



An
Bord
Pleanála

Inspector's Report ABP-318970-24

Development	Extension to house (ground floor and first floor), upgrading of septic tank with a new sewage treatment plant and percolation area, new entrance wall and associated site works.		
Location	Shelmaliere Commons, Carrick, Barntown, Wexford		
Planning Authority Ref.	20231017.		
Applicant(s)	Tony Dempsey.		
Type of Application	Permission	PA Decision	To grant permission.
Type of Appeal	Third	Appellant	Martina Carroll-Garrison
Observer(s)	None		
Date of Site Inspection	12/07/2024	Inspector	Richard Taylor

Context

1. Site Location/ and Description.

The site is located at Shelmaliere Commons, Carrick, Barntown, Wexford. It is broadly triangular in shape and comprises a single 4-bedroom detached bungalow approximately 10 metres from the rear or southeastern site boundary at the closest point. The area to the rear of the bungalow is broadly level in terms of topography, whilst the front area of the site slopes from the front of the dwelling towards the public road. The bungalow is finished in render with a tiled roof and is broadly

rectangular in terms of shape. The majority of the site comprises areas of lawn and soft landscaping, save for a gravel laneway access that traverses broadly parallel to the northeastern site boundary. Boundaries typically comprise mature hedging interspersed with trees. The site has a stated area of 0.52 hectares.

The site is within a rural area but comprises low density detached housing on generous rectangular shaped sites. There are dwellings with associated large plot to the southwest and southeast, and agricultural fields to the east. Beyond these fields there are further dwellings to the north.

The topography of the wider area is undulating and generally slopes to the north and northeast towards the public road.

2. Description of development.

The proposal comprises the following elements:

- A two-storey extension to the northeastern elevation with pitched roof;
- A single storey extension to the rear/southwestern elevation with flat roof;
- Total floorspace of extensions of 174.4 square metres gross floorspace (existing dwelling 90.8 square metres);
- Additional stormwater attenuation and soakaway;
- A new sewage treatment plant;
- Surface water attenuation tank close to the site entrance;
- Alteration to the site access including walls and interceptor.

3. Planning History.

No relevant site history.

4. National/Regional/Local Planning Policy

- The Wexford County Development Plan 2022-2028 was adopted by the Elected Members of Wexford County Council at the Special Meeting of the Council held on Monday, 13th June 2022. The Plan came into effect on Monday, 25th July 2022. It has regard to national and regional policies in respect of residential development.
- Map 1: Rural Area – strong urban influence.
- Chapter 3: Core Strategy

- Chapter 4: Sustainable Housing.
- 9.6.4 Individual Private Wastewater Systems in Rural Areas.
- Objective WW09: To ensure that development proposals comply with the standards and requirements of the Irish Water: Code of Practice for Wastewater Infrastructure, (2020), and any updated version of this document during the lifetime of the Plan.
- Objective WW11: To consider the development of single dwelling houses 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 Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021' and any updated version of this document during the lifetime of the Plan, and maintained in accordance with approved manufacturer's specifications and subject to compliance with the Water Framework Directive, the National River Basin Management Plan 2018-2021, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.
- Chapter 13: Heritage and Conservation.
- Chapter 9: Infrastructure Strategy.
- 9.11 Flood Risk and Surface Water Management.
- Objective FRM06: To consider applications for minor developments such as change of use, extensions and infill development in accordance with the requirements of the Planning System and Flood Risk Management-Guidelines for Planning Authorities (DEHLG and OPW, 2009) and Circular PL2/2014, and any future update of these guidelines and the County Strategic Flood Risk Assessment in Volume 11.
- Objective FRM14: To require the use of sustainable drainage systems (SuDS) and nature-based solutions to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage and nature-based techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks, to improve water quality, enhance biodiversity and green infrastructure and contribute to climate mitigation and adaptation.
- 9.11.11 Surface Water Management.

