



An
Bord
Pleanála

Inspector's Report ABP-320628-24

Development

(a) Retention of rebuilding of outbuilding and attached sheds (b) planning permission for the change of use of the outbuilding for holiday letter use (c) retention of existing foundations of proposed garage/storage building and permission to complete same, and new wastewater treatment system

Location

Laburnum Lodge, Old Paddocks, Blessington, Co. Wicklow

Planning Authority Ref.

2460302

Applicant(s)

Damien and Tanya Fetherston

Type of Application

Permission

PA Decision

Refuse Retention.

Type of Appeal

First

Appellant(s)

Damien and Tanya Fetherston

Observer(s)

None

Date of Site Inspection

01/11/2024

Inspector

Andrew Hersey

Context

1. Site Location/ and Description. The site is located outside the settlement of Blessington Co. Wicklow on a private lane which is accessed via the N81. There is a dedicated right hand turning lane onto said private lane from the N81. The lane terminates in a cul de sac where there is a quarry

The site is accessed by way of two private vehicular access one of which serves a gravelled driveway to the front of the two storey period house on site and the other serves the outbuilding to the rear which is in part subject of this application.

There are extensive landscaped gardens to the front east of the main house.

There is a large foundation located to the south of the main house again which is in part subject to this application

2. Description of development. The proposed development comprises of a number of elements as follows:

- Retention of the rebuilding of part of an existing single storey outbuilding following natural collapse and the internal conversion of the same to suit holiday letting use and the retention of small, attached sheds
- Planning permission for the change of use of the above building for holiday letting use
- Retention of existing foundations of a proposed garage/storage building and permission for continuance of the said garage/storage building for incidental enjoyment of the existing main house and
- Associated site works including new wastewater treatment system and percolation area

3. Planning History.

- Planning Reg. Ref. 2360207 refused permission to the same applicants on the same site for (i) (a) the retention of the rebuilding of part of an existing single storey outbuilding following natural collapse and the internal conversion of whole of said out-building to suit residential use and for the retention of small attached sheds (b) planning permission for the change-of use of the whole of aforementioned existing outbuilding, including rebuilt part and aforementioned sheds, to residential use for long-term rental purposes, and (ii) the retention of existing foundations of a proposed garage/storage building and planning permission for continuance of the construction of said new garage/storage building for the incidental enjoyment of the existing main house and (iii) all

associated site works and ancillary services as may be required and as may relate to the above.

4. National/Regional/Local Planning Policy

The Wicklow County Development Plan 2022- 2028

- The Wicklow County Development Plan 2022- 2028 is the statutory plan in force at present and came into effect on the 23rd October 2022
- CPO 8.18 To seek (through the development management process) the retention, conservation, appropriate repair and reuse of vernacular buildings and features such as traditional dwellings and outbuildings, historic shopfronts, thatched roofs and historic features such as stone walls and milestones. The demolition of vernacular buildings will be discouraged.
- CPO 8.19 Development proposals affecting vernacular buildings and structures will be required to submit a detailed, true measured survey, photographic records and written analysis as part of the planning application process.
- CPO 11.13 To require new holiday home / self-catering developments to locate within either established settlements or at established tourism / recreation facilities, other than those developments involving the renovation / conversion of existing buildings.
- CPO 11.14 To require the developers / owners of new holiday homes / self-catering developments to enter strict legal agreement (under Section 47 of the Planning & Development Act) with the Planning Authority specifying that:
 - the units may only be used for tourism purposes and shall not be allowed to be used as a permanent residences.
 - in the case of small-scale development, the entire development, including all buildings, land and any on-site tourist facility, shall be held in single ownership and shall not be subdivided. All units shall be available for short term letting only of a maximum duration of 4 weeks;
- CPO 12.40: To safeguard the capacity and safety of the National Road network by restricting further access onto National Primary and National Secondary roads in line with the provisions of the 'Spatial Planning and

