



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321630-25**

<b>Development</b>	Conversion of storage building to independent living unit, new wastewater treatment system and all associated site works.
<b>Location</b>	Hanalei, Little Newtown, Enniskerry, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	24416
<b>Applicant(s)</b>	Maurice Cronin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Maurice Cronin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6/3/2025
<b>Inspector</b>	Rosemarie McLaughlin

## **1.0 Site Location and Description**

- 1.1. The appeal site (0.5255 ha) is in a rural area on the northern side of a local road (L1019) which links the N11 to the R760, c.1.3 km south of Enniskerry village. The River Dargle (EPA code IE\_EA\_10D010100) is c. 140 north of the structure to be converted. A field to the north of the appeal site, towards the Dargle River is outlined in blue as within the control of the applicant. The site is c. 1.3 km southeast of Powerscourt House. To the northwest and southeast of the appeal site on the northern side of the road are detached houses mostly on large plots. Opposite the appeal site is a set back entrance to Bushy Park and gate lodge.
- 1.2. The appeal site is L shape with a dormer bungalow 'Hanalei', fronting a large lawn with a large store/shed c.14m from the southeast of the house and a large greenhouse located at a right angle to the shed. The southern corner of the shed is located c. 2.3 m to the boundary of the adjacent property and Leylandii bound the site at the south eastern boundary. The roadside boundary is heavily planted behind a wall and there are two set back vehicular accesses to the front of the site. The site slopes down towards the north.

## **2.0 Proposed Development**

- 2.1. This is an application for conversion of an existing storage building (102 sqm) for use as an independent living unit adjacent to the existing dwelling, including a new pitched slate roof, a new entrance lobby on the northwest façade, a glazed bay window on the south west façade, and a new wastewater treatment system.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The PA refused permission for two reasons.

1. Having regard to

- i. the size and scale of the development, and its location on a back land site
- ii. the segregation of the site to provide a separate effluent treatment system and private open space
- iii. Objective 6.24 which seeks To facilitate family / granny flat extensions for use by a member of the immediate family subject to protection of existing residential amenity and compliance with the criteria set out in the development and design standards (Appendix 1.)
- iv. the provisions of the Wicklow Single Rural House Design Guide.

It is considered that the proposal represents a separate dwelling unit on a site which has not been justified, would not be ancillary to the main dwelling on site, and the proposed development would represent sporadic development in the rural area, and would set a precedent for similar footloose backland development. The development would therefore materially contravene the rural settlement strategy and the objectives of the County Development Plan 2022-2028, the amenities of the area, and would be contrary to the proper planning and sustainable development of the area.

- 2. The proposed development would endanger public safety by reason of serious traffic hazard because sightlines at the entrances serving this development are inadequate.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The planning report (9/12/24) assessment considered that justification for the independent living unit was not considered to be adequate. The distance of the unit from the main house resembles a separate dwelling. The size of the unit exceeds the minimum permitted floor area. The proposed development would not lend itself to reverting to a shed. An independent unit could be facilitated on one wastewater treatment system. It is recommended that permission be refused for the reasons outlined in the section above.

- A further comment by the senior executive planner on the report noted the proposal represents back land development and would not be compliant with the rural design guide and would set a precedent for similar developments. The comments noted that it was not clear if the entrances are compliant with Permission Ref. 952345 which required central access to the site.

### 3.2.2. Other Technical Reports

- Environmental health officer report (14/11/24) recommended approval of wastewater treatment system subject to a condition.

### 3.3. Prescribed Bodies

None on file.

### 3.4. Third Party Observations

An observation was received from Jarlath Sweeney stating that provided the applicant agrees to remove the overgrown leylandii trees from the mutual boundary which impinges light and which are less than 2 m from the boundary, and the applicant plants satisfactory tree types, he will have no further objection/ observation.

## 4.0 Planning History

The relevant planning history is as follows. Owing to the age of the files, only the minimum details are available on the Planning website.