- Objective SWM07: To discourage the use of hard non-porous surfacing and pavements within the boundaries of rural housing sites.
- Chapter 10: Environmental Management.
- 10.5.4 Protecting and Improving Water Quality.
- Objective WQ15: To ensure that development permitted would not negatively impact on water quality and quantity, including surface water, ground water, designated source protection areas, river corridors and associated wetlands, estuarine waters, coastal and transitional waters.
- Volume 2 Development Management Manual.
- Section 2 Common Principles for All Developments, 2.6 Amenity.
- Section 3 Residential Developments.
- 3.4 Extensions to Dwelling Houses:
- appropriate extensions to existing dwelling houses will be considered subject to compliance with the following criteria:
 - The proposed extension must be of a scale and position on the site which would not be unduly incongruous with its context.
 - The design and external finishes of the extension need not necessarily replicate or imitate the design and finish of the existing dwelling. Contemporary designs and finishes often represent a more architecturally honest approach to the extension of a property and can better achieve other objectives such as enhancing natural light. It should be noted that a different approach may apply in the case of a Protected Structure or within an Architectural Conservation Area.
 - The extension should not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.
 - The extension should not impinge on the ability of adjoining properties to develop a similar extension.
 - Site coverage should be carefully considered to avoid unacceptable loss of private open space.

- The degree to which the size, position and design of the extension is necessary to meet a specific family need, for example, adaptations to provide accommodation for persons with a disability.
- Where required, it will be necessary to demonstrate that the existing on-site wastewater treatment facilities serving the main dwelling house are adequate and can facilitate the additional loading from the extension. Where this cannot be demonstrated, it will be necessary for the on-site wastewater facilities to be upgraded as part of the development proposal.
- Section 8 Infrastructure and Environmental Management: 8.2 Water, 8.3 Wastewater.
- Volume 7: Landscape Character Assessment: Map 7.1: Lowlands.

5. Natural Heritage Designations

- Nearest natural heritage designations to the site are as follows:
- Special Protection Areas [site code]:
- Cahore Marshes SPA [004143]
- The Raven SPA [004019]
- Wexford Harbour and Slobs SPA [004076]
- Special Areas of Conservation [site code]:
- Kilpatrick Sandhills SAC [001742]
- Blackstairs Mountains SAC [000770]
- Blackwater Bank SAC [002953]
- Cahore Polders and Dunes SAC [000700]
- Kilmuckridge Tinnaberna Sandhills SAC [001741]
- Buckroney-Brittis Dunes And Fen SAC [000729]

Development, Decision and Grounds of Appeal

6. PA Decision.

The first planning report dated 24th October 2023 notes following:

Referral responses were received from the Senior Executive Scientist (Environment) and Roads section. Both recommend a grant of permission subject to conditions.

An observation was received from the appellant raising concerns that the proposal soakaway is located on the appellant's lands.

The extension and associated designs are considered acceptable.

Existing boundary landscaping will be retained and reinforced.

The access details and associated entrance wall including interceptor are acceptable. Sightlines are achievable.

Water supply and effluent treatment are acceptable. The proposed secondary treatment system and polishing filter is deemed an environmental gain to the existing house.

Drainage: a new stormwater attenuation and soakpit is proposed for the site.

Noted that an observation has been made regarding the location of the soakpit which may be on lands not within the ownership of the applicant.

Site is noted as minimal risk within the OPW flood map-category C.

It is concluded that further information is required in relation to the location of the soakpit to confirm if it is on lands within the control of the applicant.

The second planning report is dated 13th January 2024 and broadly repeats the assessment summarised above. It states that the stormwater soakaway has been relocated on a revised site plan. It concludes the revised details are acceptable and recommends a grant of permission subject to 8 conditions.

8 conditions are attached to the notification of decision dated 10th January 2024 summarised as follows:

Condition 2: relates to provision of access and sightlines.

Condition 3 & 4 relates to development contributions.

Condition 5: surface water run-off / drainage grating and associated details at site entrance.

Condition 6: provision and maintenance of effluent and disposal system.

Condition 7: provision of percolation area in accordance with EPA code of practice and verification of correct installation prior to occupation.

Condition 8: trees and hedgerows to all new side and rear boundaries, carried out in the first planting season following the grant of permission.