National Roads' Guidelines' (DoECLG 2012). In particular, a new means of access onto a national road shall adhere to the following:

a) Lands adjoining National Roads to which speed limits greater than 60kmh apply: The creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply shall generally be avoided. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

b) Transitional Zones: These are areas where sections of national roads form the approaches to or exit from urban centres that are subject to a speed limit of 60kmh before a lower 50kmh limit is encountered. Direct access onto such road may be allowed in limited circumstances, in order to facilitate orderly urban development. Any such proposal must, however, be subject to a road safety audit carried out in accordance with the TII's requirements and a proliferation of such entrances, which would lead to a diminution in the role of such zones, shall be avoided.

c) Lands adjoining National Roads within 50kmh speed limits: Access to national roads will be considered by the Planning Authority in accordance with normal road safety, traffic management and urban design criteria for built up areas.

- **Appendix 2 - Single Rural Houses Design Guidelines**

Conversions

Proposals for the conversion or reinstatement of existing buildings of substance in the countryside that are deemed worthy of retention by the Council will be considered favourably, providing they satisfy the following criteria:

- _The original walls must be substantially intact. Buildings of a ruinous nature will not be appropriate. Buildings should be of local, visual or historical interest and be constructed in traditional materials to justify retention and conservation.

- Buildings must be physically capable of undergoing conversion and their original appearance must be substantially retained. A structural survey by a chartered engineer must be submitted as part of a planning application.
- Works must be executed in a sensitive manner and retain architecturally important features whenever possible and make use of existing buildings

Outbuildings

The number of detached out-buildings on a rural site shall be kept to the minimum necessary and permission may be refused for excessive additional garages or stores where the need for same cannot be clearly demonstrated. Outbuildings should be located close to the main house and should be positioned to replicate a rural vernacular / farmyard format. Two-storey garages or garages in excess of 40sqm will not normally be permitted.

Draft Blessington LAP 2025 -

- it is noted that the proposed development site is located outside of the settlement boundary of the said draft plan
- Within the plan it is noted that the proposed development site is located proximate to, but outside of the preferred route for the realignment of N81 Tallaght to Hollywood Cross Road Improvement Scheme

5. Natural Heritage Designations

- The nearest designated site is The Red Bog SAC (Site Code 000397) which is located 1.2km to the south east
- The Poulaphouca Reservoir SPA (Site Code 004063) is located 1.7km to the north west

Development, Decision and Grounds of Appeal

6. PA Decision. Permission was refused on the 25th July 2024 for the following reason:

1. (a) Objective CPO12.40 of the Wicklow County Development Plan 2022-2028 seeks to safeguard the capacity and safety of the National Road network by restricting the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. The proposed unit for holiday short term letting use at this location would result in the intensification of traffic movements at the junction of the private access laneway and N81, where a speed limit of 100 km/h applies. It is considered that the additional and conflicting turning movements generated by the proposed development would endanger public safety by reason of traffic hazard, would interfere with the free flow of traffic on this national road and would compromise the level of service and carrying capacity of the road at this location, both by itself and by the undesirable precedent it would set for similar such development. The proposed development would contravene the provisions of Objective CPO 12.40 of the County Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

(b) The proposed development would endanger public safety by reason of serious traffic hazard because it has not been shown that sight distances at the junction of the site entrance with the private access laneway can be achieved in accordance with TII standards.

7. Internal Reports

- Fire Officer (25th June 2024) – requires additional information with respect to compliance with building regulations.
- Environmental Health Officer (24th July 2024) - no objection subject to conditions.
- Municipal District Engineer (28th June 2024) – with respect to roads, concerns have been raised with respect to the intensification of use of the access onto the private lane onto the N81 from the private lane. No details

with respect to sight distances at the junction of the lane and the N81 have been submitted.