- **Ref. 952345** alterations, extension and change of use of residence to guesthouse granted permission and **Ref. 003464** extension of appropriate period of planning reference to 95/234 granted permission.
- **Ref. 027153** convert garage/stables to one bedroom granny flat refused permission.
- **Ref. 003465** Conversion of garage/stables to staff accommodation for approved guesthouse refused permission.

## **5.0 Policy Context**

### **5.1. National policy**

- 5.1.1. The National Planning Framework (NPF) National Policy Objective (NPO) 3a provides 40% of future housing delivery is to be within the existing footprint of built up areas. NPO 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- 5.1.2. NPF, NPO 19: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:
- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
  - In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

### **5.2. Sustainable Rural Housing Guidelines 2005**

- 5.2.1. The guidelines require that planning authorities on drawing up County Development Plans make a distinction between urban generated and rural generated housing needs.

#### **5.2.2. Development Plan**

The Wicklow County Development Plan 2022-2028 applies (CDP). The appeal site is outside of the Bray Municipal District Local Area Plan 2018 – 2024. A Municipal District 2025 Plan is at pre-draft stage.

Map 17.09A (as altered) Wicklow Landscape categories, identify the subject site as an Area of Outstanding Natural Beauty (AONB) The North Eastern Valley / Glencree (4 - AONB).

Table 3.3 of the Wicklow Settlement Hierarchy Settlement Typology assigns the area as Level 10 (open countryside).

Chapter 6 of the CDP deals with housing and rural housing and quotes National Policy Objective 19 of the NPF. Wicklow's rural areas are considered to be 'areas under urban influence' due to their location within the catchment of Dublin, Bray, Greystones, Wicklow-Rathnew and Arklow in addition to Gorey (Co. Wexford) and Naas (Co. Kildare). In rural areas under urban influence, it is necessary to demonstrate a functional economic or social requirement for housing need. Section 6.3.8 Rural Housing states that *"the council will carefully manage demand for housing in the countryside...., to avoid urban generated rural housing and ensure the needs of those with a bona fide necessity to live in the rural area are facilitated. It is also important that the scale of rural housing permitted does not undermine the role of small towns and villages and threaten their viability."*

The following objectives are most relevant.

**CPO 6.36** Urban generated housing shall not be permitted in the rural areas of the County, other than in rural settlements that have been deemed suitable to absorb an element of urban generated development as set out in the Settlement Strategy.

**CPO 6.41** Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3.

**Chapter 6, Table 6.3**, Rural Housing Policy, sets out a number of detailed criteria that may fulfil rural housing policy standards under the following headings.

- **Housing Need / Necessary Dwelling**
- **Economic Need**
- **Social Need**

**CPO 6.24** To facilitate family / granny flat extensions for use by a member of the immediate family subject to protection of existing residential amenity and compliance with the criteria set out in the Development and Design Standards (Appendix 1).

**CPO 13.16** Permission will be considered for private wastewater treatment plants for single rural houses subject to listed criteria.

**Appendix 1** sets out Development & Design standards of which the following are most relevant.

**Section 3.1.6:** Infill / backland development in existing housing areas.

**Section 3.1.9:** Independent living units ('Granny-flats'). In summary, the construction or conversion of part of an existing dwelling into a 'family flat' will only be permitted where the development complies with the several requirements, including a justification for the unit, and in exceptional circumstances, the conversion of an existing detached garage / store etc may be considered subject to the structure being in very close proximity to the main house. In addition, the unit shall not be sold or let as an independent living unit and the existing garden shall not be sub-divided. This is elaborated on in the assessment.

**Section 2.1.9:** Entrances & sight lines

**Section 2.2.4:** Surface & storm water systems

**Section 8.6:** Private open spaces

**Section 3.1.5:** Car parking: 2 off-street car parking spaces shall normally be required for all dwellings over 2 bedrooms in size.