7. Third Party Appeal. Grounds:

- The appellant resides directly to the east of the appeal site. The grounds for appeal are submitted by Armstrong Planning, with a technical opinion appended by Tent Engineering. The grounds of appeal are summarised as follows:
- The appeal sites topography slopes down towards the appellant's property, increasing the potential for flooding. 2 soakaways are proposed.
- The surface water management plan submitted by the applicant lacks adequate information in regard to the treatment of surface water.
- Effective measures to prevent flood risk to the appellant's property and adjacent road including during periods of heavy rainfall has not been provided. The proposed soakaways do not meet BRE digest 365, not adhering to a minimum distance of three metres from the appeal site boundary.
- Soakaways may be used for the disposal of surface water and must comply with BRE digest 365. Basic requirements in accordance with best practice are as follows:
- Design details should include infiltration test results and certified by a suitably qualified person. Only clean, uncontaminated surface water shall be discharged to soakaways. The soakaway shall be located fully within the curtilage of the property and shall be:
 - at least five metres from any buildings, public sewers, road boundary, or structures;
 - not within 3 metre of the boundary of the adjoining site;
 - not in such a position that the ground below foundations is likely to be adversely affected;
 - 10 metres from any sewage treatment percolation area and from any water course or floodplain;
 - soakaways to include an overflow connection to a public surface water sewer where possible.

- The site slopes from the rear towards the front entrance impacting the drainage dynamics. The planning drawings depict 2 soakaways, with soakaway 1 capturing the bulk of the surface water. However, a critical assumption is not explicitly stated in the planning information, that soakaway 1 will collect all surface water upstream of itself. This should be clarified as a planning condition to avoid potential local flooding or water flow onto the public road.
- Tent engineering make the following recommendations:
- A comprehensive design for soakaway 1 should be provided, ensuring it is suitably sized and positioned in accordance with design guidelines. Soakaway 2 will attract surface water from both the front of the site and the adjacent property and needs careful consideration. The planning drawings indicate an area of 288 square metres of hard standing. The proposed 1.4 metre diameter soakpit adjacent to the appellants lands is not located 3 metres from the boundary and raises concerns. This design indicates it will need to be at a depth of approximately 5 metres. The proposed depth, in light of site characteristics like rock outcrops and shallow bedrock, questions the feasibility of the proposal. Without proper management, surface water may either adversely affect the appellants lands or create a traffic hazard on the adjacent road.
- The proposal would lead to substandard living conditions for the occupants of the property at the appeal site and the appellant.

8. PA Response

- No further comments received.

9. Applicant Response

Some time ago the applicant installed a large soakaway area to the front of the existing house. This measures 22 metres by 10 metres, up to a height of three feet (photos appended). This natural soakaway will considerably reduce stormwater from the existing house and proposed extension. When combined with the proposed soakaway this eliminates any risk of flooding.

WJG consultants have been engaged by the client to undertake testing for storm soakaway designs (BRE digest) to cater for the proposed extension and existing dwelling. The new soakaways will comply with BRE regulations. Tests will be

undertaken on the site and soakaways shall be constructed at various locations to take account of stormwater design and management. The applicant shall install new soakaways around the existing house and an additional 2 soakaways along the driveway which will cater for rainfall. WJG consultants will prepare calculations and site plan with method of construction following site testing.

Condition 5 of the grant of planning permission relates to water within soakaways and retention of water within the site. This condition confirms the Council gave serious consideration to surface water management before granting permission. A Senior Executive Scientist of the Council has recommended a grant of permission.

The appellant has suggested that the soakaway is on their land. The portion of land referred to is not registered as being in their possession based on a Land Registry map (*referred as appended, but not included with submission*).

The diagram attached to the appellants submission states that “adjacent home and lands owned by our client impacted by the surface water strategy”. The house referred to is not owned by the appellant, but owned by Mr John Cullen who has owned said house for approximately 40 years. The applicant has also been at this site for approximately 40 years. There is no history of impacts of water between these neighbours/sites. Mr Cullen has raised no objections and will not be impacted by the proposal. The appellant’s residence is at a much higher altitude than the proposed extension.