8. Prescribed Bodies

- TII (11th June 2024) states that;
 - The proposal, if approved, would create an adverse impact on the national road where the maximum permitted speed limit applies and would, in the Authority's opinion, be at variance with the foregoing national policy in relation to control of frontage development on national roads.
 - The proposed development is located within an area currently under consideration as a route option for a national road improvement scheme and hence the application is premature pending the determination of the route.
 - The proposed development, located on a national road where the maximum speed limit applies, would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated.

9. Submissions

- None received

10. Grounds of Appeal

A First Party appeal was lodged by Raeside Architects obo Damien and Tanya Fetherston and was received on the 20th August 2024. In summary the appeal states that:

- That the proposed garage for retention could have been granted and a split decision issued by the Planning Authority
- That the case planner also considered that the proposed Wastewater Treatment Plant was acceptable and yet permission was also refused for this aspect of the development

- That the only aspect of the proposed development was with respect to the intensification of access onto a National Road and with respect to deficient sight distances at the junction of the private lane and the N81.
- That a 2 bedroomed holiday let would generate a maximum of 4 car journeys in and out of the property per day when the property is fully in use during the letting season. It is unfair to suggest that such modest volumes would be significant enough to reduce the carrying capacity of the N81.
- That the appellants purport in a letter submitted with the appeal that the building is also intended to cater for, on a period basis for overnight visitation of their ageing parents. The single storey nature of the building suits their needs as there is no stair within the building. The appellants parents visit the house anyway and so there would not be any increased traffic volumes as a consequence of them staying
- That there is a right hand turning lane on the N81 onto the private lane
- That there is sufficient sight visibility splays on both sides of the junction of the lane and the N81

11. PA Response

None received

12. Observations

None received

Environmental Screening

13. EIA Screening

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001(as amended), I have concluded at preliminary examination that 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. See Form 1 and Form 2 attached to this report.

14. AA Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 1.2km south east of the Red Bog SAC (Site Code 000397) and 1.7km north east of the Poulaphouca Reservoir SPA (Site Code 004063)

The proposed development comprises of for the most part domestic alterations to an existing private property and a minor commercial element in the form of a change of use of an outbuilding to tourism uses

No nature conservation concerns were raised in the planning appeal

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The minor nature of the works proposed*
- The distances to the nearest Natura 2000 site and the absence of any hydrological connect from the site to the same and*
- Having regard to the screening report/determination carried out by the Planning Authority*

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. The proposed development comprises of a number of different elements for retention permission and change of use which can be summarised as follows:
- (i) Retention of refurbishments works to the outbuilding and change of use of same for holiday letting – The Outbuilding
 - (ii) Retention of foundations for garage and permission to complete garage – The Garage
 - (iii) Permission for ancillary site works including a new Wastewater Treatment Plant.

It is proposed that each of the above elements should be assessed individually as set out below

2.2. The Outbuilding

- 2.2.1. With respect to item (i) above, I note from submissions on file that the refurbishment works were carried out on the outbuilding as a consequence of partial collapse of the same.
- 2.2.2. I note initially that the said building or the main house on the site are not protected structures though they are masonry buildings of vernacular merit. The repair works make use of timber cladding on the part of the building which was repaired.
- 2.2.3. I note that the building comprise of two storeys, 2 bedrooms and a kitchen living at ground floor with a floorspace of 114.8sq.m. and a play room at first floor
- 2.2.4. Policy with respect to vernacular structures is set out under CPO 8.18 which states that the Planning Authority will *‘seek (through the development management process) the retention, conservation, appropriate repair and reuse of vernacular buildings and features such as traditional dwellings and outbuildings, historic shopfronts, thatched*

roofs and historic features such as stonewalls and milestones. The demolition of vernacular buildings will be discouraged'