### 5.3. Natural Heritage Designations

The site is not on or adjacent to a European site. The closest sites are:

- Knocksink Wood SAC Site Code 000725, c. 1.5 km north.
- Ballyman Glen SAC Site Code 000713, c. 2.3 km northeast.
- Wicklow Mountains SAC Site Code 002122, c. 3.8 km northwest.
- Bray Head SAC Site Code 000714, c. 5 km west.
- Glen of the Downs SAC Site Code 000719, c. 5.1 km south.

#### **5.4. EIA Screening**

Having regard to the nature, size and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and 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. See Forms 1 and 2 appended to this report.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

- The applicant lives in the existing house on the appeal site and wishes to provide an independent living unit for his brother who is returning to Ireland from abroad and wishes to live near where he grew up.
- The council treated the application as if it were a new dwelling whereas in fact it is for the re use of an existing garage and store as an independent living unit and should have been treated accordingly.
- The reason for refusal relating to the scale of the development and its location on a back land site does not make sense as it is proposed as an independent living unit conversion of an existing building with only a very minor increase of volume and footprint.
- The reason for refusal refers to the segregation of the site to provide separate effluent treatment is not accurate, as the site is not to be divided and the connection is maintained between the main house and the independent living unit. The separate effluent treatment is included to achieve compliance with EPA guidelines.
- The development complies with the standards set out in Section 3.1.9 of appendix 1 as far as possible for the following reason. The proposed flat is for a close family member the brother of the applicant confirmed by a letter. The unit involves conversion of an existing store which is listed in section 3.1 as one of the circumstances where it may be detached from the main dwelling.



The one bedroom unit is modest in size as required, but larger than the suggested 45 square metres as the building cannot be easily reduced.

- The refusal relates to objective 6.3.6 which is urban generated rural housing. This does not apply as it is not a new dwelling that is being applied for. The single house rural design guide does not apply as a single house is not being applied for. The design creates a living unit sympathetic to the architecture of the area.
- It is impossible that the development can be considered a traffic hazard as the house and garage have been on the site since 1965 and the two entrances exist from this time. The garage has been used for parking and storage of several cars. There will be no increase in traffic on the site and no dis - improvement of the entrances and sight lines. While the sightlines at entrances are limited this has been the situation for several decades.
- The development meets the NPF objectives for compact growth and the potential to reuse building stock to address housing needs. Section 6. 3. 3 (of the CDP) requires land and building resource is within existing settlements are used to their full potential. The board is requested to grant permission.

## **6.2. Planning Authority Response**

- No response on file.

## **6.3. Observations**

- None on file.

## **7.0 Assessment**

7.1. Having regard to the application details and appeal documentation on file, the relevant local, regional and national planning policies and having inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Independent living unit / rural dwelling
- Compact growth

- Material contravention
- Traffic Safety
- Wastewater treatment- New issue.

**7.1.1. Independent living unit / rural dwelling**

7.1.2. This is the key issue in this appeal and the following assessment focuses on the CDP policy on independent living units and the criteria in Appendix 1.

7.1.3. The PA does not consider the proposal an independent living unit and the development is a new rural house. The appellant contends that the application should have been assessed as an independent living unit and has provided reasons why some of the criteria should be relaxed. The applicable CDP policy CPO 6.24 states *“To facilitate family / granny flat extensions for use by a member of the immediate family subject to protection of existing residential amenity and compliance with the criteria set out in the Development and Design Standards (Appendix 1)”*. This policy relates to extensions not separate buildings but this is qualified in the Appendix 1 Criteria.

7.1.4. Appendix 1, Section 3.1.9 clarifies “A ‘granny flat’ or ‘independent living unit’ is a separate living unit on an existing house site, used to accommodate a member of the immediate family, often an elderly parent, for a temporary period”. The proposed development is on an existing house site and is for a family member. No details have been provided about the duration of the temporary period, and therefore this may require a further planning application after 7 years.

7.1.5. Section 3.1.9 continues that the construction or conversion of part of an existing dwelling into a ‘family flat’ will only be permitted where the development complies with a list of five requirements which are assessed below.

