



An
Bord
Pleanála

Inspector's Report ABP317075-23

Development	Extension and alterations to house, new treatment system and associated site works.
Location	Sandhill House, Seaview, Kilmore, County Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20230153.
Applicants	Cathy and David Knobler.
Type of Application	Planning permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellants	Cathy and David Knobler.
Observer(s)	None.
Date of Site Inspection	31st October 2023.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located in a coastal area of County Wexford approximately 2 kilometres east of the village of Kilmore. On the site which is a stated 1.9 hectares in area is a large dormer type dwelling U shaped in footprint accessed from a road which also serves a large number of dwellings which are a holiday village complex to the northwest. Access to the site is via a cul de sac road which serves the appeal site and the holiday village and the road runs parallel to the coast. There is evidence of recent damage to the road from coastal erosion with temporary barriers along a section of the road adjoining the coast.
- 1.2. The dwelling is located in the eastern area of the site and the eastern and part of the northern boundary adjoin open lands. The southern boundary and most of the western boundary adjoin the coastline.

2.0 Proposed Development

The proposed development is for an extension and alterations to house, new treatment system and associated site works. The works are primarily internal to the existing dwelling with a patio area proposed to be covered with an approximate area of 10m². External elevational alterations are proposed to be carried out which alter the elevations and provide for new expanded window/glazing areas at both ground and first floor levels. A new effluent treatment system with percolation area is proposed to the west of the dwelling and a site suitability assessment report was submitted in relation to this recommending a packaged secondary system sized to a PE of 9 with a polishing filter.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to refuse planning permission. One reason was stated which considered the development premature pending a decision to approve the Coastal Protection Scheme which includes the coast at the front of the property thereby reducing the risk of the coastal erosion to the property.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 4th April 2022 refers to the provisions of the current County Development Plan, refers to other reports of the planning authority, that the principle of the development is deemed acceptable but based on the Coastal Engineer's report refusal of the development is recommended.

3.2.2. Other Reports

The Coastal Engineer Report dated the 14th March 2023 refers to the Irish Coastal Protection Strategy Study (ICPSS) and that the location of the shoreline in the vicinity is subject to future erosion with medium confidence and the engineer confirms this section of coastline is subject to severe erosion. It indicates that the property and access road are at high risk of erosion and the rate of erosion has increased in recent years. The property is 27 metres from the top of the eroding cliffs and the report notes that the proposed development does not extend the property toward the eroding cliff. Reference is made to a Coastal Protection Scheme prepared in relation to the section of coastline and emergency works carried out in early 2022 to protect the access road. The current status of the Coastal Protection Scheme is referred to and that an application is to lodged to An Bord Pleanála in 2023.

The report recommends the applicant holding off implementing the proposed development until the Coastal Protection Scheme is approved. Photographs are submitted with the report.

Environment report indicates no objection and recommends conditions.

4.0 Planning History

No relevant history.

5.0 Policy and Context

5.1. Development Plan

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

Volume 1 chapter 12 refers to Coastal Zone Management and Marine Spatial Planning in which it is recognised that the coast of the county is one of the most vulnerable areas in the county to the impacts of climate change. In this regard, the planning authority will avoid vulnerable development in areas under threat from coastal erosion and/or coastal flooding/sea level rise and ensure new developments do not exacerbate erosion or flood risk at that location, or elsewhere along the coast.

Section 12.5.4 refers to Coastal Erosion and that there is approximately 125 km of 'soft' shoreline (shoreline prone to erosion) along the county's coastline. Coastal erosion and coastal flooding are serious issues for the Council especially as the frequency and intensity of storms and coastal flooding events and the associated threats to critical and public infrastructure increases.

The Council the CDP indicates will carefully consider the location and siting of new developments and vulnerability to coastal erosion, particularly dwellings and critical infrastructure. In this regard, the Council will assess development within settlements with coastal protection works in place or underway differently to development within settlements without coastal protection works and where coastal erosion is a threat. The Council will also adopt a presumption against allowing development in settlements on soft shorelines/area at risk of coastal erosion where this would extend the length of the coastline that would require coastal protection works. There is also a presumption against new development outside of settlements.

Volume 2 of the plan relates to Development Management and outlines standards for the assessment of development proposals.

Volume 7 refers to Landscape Character and the site is located within the Coastal Zone.

5.2. Natural Heritage Designations

None relevant.