- 2.2.5. The outbuilding subject of this retention application has been retained in compliance with the above policy and from external examination the works carried out are not inappropriate and have not diminished the visual quality of the vernacular structure. While the use of timber clad is somewhat jarring, I do not consider that it takes from the overall vernacular quality of the building
- 2.2.6. In terms of use, I refer to policy CPO 11.13 which seeks 'To require new holiday home / self-catering developments to locate within either established settlements or at established tourism / recreation facilities, other than those developments involving the renovation / conversion of existing buildings
- 2.2.7. The policy therefore allows for the conversion of existing buildings outside of settlements for use as holiday homes. In this regard I consider that the proposed development in principle is acceptable.
- 2.2.8. The principle issue of this application relates to the proposed holiday let use and the traffic that will be generated as a consequence of the proposal.
- 2.2.9. Specifically this will result in increased turning movements from the site onto the adjoining lane and from the lane onto the N81. I note the report on file from TII in this regard (dated 11th June 2024)
- 2.2.10. I do not consider that there will be any issues with respect to traffic safety with increased movements onto the adjoining lane which I note is private.
- 2.2.11. The issue is with respect to turning movements onto the National Road the N81 and the policy within the plan, CPO 12.40 which seeks '*To safeguard the capacity and safety of the National Road network by restricting further access onto National Primary and National Secondary roads in line with the provisions of the 'Spatial Planning and National Roads' Guidelines' (DoECLG 2012). In particular, a new means of access onto a national road shall adhere to the following: a) Lands adjoining National Roads to which speed limits greater than 60kmh apply: The creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply shall generally be avoided. This provision applies to all categories of development, including*

individual houses in rural areas, regardless of the housing circumstances of the applicant.

2.2.12. I note that the lane also serves JW Carnegie & Co. Quarry to the west.

2.2.13. With respect to sight distances at the junction and the N81, I note that the Area Engineer requires further details with respect to the same. I have examined this junction, and I am of the opinion that visibility splays at this junction are adequate, and I also note a hard shoulder on the N81 at this location. I further note a dedicated right hand turning lane from the National Road onto the said lane.

2.2.14. The only issue therefore is the increase in traffic movements that would result as a consequence of the proposed tourism use.

2.2.15. I note from the appeal that the appellants have stated that it is proposed that their parents could use the outbuilding for their accommodation needs when they come to stay. In effect then the outbuilding would be a granny flat as opposed to a tourism let. In this respect, it is considered that permission is required to facilitate that use and that a new application would be required in this regard.

2.2.16. With respect to the above, it is considered that the proposed outbuilding for which retention is sought can be granted and the proposed tourism use refused. In terms of use it is considered that a condition be imposed stipulating that the use be reinstated to that of the previous use of the outbuilding which in this case was domestic storage.

2.3. The Garage

2.3.1. With respect to item (ii) above, i.e. the retention of a foundation for a garage and permission for the completion of the garage I refer to Appendix 2 of the Wicklow County Development Plan 2022-2028 and specifically with respect to *Outbuildings* which states that *'The number of detached out-buildings on a rural site shall be kept to the minimum necessary and permission may be refused for excessive additional garages or stores where the need for same cannot be clearly demonstrated. Outbuildings should be located close to the main house and should be positioned to replicate a rural vernacular / farmyard format. Two-storey garages or garages in excess of 40sqm will not normally be permitted'*

- 2.3.2. The proposed garage is located just south of the main dwelling on site and in accordance with the plans submitted is to be single storey building with a floorspace 100.01sq.m. I note that in the previous application on the site one of the reasons for refusal cited referred to the scale of the then proposed garage which was circa 125sq.m. with a ridge height of 6.25 metres
- 2.3.3. The ridge height of the proposed garage is now shown as 5.03 and as stated previously has a floorspace of 100.01sq.m. Submissions with the application state that the proposed garage is for storage of the applicants cars including classic cars and for general domestic storage.
- 2.3.4. I consider the scale of the proposed garage to be acceptable and will integrate into the existing cluster of rural buildings at this location.
- 2.3.5. With respect to the above I consider that this element of the proposal can be permitted.