7.1.6. ***The need for the unit has been justified and is for the use of a close family member.***

7.1.7. There are two parts to this criterion, justification and use by a family member. The applicant states that his brother would like to live close to where he was born and will retire from abroad back to Ireland. I do not consider this is an adequate justification when taken in conjunction with the following criteria in Section 3.1.9 . The fact a family member would like to live in the rural area is not a sufficient justification and I

note from the correspondence that the applicant's brother has not yet moved to Ireland. I consider that the application fails to meet this criterion.

**7.1.8. *The unit forms an integrated part of the structure of the main house – in exceptional circumstances, the conversion of an existing detached garage / store etc may be considered subject to the structure being in very close proximity to the main house.***

7.1.9. The main house on the site is large and previously had planning permission for a bed and breakfast. The second criteria require the unit to be integrated into the main house and allows conversion of an existing garage/store only “in exceptional” circumstances. The large store on the site is positioned c. 14m away from the main house and the fact that it is present on the site is not an exceptional circumstance and would be common in a rural area.

7.1.10. When considering exceptional circumstances for an existing detached garage/store, the criteria include that this is subject to the structure being in “very close proximity to the main house” and I would consider that situation would generally arise where a garage was built adjacent to a gable of a house in a housing estate or in a rural area with a short distance, such a path, between the structures. The distance of the shed to the gable of the main house is c. 14 m. In relation to the physical and practical relationship of the proposed unit with the main residence. I concur with the Planning Authority's concerns of the physical separation and detachment of the proposed accommodation from the main house. I would be concerned that the lack of a direct physical relationship between the proposed unit and the existing dwelling house could potentially lend itself to the new accommodation becoming severed from the latter, although this could be addressed by way of condition in the event of a grant of permission.

7.1.11. This criterion implies that in circumstances such as the subject proposal, there is an onus on the applicant to justify the development. In my opinion, a key consideration in determining whether sufficient ‘exceptional circumstances’ arise to warrant the conversion of a detached structure to an independent unit would include an assessment of whether or not an alternative form of accommodation, more readily suited to reintegration with (or incorporation into) the principal residence would be feasible or suitable. The subject application has not been accompanied by any

further explanation or rationale as to why the particular form of the development proposed should be deemed preferable or more beneficial than, for example, the construction of a self-contained extension to the main house or conversion of part of the existing house. I consider that the application fails to meet this criterion.

**7.1.12. *The unit is modest in size and in particular, it shall not exceed 45sqm and shall not have more than 1 bedroom.***

7.1.13. The criterion above is mandatory with the use of “shall” not exceed and not “may”, and I consider this criterion is consistent with the CDP policy and other criteria listed in the Appendix. The grounds of appeal state that the unit is modest in size, and the existing structure which is c 102 sqm cannot easily be reduced. The proposed independent living unit is over twice the size of the criterion in the CDP, and I do not consider it is modest or in keeping with this criterion. While one of the rooms is denoted as a 14 sqm study, the unit layout can accommodate 2 bedrooms and has 2 bathrooms. The structure is also proposed to be extended marginally, and these figures are not included in the planning application. The drawings illustrate the demolitions, and new works including a new pitched slate roof, and a new wastewater treatment system. While this is not an application for an apartment, for the context of size, the Standards for New Apartments Guidelines for Planning Authorities (2020), Specific Planning Policy Requirement 3, requires minimum apartment floor areas for a 2-bedroom apartment (4 persons) as 73 sqm and a 3-bedroom apartment (5 persons) of 90 sqm. The proposed unit is larger than the minimum requirement for a 3 bedroom, 5 person apartment and I do not accept the appeal contention that it is difficult to provide a smaller unit. The application is not a de minimis increase in the maximum size. I consider that the application fails to meet this criterion.

7.1.14. The proposed development also includes a separate wastewater treatment (WWT) system to the main house. A more modest independent unit attached or integrated into the main house would not necessitate another WWT system in a rural area. There is no provision in the criteria for a second WWT system on a site.

