



An  
Bord  
Pleanála

## Inspector's Report ABP-319688-24

<b>Development</b>	Erection of alterations and extensions to an existing dwelling house together with associated and auxiliary accommodation and site works (existing connection to Irish Water infrastructure).		
<b>Location</b>	Whitehouse, Rosslare, Co. Wexford.		
<b>Planning Authority Ref.</b>	20231444.		
<b>Applicant(s)</b>	Joan Kehoe.		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	To refuse permission.
<b>Type of Appeal</b>	First	<b>Appellant</b>	Joan Kehoe
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	12/07/2024	<b>Inspector</b>	Richard Taylor

### Context

#### 1. Site Location/ and Description.

The proposed site is located off a gravelled laneway "Fern Lane", with access to the Strand Road, Rosslare and forms part of a larger corner site. It is broadly rectangular in shape and has level topography. The site has a stated area of 0.89 hectares and is approximately 31 metres in length and 18 metres in width. There is a single storey dwelling on site that appears vacant and in a poor state of repair with a stated gross floorspace of 68 sqm. It is finished in render with a slate tiled

roof and broadly orientated with the front elevation to the southwest, and rear to the northeast.

The northeastern boundary comprises a wall approximately 2 metres in height, with a detached dwelling immediately adjacent. The northwestern boundary abuts the laneway and comprises hedging and earth mounding approximately 1.2m in height. To the southwest there is a further single storey dwelling with direct frontage to Strand road. The remainder of the lane comprises detached dwellings within broadly rectangular plots of similar dimensions to the appeal site. The northern/opposite boundary of the laneway largely comprises hedging and forms the rear boundary of a housing development "Cedar Court" to the north, save for a single detached dwelling adjacent to the laneway entrance that also fronts onto Strand Road. This site boundary with the laneway comprises a wall with timber fencing above approximately 1.5m in height. The area is predominantly residential apart from a hotel complex opposite the laneway entrance to the northwest.

## **2. Description of development.**

The proposal seeks permission for extensions and alterations to the existing dwelling. The extension is 2 stories in height, sited to the side/rear of the existing dwelling. It has a ridge height of approximately 6.5m, with a stated floor area of 74 sqm. The extension includes 3 bathrooms. The existing dwelling is single storey with a ridge height of approximately 4.9 metres and will be converted to a living room and kitchen. External finishes will be altered to Cedar and aluminium cladding with revised window openings. It is located broadly centrally within the plot with garden areas and associated hard and soft landscaping to the front, sides, and rear.

The proposal also includes a vehicle parking area adjacent to the laneway access at the front of the site. A wall is proposed along the eastern site boundary.

## **3. Planning History.**

Application No.: 20120511: Demolition of existing dwelling and construction of 1 two and a half storey detached dwelling house, 2 no. two storey semi-detached dwelling houses and 1 no. two storey detached dwelling house with all associated site works. Refused – 3 reasons, overdevelopment and detrimental to amenity,

unacceptable increase in traffic, and deficiency in sewage facilities and would be premature pending upgrade.

20074389: Demolition of existing dwelling and construction of 4 two and a half dwelling houses, will all associated siteworks. Refused – 2 reasons – deficiency in sewerage facilities, scale, form, failure to address public road, positioning on site and insufficient information on existing and proposed landscaping would have detrimental impacts on visual amenities of the area, and would be contrary to sections 2, 3, 4 of the local plan.

Adjacent site:

Current Appeal ABP ref: 319004, Lodged 08/02/2024. Decision pending.