5.3. EIA Screening

- 5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, 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

The main grounds of appeal can be summarised as follows:

- The appellants purchased the property in 2022 and were aware of the need for urgent immediate repairs required to be carried out in relation to the property.
- The property requires to be upgraded and modernised to meet current standards.
- The applicants were aware of issues given the coastal location and contacted the coastal engineer in relation to coastal protection measures and a scheme for upgrading the dwelling was prepared based on the comments and reservations stated by the coastal engineer and the comments of the coastal engineer are stated in the grounds of appeal.
- In relation to the stated reason for refusal the appellants do not propose to increase the footprint of the dwelling and the proposed works include for essential upgrades to the building fabric and services and improvements to the building interior.
- The appellant in a submission restates the urgency of carrying out repairs.
- Correspondence with the coastal engineer are included in the submission which outlines emergency works were carried out and that the council are in the process of obtaining funding for protection works.
- A survey in relation to the condition of the property is also included.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the planning authority's reason for refusal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- The reason for refusal.
- Appropriate Assessment

7.2. Principle of the development.

7.2.1. The proposal as submitted is for an extension and alterations to a house, the provision of a new treatment system and associated site works. The dwelling exists on the site and the principle of the proposed development is accepted.

7.3. Reason for refusal

7.3.1. The decision of the planning authority was to refuse planning permission. One reason is stated which considered the development premature pending a decision to approve the Coastal Protection Scheme which includes the coast at the front of the property thereby reducing the risk of the coastal erosion to the property. The reason to refuse is based on the recommendation of the Coastal Engineer who in a report refers to the Irish Coastal Protection Strategy Study (ICPSS) and that the location of the shoreline in the vicinity is subject to future erosion with medium confidence and the engineer confirms this section of coastline is subject to severe erosion.

The report further indicates that the property and access road are at high risk of erosion and the rate of erosion has increased in recent years. The property is 27 metres from the top of the eroding cliffs and the report notes that the proposed development does not extend the property toward the eroding cliff. Reference is made to a Coastal Protection Scheme prepared in relation to the section of coastline and emergency works carried out in early 2022 to protect the access road. The current status of the Coastal Protection Scheme is referred to and that an application is to lodged to An Bord Pleanála in 2023 and the recommendation of the Coastal

Engineer is that the applicant holding off implementing the proposed development until the Coastal Protection Scheme is approved.

- 7.3.2. In the grounds of appeal, the appellants who purchased the property in 2022 and were aware of the need for urgent immediate repairs required to be carried out in relation to the property and also that the property requires to be upgraded and modernised to meet current standards. The appellants were also aware of issues given the coastal location and contacted the coastal engineer in relation to coastal protection measures and a scheme for upgrading the dwelling. In relation to the actual stated reason for refusal the appellants contend that they do not propose to increase the footprint of the dwelling and the proposed works include for essential upgrades to the building fabric and services and improvements to the building interior.
- 7.3.3. As already indicated the principle of the development is not at issue. It is also noted that the renovations are largely internal, there are elevational changes and a very modest extension is proposed to the existing property. The works as proposed do not physically extend the building line towards the coastline.
- 7.3.4. The need for coastal protection works is evident from the site inspection of the site as this section of coastline is a soft coastline subject to erosion and the road leading to the site has been the subject of recent remedial works consisting of rock armour to protect the section of road running along the coastline leading to the appeal site and the holiday home development.
- 7.3.5. It would be reasonable to consider that Exempted Development works under the Planning and Development Regulations 2001 as amended could be carried out in relation to the renovation of the existing property and this could occur whether or not the Coastal Protection Scheme proceeds and as noted by the Coastal Engineer the works as proposed do not extend beyond the existing southernmost building line in the direction of the coast.
- 7.3.6. The county development plan provisions largely are in relation to preventing further new development in vulnerable coastal locations and this is reasonable.
- 7.3.7. I do not however consider that in this particular situation it is reasonable to refuse a development as premature pending the carrying out of the protection scheme which is largely a renovation of an existing development with no significant increase in

footprint or floor area or physical extension forward of the building line in the direction of the coastline.

7.3.8. In relation to the elevational changes and floor area extension proposed I would have no objections to the proposal as submitted and visually it would be an enhancement on what currently exists.

7.3.9. It is noted that the proposal provides for new effluent treatment system with percolation area is proposed to the west of the dwelling and a site suitability assessment report was submitted in relation to this recommending a packaged secondary system sized to a PE of 9 with a polishing filter. Based on the documentation submitted which complies with current EPA Code of Practice it will provide for a satisfactory treatment of effluent.

7.4. **Appropriate Assessment Screening**

7.5. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built up urban area 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 EIA at an initial stage.

8.0 **Recommendation**

8.1. I recommend that permission be granted.

9.0 **Reasons and Considerations**

Having regard to the nature of the proposed development which is a largely a renovation of an existing dwelling it is considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 17th February 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>External finishes to the proposed development shall be in accordance with the details received by the planning authority on the 17th February 2023.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>1 (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 February, 2023, 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.</p> <p>(b) No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(c) 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>(d) 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>(e) 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>(f) 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>2.Details to comply with the requirements of this condition shall be submitted in a permission consequent to this grant of outline planning permission.</p> <p>Reason: In the interest of public health.</p>
4	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional 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>

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.

Derek Daly
 Planning Inspector

13th November 2023