7.1.15. In conclusion, while I acknowledge the desire of the applicant to accommodate his brother on the site, given the degree of physical separation between the proposed ‘independent unit’ and main residence, the size of the dwelling, and the absence of

any demonstratable 'exceptional circumstances' warranting a departure from the criteria, it is my opinion that the subject proposal does not accord with the development and design standards set out in Appendix 1 of the CDP and should be refused on these grounds.

7.1.16. ***The unit shall not be sold or let as an independent living unit and the existing garden shall not be sub-divided; The structure must be capable of being functionally re-integrated into the main house when its usefulness has ceased. Permission for such units shall be restricted to a period of 7 years, after which it must revert to a use ancillary to the main house (e.g. garage, store, hobby room) unless permission has been secured for its continuation as an independent unit for another period.***

7.1.17. While there is no plan to subdivide the new dwelling with a boundary in the application, I cannot see how the proposed layout of the site and size of the proposed dwelling/WWT system would be capable of being functionally re-integrated into the main house when its usefulness has ceased as an ancillary use to the main house. I consider that the application fails to meet this criterion.

## 7.2. Compact growth

7.2.1. The applicant has not made an application or made a case that the development comes within the CDP local needs policy for a rural house and seeks permission for an independent unit for a family member. The applicant has raised the issue of the NPF and considers the development is consistent with the NPF objectives for compact growth and the potential to reuse building stock to address housing needs.

7.2.2. Section 6.3.8 of the CDP, provides that Wicklow's rural areas are 'areas under urban influence' due to their location. The National Policy Objectives of the NPF seek to manage the growth of these areas to avoid over-development and to ensure that the provision of dwellings is based on demonstrable economic or social need to live in a rural area, and in an area where housing is restricted to persons demonstrating local need.

7.2.3. Policy CPO 6.41 facilitates residential development in rural areas for those with a housing need based on demonstrable social or economic need in accordance with

the requirements set out in Table 6.3 and the applicant has not made an application under this section of the CDP.

- 7.2.4. While the applicant considers this is a conversion and not a new dwelling, for the reasons set out in the previous section, owing to the size of the dwelling serviced by an independent WWT system and distance from the main dwelling, I consider that the proposal does not comply with an independent unit criteria and represents an additional dwelling in this rural area. The proposed development is not in a settlement but in a Level 10 Countryside area under urban pressure and accordingly, I consider this development is contrary to the objectives of the NPF which promotes infill development on serviced sites in settlements and should be refused.

### **7.3. Material contravention**

- 7.3.1. The PA's first reason for refusal contains several elements. The PA had regard to 4 No. stated criteria and then considered the development was a separate dwelling unit which had not been justified, would not be ancillary to the main dwelling, would represent sporadic development in the rural area and would set a precedent for similar footloose backland development. The reason for refusal concluded that the proposal and that the development would materially contravene the rural settlement strategy and the objectives of CDP.
- 7.3.2. Consideration of the material contravention applies to two elements, the rural settlement strategy and the objectives of the CDP. Only one policy objective, CPO 6.24, is referred to in the decision.
- 7.3.3. I will address the material contravention of the policy objective first, as this is the main issue in the appeal. Having regard to the 4 stated criteria to which the PA had regard in recommendation for refusal No.1, I consider elements of the criteria (i) size/scale and (ii) separate WWT, are directly connected to (iii) Objective 6.24, to facilitate a family/granny flat subject to compliance with the listed criteria set out in the Development and Design Standards. I also consider the wording in the reason for refusal that the proposal is considered a separate dwelling that is not justified and not ancillary to the main house as directly related to CPO 6.24. For the reasons outlined in this report, I do not consider that the proposed development complies with CPO 6.24 and the associated standards, and I consider that the proposed development materially contravenes CPO 6.24 and should be refused.