Authority Case Reference: 20231481. House and associated site works. Refused 31st January 2024 for following reason:

1. Development of the kind proposed would be premature by reference to the prospective deficiency in Rosslare Strand Wastewater Treatment Plant and it has not been demonstrated that there is sufficient discharge capacity in the Rosslare Strand Wastewater Treatment Plant to cater for the proposed development. In such circumstances the proposed development would result in non-compliance with the "combined approach" (as defined in the Wastewater Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007)) due to the wastewater discharge from the development resulting in the Rosslare Strand Wastewater Treatment Plant not being in compliance with the requirements of the Urban Wastewater Treatment Regulations 2001 (S.I. No. 254 of 2001) as amended. It is further considered that it is not possible to achieve such controls or limits by way of condition and consequently the Planning Authority must refuse permission having regard to Regulation 43 of the Wastewater Discharge (Authorisation) Regulations 2007. The proposed development is therefore considered premature pending the upgrade of the wastewater treatment infrastructure in the village and in the absence of such upgrades, would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

#### **4. National/Regional/Local Planning Policy**

- The Wexford County Development Plan 2022-2028 is the operative plan for the area and 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.
- Volume 1: Written Statement
- Rosslare is located in a designated 'Coastal Zone' (Volume 1, Map 3)
- Chapter 3: Core Strategy.

- Table 3-2 County Wexford Settlement Hierarchy. Rosslare is a Level 3a Service Settlement.
- 3.6.3 Level 3a Service Settlements: Role and Function: While the size of these settlements varies, the settlements all share a common characteristic of being important service settlements for their local communities and their wider rural hinterlands. All of these settlements perform important functions including retail, commercial, education, residential, service and amenity functions. The location of these settlements, together with targeted growth and investment in services, will contribute to the balanced spatial development of the county.
- Development approach includes: Ensure that new development contributes to the creation of attractive, liveable, well-designed, high-quality settlements and the local communities enjoy a high-quality of life and well-being. Protect and enhance amenities, heritage, green infrastructure and biodiversity in these settlements.
- Chapter 4: Sustainable Housing.
- Objective SH03: To seek to facilitate all households to access good quality housing appropriate to the household circumstances and in their particular community of choice.
- Objective SH04: To ensure that new residential developments minimises the use of natural resources and impacts on natural assets. The locations selected for residential developments should maximise the potential to use sustainable modes of transport such as walking, cycling and public transport to reduce dependence on fossil fuels. The design of residential units and associated services should maximise the use of renewable energy and minimise the use of water.
- Objective SH06: To prioritise the provision of new housing in existing settlements and at an appropriate scale and density relative to the location in accordance with the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region and the Core Strategy and the Settlement Strategy in the Plan.
- Chapter 5: Design and Place-making in Towns and Villages.
- Chapter 9: Infrastructure Strategy.
- Section 9.6 Wastewater

- Table 9-3 Overview of Public Wastewater Infrastructure - Level 3a Service Settlements - Rosslare Strand – Capacity = 8,500PE and Headroom = 2,826PE. (Source: Irish Water Wastewater Capacity Register 29th April 2020 but subject to change).
- Table 9-4 lists EPA Urban Wastewater Areas of Concern. It does not include Rosslare on the list.
- Table 9-5 which lists Irish Water Investment Plan Public Wastewater Projects 2020-2024 does not include Rosslare on the list.
- Objective WW04 - To facilitate Irish Water in the delivery of public wastewater services which address the residential, commercial and industrial needs of the county subject to compliance with all relevant EU and national legislation and guidelines and normal planning and environmental criteria.
- Objective WW05 - To work alongside Irish Water to facilitate the wastewater projects identified in Table 9-5 and any other projects that may arise during the lifetime of this Plan subject to compliance with all relevant EU and national legislation and normal planning and environmental criteria.
- Objective WW06 - To ensure that proposals in the coastal and maritime area do not significantly adversely affect existing and planned wastewater management and treatment infrastructure (where a consent, authorisation or lease has been granted to or formally applied for by Irish Water) unless compatibility with such infrastructure can be satisfactorily demonstrated or there are exceptional circumstances.
- Objective WW07 - To work with Irish Water, other public infrastructure agencies and local communities to develop the programme for 'new homes in small towns and villages' as set out in NPO 18b of the National Planning Framework for the settlements listed in Table 9-6. This programme will provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages in the county and is subject to complying with the Habitats Directive and normal planning and environmental criteria.
- Objective WW08 - To facilitate the connection of existing developments to public wastewater services wherever feasible and subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available.