The appellant incorrectly assumes there will be a hard surface. The applicant is proposing permeable finishes to the driveway and area around the dwelling. There will be limited impermeable surfaces constructed at the property.

Environmental Screening

10. EIA Screening –

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

11. AA Screening -

Having regard to the modest nature and scale of development, and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as 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.

2.0 Assessment

- 2.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues, therefore, are as follows:
- (a) Principle of Development.
 - (b) Drainage Issues
 - (c) Design and Amenity considerations
 - (d) Conditions.
- (a) Principle of Development.
- 2.2. The application was amended by a further information request following initial assessment by the Council. The amendments related to the stormwater attenuation and soakpit for the site and confirmation that these elements were within lands in the ownership of the applicant. The grounds of appeal solely relate to these issues and no objections are raised in relation to the other aspects of the proposal.
- 2.3. Due to the nature of the proposal the main considerations are in Volume 2: Development Management Section of the plan and in particular part 3.4 Extension to Existing Dwellings, along with parts 8.2 and 8.3 which relate to water and wastewater respectively.
- 2.4. The policy wording is permissive in regard to extensions, stating that “the continued use of existing dwellings and the need for people to extend and renovate their dwelling houses is recognised and encouraged”. On this basis I consider that the proposal is acceptable in principle. However, the policy also requires proposals to be

compliant with 7 criteria which broadly relate to design and amenity impacts, with the final bullet point referring to wastewater.

(b) Drainage Issues

- 2.5. 8.2.1 refers to Surface Water Management, and states that the use of sustainable urban drainage systems (SUDS) are the preferred approach for surface water drainage. It goes on to state that “In some exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SUDS devices are not feasible, consideration may be given to the installation of underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort.”
- 2.6. Neither the 1st or second planning report by the Council include an assessment on whether or not a sustainable urban drainage system is feasible in this location. The relevant discussion on drainage is silent on this consideration. The proposed solution includes retention of two percolation areas, and a new/further stormwater attenuation and soakaway area, and new soakaway attenuation tank located adjacent to the site entrance. This is the subject of dispute between the parties. I consider that the mixed solution approach is appropriate given the topography of the appeal site and its sloping nature, and similar characteristics of adjacent lands. I therefore conclude that use of an underground attenuation tank is acceptable in the circumstances.
- 2.7. The revised soakaway position is sited within and below the existing access laneway. The updated site layout plan indicates that this soakaway would be elevated approximately 1 metre above the site boundary, which traverses broadly parallel to the existing access laneway. From this position the topography falls approximately 3 metres to the northeast. Its position is denoted by a coloured circle approximately 3 metres from the northern site boundary at the closest point, and approximately 6.8 metres from the edge of the public road at closest point. Based on these submitted details, I am satisfied that this attenuation tank is within lands owned by the applicant and is compliant with the required separation distances to structures and boundaries as quoted in the appellant's evidence. I note the concerns raised in relation to geology at this location. Whilst this may pose difficulties for the installation process, I do not consider that this is insurmountable and can be resolved by an appropriate design.