2.4. The Wastewater Treatment Plant

- 2.4.1. With respect to item (iii) above, i.e. the proposal for the wastewater treatment plant and percolation area to replace the existing along with ancillary site works I consider in principle that this can be accommodated on the site.
- 2.4.2. The wastewater treatment plant and percolation area is to serve the main dwelling on site and the outbuilding which is subject to retention under this application.
- 2.4.3. It is proposed that this is to be located to the west of the main house on the site. Separation distances between the house and the treatment plant and percolation are in accordance with EPA standards.
- 2.4.4. The ground conditions where the percolation area (more specifically a polishing filter) from visual inspection are dry underfoot. The test carried out indicate good soil percolation and deep soils.
- 2.4.5. A treatment plant with a PE of 10 is proposed. This is to serve the existing 4 bedroomed house and proposed 2 bedroomed holiday unit. I consider that the capacity is sufficient to cater for the same.

- 2.4.6. I refer to the report from the Environmental Health Officer on file which states that they have no objection to the proposed development subject to conditions.
- 2.4.7. With respect to the above I consider that this element of the proposal can be permitted.

2.5. Other Issues

- 2.5.1. With respect to development contributions, I note that the Development Contribution Scheme 2021 applies. I note from the scheme that there is no specific mention within the same as to whether or not contributions apply to domestic garages. I note Section 4.3 states that no contributions are required for first 150sq.m. for rural residential extensions
- 2.5.2. The proposed garage has a floorspace of 100.1sq.m. and there are two lean-to extensions to the outbuilding for which retention permission is being sought are each 6.5sq.m. (Total 13sq.m.). This results in a total floorspace of 113sq.m.
- 2.5.3. On this basis I consider that no contribution applies

3.0 Recommendation

- 3.1. I recommend that permission be refused for:

1. Planning permission for the change-of-use of the whole of aforementioned existing outbuilding, including rebuilt part and aforementioned sheds, to holiday-letting use,

I recommend that permission be granted for the following:

2. The retention of the rebuilding of part of an existing single storey out-building following natural collapse and the internal conversion of whole of said out-building to suit holiday-letting use and for the retention of small attached sheds.
and

3. The retention of existing foundations of a proposed garage/storage building and planning permission for continuance of the construction of said new garage/storage building for the incidental enjoyment of the existing main house and
4. All associated site works and ancillary services as may be required and as may relate to the above, including a new waste water treatment system and percolation area.

4.0 Reasons & Considerations

(1)

- 4.1. Objective CPO12.40 of the Wicklow County Development Plan 2022-2028 seeks to safeguard the capacity and safety of the National Road network by restricting the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. The proposed unit for holiday short term letting use at this location would result in the intensification of traffic movements at the junction of the private access laneway and N81, where a speed limit of 100 km/h applies. It is considered that the additional and conflicting turning movements generated by the proposed development would endanger public safety by reason of traffic hazard, would interfere with the free flow of traffic on this national road and would compromise the level of service and carrying capacity of the road at this location, both by itself and by the undesirable precedent it would set for similar such development. The proposed development would contravene the provisions of Objective CPO 12.40 of the County Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

(2,3,4)

- 4.2. 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 the policies with respect to the refurbishment of vernacular structures and the provision of domestic storage as set out in the Wicklow County Development Plan 2022 – 2028,

would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, 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>The outbuilding for which retention permission is sought shall not be used for habitable purposes and shall be reverted to use as domestic storage. Revised drawings showing this use of shall be submitted to the planning authority for agreement prior to the commencement of development.</p> <p>Reason: To define the scope of permission</p>
3	<p>The proposed garage shall be used solely for use incidental to the enjoyment of the dwelling house and shall not be used for human habitation or the carrying on of any trade or business.</p> <p>Reason: To prevent unauthorised development.</p>
4	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 31st May 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.</p>

	<p>(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent \leq 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the installation of the treatment plant and percolation area, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday 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.</p> <p>Reason: To safeguard the residential amenities of adjoining 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.

Andrew Hersey
Planning Inspector
30th December 2024