- Objective WW13 - To protect existing wastewater infrastructure, including way leaves and buffer zones, from inappropriate development and zoning.
- 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 4: Rosslare Strand Specific Objectives
- Objective RS08: To require new infill developments to maximise opportunities for enclosure by ensuring continuity of existing buildings and forms where they exist and to address weaknesses in building lines through rationalisation as part of the infill development or redevelopment.
- Objective RS13: To prioritise the development of vacant, infill and under-utilised brownfield sites in the settlement plan area to achieve compact growth and sustainable development.

- Objective RS19: To ensure that new residential developments comply with the relevant objectives and development management standards in Volume 1 and Volume 2 of the County Development Plan, in particular, those pertaining to density, unit type and mix, private open space, public open space, permeability with an emphasis on walking and cycling provision, car parking and other relevant requirements.
- Objective RS22: To have regard to the available capacity of the wastewater treatment plant and its seasonal capacity when assessing planning applications in the area.
- Irish Water Wastewater Capacity Register

## **5. Natural Heritage Designations**

- The following natural Heritage designations are located in the vicinity of the appeal site:
- Carnsore Point SAC [002269]
- Lady's Island Lake SAC [000704]
- Long Bank SAC [002161]
- Raven Point Nature Reserve SAC [000710]
- Saltee Islands SAC [000707]
- Screen Hills SAC [000708]
- Slaney River Valley SAC [000781]
- Tacumshin Lake SAC [000709]
- Lady's Island Lake SPA [004009]
- Tacumshin Lake SPA [004092]
- The Raven SPA [004019]
- Wexford Harbour and Slobs SPA (004076).
- Wexford Slobs and Harbour pNHA (000712).

## **Development, Decision and Grounds of Appeal**

### **6. PA Decision.**

There are 2 planning reports on file. The first, dated 3<sup>rd</sup> February 2024, concludes Further Information is necessary to address surfacewater and wastewater



arrangements highlighted in the Uisce Eireann/Irish Water response. This also states that there is no record of the existing dwelling being already connected to public sewers or drainage and there are no public or private sewers connections on Fern Lane. There are also some discrepancies with the drawings.

The second Planner's Report dated 24th April 2024 in summary, notes the following:

The proposal for a residential development at this location is acceptable in principle.

Referral response from Roads section recommends a grant of permission.

The design, layout and materials proposed are acceptable. Updated drawings address previously highlighted issues.

There is sufficient private open space. Boundary treatments are acceptable. The proposal will not adversely impact on neighbouring amenity.

No formal referral response Uisce Eireann received, however it is noted that there was a phone discussion with Irish Water on 18<sup>th</sup> April 2024. The applicant has provided CCTV survey showing an existing connection on site and a connection agreement with Irish Water. No wayleave is required. No updated response from Irish water was received. However, having regard to the deficiency of the Rosslare Strand Waste Water Treatment Plant (WWTP), the proposed additional loading from the development on capacity would be premature and prejudicial to public health. The dwelling has been derelict for a long period and has had no wastewater output. A reason for refusal is recommended on this basis.

AA and EIA is not required.

Site is minimal flood risk and within OPW Flood Map Category C.

Development contributions are applicable.

No third party submissions received.