- 2.8. The revised site plan, submitted as part of the further information request by the applicant, also indicates a stormwater attenuation and soakaway area to the southeast. This soakaway is approximately 3 metres in width 13 metres in length and is broadly rectangular in shape. It is orientated broadly north to south and parallel to the western site boundary.
- 2.9. This soakaway varies in distance from the western site boundary between approximately 3.2 metres narrowing to approximately 2 metres. The western boundary comprises mature vegetation of hedging and trees. The topography of the site slopes from broadly southeast to northwest, with a stated contour site level of 104.0 metres at the site access road boundary increasing to a stated site contour level of 116.0 metres at a point broadly in line with the front elevation of the existing dwelling. There is an increase in topography of approximately 12 metres over a distance of approximately 83 metres.
- 2.10. The majority of this soakaway structure is compliant with the relevant separation distances cited in the appellant's evidence. I therefore do not consider that the small area that would breach the required 3 metre separation distance would be unacceptable.
- 2.11. In considering the drainage impacts of the proposal, it is evident that the applicant has considered the additional loading on existing drainage facilities and has procured the appropriate technical advice to resolve this issue. I also do not consider that the proposed extension would significantly increase surface water taking account of the size and design of the extension. The wider site is extensive in area, and notwithstanding the sloping topography, much of the site comprises permeable surfaces including landscaping and vegetated site boundaries. The existing access laneway comprises a gravel surface finish. There is no evidence within the supporting documentation and from on site assessment that there are extensive areas of hard surfacing or form part of the proposal. I also note the recommendation of the Senior Executive Scientist of the Council who concludes that "there is no increase in bedrooms...the site is suitable for discharge to groundwater and the proposed secondary treatment system and polishing filter is considered an environmental gain." I consider that ensuring delivery of an appropriate system can be achieved by a planning condition and subsequently verified in agreement with the Council. This measure would ensure that surface water issues could be adequately

addressed and would be in compliance with the requirements of the plan as discussed above.

(c) Design and Amenity considerations

2.12. In relation to the design and amenity considerations of the proposed extension, the Council have concluded in their assessment that the proposal is acceptable and compliant with relevant policy requirements. The appellant has no objections to these elements of the proposal.

2.13. I am satisfied that the proposed design is in accordance with policy. I am also satisfied that the proposal will not adversely impact on the amenity of any neighbouring properties due to the extensive separation distances available. Whilst the existing dwelling occupies an elevated position, the extensions would not have an adverse impact on visual amenity as they would largely be obscured from public viewpoints and adjacent roads by intervening topography, buildings and vegetation.

(d) Conditions

2.14. As discussed above, it is necessary to include a planning condition to finalise and verify surface water and wastewater treatment facilities. I also consider it necessary for a condition to retain the access laneway in a permeable surface to ensure that surface water is not increased.

3.0 Recommendation

3.1. I recommend that permission for the development be granted.

4.0 Reasons & Considerations

Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with zoning objective for the site as set out in the Wexford County Development Plan 2022 – 2028, and all other material considerations, would not be injurious to the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning authority on and further information date stamped 08/12/2023, 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.

Reason: In the interests of clarity.

2. The access to the site shall be constructed in accordance with the submitted plans and retained thereafter. The works to provide the required sightlines shall be carried out prior to the commencement of any other works hereby permitted.

Reason: To ensure site access during construction with the provision of the required sightlines in the interest of traffic safety.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No part of the development hereby permitted shall be occupied until interceptor drainage grating has been provided the full width of the entrance with the public road and shall be piped to a satisfactory outfall. The access shall be piped with a suitably sized pipe to ensure that no interference shall be caused to the existing roadside drainage. Provision shall be made to ensure ease of future maintenance. Surface water from the site shall not be permitted to drain onto the adjoining public road. The access laneway of the site shall be retained in a permeable surface in accordance with the approved plans.

Reason: In the interest of traffic safety.

4. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – The Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Prior to the occupation of any extensions hereby permitted, 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 in accordance with the standards set out in the EPA document. The certification shall include the submission of colour photographs taken at each stage of the installation of the percolation area. Where applicable, certification shall include the results of percolation tests carried out on each lift of the placed soil.

Reason: In the interest of public health.

5. Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed on the submitted plans. New side and rear boundaries shall be laid out in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and which shall not include prunus species.

(ii) Details of any screen planting which shall not include cupressocyparis x leylandii.

(ii) Details of any roadside/street planting which shall not include prunus species.

(iii) Hard landscaping works, specifying surfacing materials, and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

All planting shall be carried out in the first planting season following commencement of development, shall be adequately protected from damage until established, and shall be maintained so as not to block and/or interfere with the vehicles and pedestrians using the adjacent public road and walkways.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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.

Reason: In the interest of residential and visual amenity.

6. 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 circumstances where prior written approval has been received from the planning authority.

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

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Richard Taylor

Planning Inspector

2nd August 2024