plan. Having regard to the scale of the extension and taking into account the relatively heavy traffic on the local road and the poor sightlines at the existing access point as well as the absence of proposals for dealing with construction phase parking and the constraints of the site, it would be appropriate that this matter be addressed further prior to a grant of permission.
- 7.1.7. Finally, regarding the use of the lay-by across the road for parking during the operational phase my comments follow. I accept that this is long established and that it would be sufficient for the parking of two cars. However, there is an absence of any evidence from the first party relating to rights to use this area. Given the importance of this matter, and in the absence of even a letter from the owner of the lands adjacent the lay-by, I do not consider that permission should be granted. I also note that the layby would not provide for visitor parking or charging of vehicles.
- 7.1.8. In conclusion I consider that the decision of the planning authority should be upheld.

7.2. **Wastewater treatment facility and water supply**

- 7.2.1. The proposed development incorporates a new wastewater treatment facility the position of which was revised in response to the further information request issued

by the planning authority. The general trust of the request for further information included that a Site Specific Flood Risk Assessment be prepared, and that the applicant demonstrated the proposed development and wastewater treatment system would be resilient to possible future flooding events. The revised submission included the repositioning of the percolation area at a location 6m further to the south.

7.2.2. I am satisfied that the decision not to submit a formal Flood Risk Assessment is acceptable in this case, having regard to the scale of the proposed development and the location of the dwelling house extension which is elevated 3 m above the stream level at a 1m higher elevation. Any issues arising with respect to potential for flooding fall to be considered as part of the standard wastewater treatment system assessment, namely with reference to the relevant guidance, the 2021 EPA Code of Practice.

7.2.3. The proposed development as originally described includes a Site Suitability Assessment report prepared by Geoenvironmental, a consultant deemed suitable by the planning authority. In general, I am satisfied that the approach to site assessment overall is fairly robust but on examination it appears that some matters are not clearly described.

- The indicated position of the percolation area test holes is within 5m of the stream – this is shown on the Geoenvironmental wastewater layout drawing received by the planning authority on 01 September 2022 with the original application submission. However, it is clear from the photographic evidence in that report that the actual testing took place at a position closer to the south.
- Contrary to the annotation on drawing A1.10 rev A submitted with the further information I find no evidence that the further information submission was accompanied by any revised site assessment by Geoenvironmental.
- In the absence of accurate drawings, it is not clear where exactly the test holes were located and their position relative to the revised percolation area. Conditions can vary significantly across a site and within a short distance. On balance taking into account the photographs on site I am satisfied that the

evidence points to the testing of the soil at a location proximate to the location of the revised percolation area.

- I conclude that the site characterisation results presented provide a suitable basis for assessment of the revised percolation area.

7.2.4. Regarding the contents of the report of Geoenvironmental and the results presented I consider that the evidence points to the suitability of the site and in this respect, I note in particular:

- Ground conditions on site do not raise any evident concerns – there is good depth of subsoil, an absence of mottling, rock outcropping and karst features and the underlying aquifer is classified as Poor with Moderate vulnerability.
- The calculated surface and subsurface percolation values on the site are within the levels set under the EPA CoP 2021.

7.2.5. In terms of the design of the system and the layout I note as follows:

- The proposed development would, as the planning authority concludes, comprise an upgrade to the existing circumstances. The provision of a modern wastewater treatment system to provide for 5 PE is proposed. Having regard to the scale of the overall dwellinghouse the selected design population seems low but this matter could be addressed by condition if deemed appropriate. In this respect I note that some of the rooms in the dwellinghouse including an office could be converted into bedroom space without requiring planning permission and thereby result in a higher population equivalent.
- There is adequate separation provided or achievable between the proposed extension and the new wastewater treatment system and between the proposed well and relevant facilities including the percolation area serving the house to the west, which is marked on the submitted drawings.
- A detailed drawing is provided regarding the raised percolation area which will comprise a sand polishing filter of 12.5 sq.m discharging to a 300mm deep gravel distribution layer measuring 37.5 sq.m.
- No information is provided relating to the existing well on site but the 2021 EPA CoP points to the relevant guidance to be followed in decommissioning.

Similarly the location of the existing septic tank is not identified and care would be needed in resolution of this area but this does not raise issues of concern to this appeal.

- 7.2.6. My overall conclusion therefore is that the design proposed is acceptable subject to complete compliance with the requirements of the CoP, and taking into account the site characterisation results and the separation distances I am satisfied that such compliance can be achieved. The proposed development is acceptable in terms of wastewater treatment and provision of a new water supply.
- 7.2.7. The repositioning of the percolation area necessitated omitting of a large shed which had formed part of the original development proposal. For completeness, I am in agreement with the comments of the planning authority in relation to the proposed shed. Having regard to the scale of the proposed development, the site topography and the potential traffic hazard arising from serving of the shed by way of a secondary access, the original proposed shed, now omitted, would not be in accordance with the proper planning and development of the area. In view of the site constraints, and the wastewater treatment proposals, I would recommend that if permission is being considered by the Board, it would be appropriate to require by condition that the normal exempted development provisions under the regulations not be allowed in this case.

7.3. Visual and residential amenities

- 7.3.1. The proposed development includes a large two storey extension to the rear of a very modest scaled cottage. The development plan guidance refers to scale and position of extensions on site. The proposed extension includes elements to the side and rear of the existing cottage which is largely retained in its original format. I am satisfied that the design approach presented complies with the criteria set down in relation to the refurbishment of vernacular dwellings. Due to the site contours and its location to the rear of the cottage, I am satisfied that the large extension would not give rise to adverse effects on the visual amenities of this rural area.
- 7.3.2. The proposed development includes a large two storey element at the western side of the site adjacent the site of another dwelling house. Having regard to the first-floor fenestration at the western façade and the position of the house at the adjacent site

there is no possibility of significant overlooking and no potential for adverse effects on residential amenity of the neighbouring house.

- 7.3.3. I am satisfied that notwithstanding the very large increase in floor area the proposed development is acceptable and in compliance with the development plan policy.

7.4. Appropriate Assessment Screening

- 7.4.1. The main Slaney river channel is designated as part of Wexford Harbour and Slobbs SPA and Slaney River Valley SAC and is 1km from the site. There is a potential hydrological connection between the site of the proposed development and the European sites by way of a stream which runs adjacent the site. No works are proposed in the immediate vicinity of the stream and the nature and scale of the development is such that there is no foreseeable emissions during construction of the extension to the dwelling house and other elements of the proposed development including the wastewater treatment facility. The upgrade to the wastewater treatment facility together with its location distant from the stream is such that there is no foreseeable emissions in the operation phase.
- 7.4.2. Having regard to the nature and scale of the proposed development involving an extension to a dwelling house and replacement of a wastewater treatment facility, to the absence of foreseeable emissions therefrom, the nature of receiving environment, the distance of the proposed works from the stream and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

- 8.1. I recommend that the decision of the planning authority to refuse permission be upheld for the reasons and considerations below.

9.0 Reasons and Considerations

1. Having regard to the scale of the proposed extension which constitutes a significant increase in the floor area of the existing cottage, it is considered that in the absence of improved sightlines the traffic turning movements generated by the proposed development would give rise to additional traffic

movements, which would endanger public safety by reason of traffic hazard and lead to conflict between road users. The proposed development would therefore contravene section 6.2.6 of Volume 2 of the Wexford County Development Plan 2022–2028 and would not be in accordance with the proper planning and sustainable development of the area.

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.

Mairead Kenny
Planning Inspector

12 March 2024