One refusal reason is provided, relating to additional loading and capacity of Rosslare WWTP. In the absence of upgrades, the proposal would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

## **7. First Party Appeal. Grounds:**

- The development is acceptable in principle. The site is on serviced lands within Rosslare where both public water supply and sewerage are located. Subject to compliance with certain conditions, it would not prejudice visual or residential amenities, or public health.
- The site is within a level 3A serviced settlement in the plan which states “the principle of alterations and extensions to a dwelling is acceptable in principle.” Section 3.6.3 state it is proposed to take a sequential approach of land, requiring residential development to take place within the existing footprint of the settlement.
- The dwelling has a live connection for mains water and sewerage and is fully serviced. The existing dwelling was purchased over 20 years ago but not developed due to the economic recession in the interim and the applicant was not in a position to reuse this dwelling. The dwelling was used until recently but due to its age it requires upgrading for modern living. It is understood that the house has had a mains sewerage and water connection for over 50 years. It is therefore not acceptable that this application is considered premature.
- The appellant refers to 10 other applications granted by the Council which sets a planning precedent. Appeal reference 315166- 22 was granted by the Bord and is relevant.
- The response to the further information request fully addresses all issues requiring clarification and confirms the existing dwelling has a live sewer connection and access to the public watermain (Irish Water ref: CDS230042201). A receipt from Irish water for payment of the connection charge of €6201 dated 15th February 2024 is appended.
- The appellant has spoken directly with Irish Water who have confirmed a connection agreement and payment of connection charge fees. Irish water have confirmed that it is their policy that capacity for small infill developments of individual homes, extensions, social housing, and small commercial developments. These are to be located within the core of the village on brownfield and infill sites. Larger high-density housing will not be accommodated at this time.
- Irish water have also confirmed that the report on the file was not issued by Irish water but by water services of Wexford County Council on behalf of Irish

water working under the MCA. The contents of this report conflicts with the policy of Irish water.

- The updated planning report dated 18th April 2024 notes no formal response was received from Irish Water Therefore water services response conflicts with the policies of Irish Water.

#### **8. PA Response**

- No further comments received.

### **Environmental Screening**

#### **9. EIA Screening –**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any 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 at preliminary examination and a screening determination is not required.

#### **10. AA Screening –**

Having regard to the nature and scale of development, location in an urban area, 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, 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.
- 2.2. The key issue is the reason for refusal issued by the Planning Authority relating to the capacity of the Rosslare WWTP to accommodate the proposal and surface water disposal.

## Rosslare WWTP Capacity

- 2.3. Table 9-3 Overview of Public Wastewater Infrastructure of the Wexford County Development Plan 2022-2028 confirms a capacity of 8,500PE and headroom of 2,826PE at the Rosslare WWTP (Source: Irish Water Wastewater Capacity Register 29th April 2020 but subject to change). The policy within the plan is broadly supportive of residential development. However, this is subject to other requirements including the protection of amenity and the environment, as discussed by Objectives WW06, WQ15, and RS19. Objective RS22 of the plan requires consideration of the available capacity of the wastewater treatment plant and its seasonal capacity when assessing planning applications in the area.
- 2.4. The Irish Water Wastewater Capacity Register states that the status of the Rosslare WWTP is 'Amber' which means that potential spare capacity is available, and applications are to be considered on an individual basis considering their specific load requirements.
- 2.5. There is no record within the evidence of the latest position in relation to WWTP capacity. The 2<sup>nd</sup> planning report states further advice was sought from Irish Water, however no written response was received at the time of assessment. A phone discussion between Irish Water and the Planning Authority referred to in the planning reports confirms an existing connection for the site to the water and sewage system.
- 2.6. The 2<sup>nd</sup> planning report concludes that "whilst the connection agreement subject to the relevant diversion is noted, there is concern that the proposal will create additional loading on the capacity of the treatment system in Rosslare and it is evident that the house on site has been derelict for a long period of time and has had no output of wastewater."
- 2.7. The existing house on site does not appear to be in a habitable condition. It is modest in size and the application form indicates a gross floor space of 68 square metres. It further indicates that this area will be retained as part of the proposals. I note that existing plans of the dwelling are included with the submission. They indicate that the existing dwelling comprises 3 bedrooms, sitting room, kitchen with internal floor area of approximately 4.8 square metres, and single bathroom with internal floor area of approximately 3.4 square metres.

- 2.8. The proposal seeks permission for extensions and alterations to the existing dwelling. The extension is 2 stories in height, sited to the side/rear of the existing dwelling. It has a ridge height of approximately 6.5m, with a stated floor area of 74 sqm. The extension includes 3 bathrooms and utility room. The existing dwelling will be retained as single storey, accommodating a combined living, dining and kitchen area with stated internal dimensions of approximately 11.2 metres in length and 4 metres in width. The plans indicate a total floor area of the extended dwelling of 142 square metres.
- 2.9. The submitted evidence does not quantify the additional loading that would result from the proposal. The proposals will effectively double the size of the existing dwelling due to the accommodation proposed. Surface water will also increase due to the additional roof structures for the extension, and additional hard surfacing proposed within the curtilage of the dwelling.
- 2.10. Whilst the existing dwelling may have a public sewerage connection, I do not consider that this provides justification for the proposal. The policy within the plan, including Objective RS22, requires consideration of additional loading of proposals at the time of assessment. Given that the capacity register indicates that the WWTP remains in amber status, and lack of evidence to the contrary, I cannot be satisfied that the wastewater capacity issue has been resolved satisfactorily to allow the proposal to proceed and that public health and natural environment interests would be safeguarded. I therefore also conclude that the proposal would be premature due to the amber status of the WWTP.
- 2.11. The appellant has appended appeal reference 315116- 22, for a development comprising a dwelling and garage, as justification to support the proposal. In that case, the Bord did not accept the inspectors recommendation to refuse permission. The Bord approved permission on the basis of an up-to-date confirmation of feasibility from Uisce Eireann/Irish Water which was considered to address concerns highlighted by the inspector. I consider that this decision was based on factors specific to that case and does not support the proposal due to the requirement in objective RS22 that requires consideration of additional loading of proposals at the time of assessment.

- 2.12. I would highlight to the Bord, a current appeal ABP ref: 319004, for a “house and associated site works”, lodged 8<sup>th</sup> February 2024 immediately adjacent to the appeal site. The decision is pending at the time of writing. This proposal was refused 31st January 2024 by the Council for a similar reason to the current appeal.
- 2.13. There have been a number of recent appeals within Rosslare in which WWTP capacity has been a key issue. I would highlight to the Bord recent appeal decisions for case references 318940 and 318939, which were refused on 10<sup>th</sup> July 2024. These sites are located in Mauritiustown, approximately 1.6km metres due south of the current appeal site. The reasons for refusal included, *inter alia*, failure to demonstrate that the proposals would not result in overloading of the WWTP.

#### Design, Layout, and Amenity

- 2.14. I consider that the design of the dwelling is appropriate in terms of scale massing, fenestration, materials and amenity provision taking account of the design and layout of existing neighbouring buildings in the locality. I am also satisfied that the proposal would not adversely impact on the character of the area.
- 2.15. Based on the positive responses from the various bodies, I am satisfied that the proposal responds appropriately to all other technical issues.
- 2.16. Notwithstanding these acceptable details, I do not consider this outweighs the WWTP capacity issues with the proposal as discussed above.

### 3.0 Recommendation

- 3.1. I recommend that permission for the development be REFUSED.

### 4.0 Reasons & Considerations

Having regard to the Wexford County Development Plan 2022-2028 and the Irish Water Wastewater Capacity Register, the development is proposed to connect to the Rosslare wastewater treatment works where there is constrained capacity and where certainty of available capacity to facilitate the proposal cannot be demonstrated and overloading of the facility will not occur, potentially causing an adverse impact on the receiving environment. The proposal would be premature due to the deficiency of the wastewater treatment facility to serve the development, and

therefore be prejudicial to public health and 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.

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Richard Taylor

Planning Inspector

12<sup>th</sup> September 2024