- 7.3.4. For clarity, I do not consider the elements in refusal No.1 decision criteria (iv) rural housing design guide, as a material contravention as the application was not made for a rural house but for a conversion of storage structure and note that the guide is not prescriptive. I also do not agree with the PA in (ii) that the site has been proposed to be segregated.
- 7.3.5. The PA decision has not set out the rural settlement strategy in its reason for refusal and while this can be implied in the wording “sporadic development”, this is not, in my view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act in relation to this element. The appeal considers that the development represents compact growth which I have assessed above, and I consider that the reasons for refusal should specifically address the relevant objectives for rural housing in the decision.
- 7.3.6. Section 37 (2)(b) of the Planning and development Act 2000, as amended, provides that where a PA has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* (i.e. grant a permission even if the proposed development contravenes materially the development plan) where it considers one of four criteria apply, which in summary are-
- (i) development is of strategic or national importance,
  - (ii) there are conflicting objectives in the development plan/objectives are not clearly stated,
  - (iii) having regard to regional spatial and economic strategy, guidelines under section 28, section 29, the statutory obligations of any local authority, and any relevant policy of the Government/Ministers,
  - (iv) having regard to the pattern of development, and permissions granted, since the making of the development plan.
- 7.3.7. I do not consider that any of the above criteria apply to the proposed development.

#### **7.4. Traffic Safety**

- 7.4.1. The second reason for refusal considers that the proposed development would endanger public safety by reason of serious traffic hazard because sightlines at the entrances serving this development are inadequate. The grounds of appeal are outlined above, and the appellant makes the points that the accesses have been in situ since 1995, that the shed formerly stored cars and there will be no increase in traffic. When an application is made for development, all relevant issues are open for assessment within the red/blue line and a PA may raise an issue or impose conditions. I also consider that the current situation is that one dwelling is located on the site with associated parking and the proposal is for a second dwelling in a rural area which would generate additional traffic.
- 7.4.2. The applicant has not provided sightlines at either of the two access points onto the road from the site and acknowledges they are unsatisfactory. As there is no evidence that adequate sightlines in both directions are available for vehicles egressing the site, I concur with the PA that to permit an additional dwelling would endanger public safety by reason of serious traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.

#### **7.5. Wastewater treatment – New issue**

- 7.5.1. The applicant proposes an independent new secondary treatment system and polishing filter. This was not raised as an issue in the PA report or appeal and was recommended by the Environmental Health officer subject to a standard condition. The Environmental Protection Agency Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) Code of Practice 2021 (EPA COP 2021) is the relevant policy document on wastewater disposal for one off houses. As the Board will assess the application de novo, I have reviewed this element of the application.
- 7.5.2. Having reviewed the site characterisation report (SCR) dated 24<sup>th</sup> October 2024 and details submitted, I note the following points in the SCR, some of which appear to be typographical errors and/or omissions.

- In response to the question on Watercourses/streams, the SCR states “*None within 250m- See attached layout drawing- Proposal achieves required*”



*separation distances. Dargle river 200m of site.*" The River Dargle is c 140, from the shed to be converted and closer to the proposed percolation area. The river is not illustrated on the SCR site plan. While the applicant did not include the river, it may be noted that it is significantly outside Table 6.2 of the EPA COP 2021 minimum separation distances of 10m required and that the criteria would be met.

- The SCR indicates the time frames of the trial holes excavation (section 3.2) and examination which are inconsistent. The trial hole excavation took place on 5<sup>th</sup> March 2022, the examination 12<sup>th</sup> March 2022, the subsurface tests/surface percolation test (section 3.3(a)/3.3(b)) ) took place on the 12<sup>th</sup> of October 2023 and measurement took place on the 14<sup>th</sup> of Oct 2023. The report is dated 24<sup>th</sup> October 2024.
- While there are photographs of trial holes, they are not date stamped per section 3.4 of EPA COP 2021 and the test hole locations are not provided in a drawing as required. The slope is not shown on the site layout (but is indicated in the SCR as north).

7.6. Given the substantive recommended reasons for refusal arising from my previous assessment, and that my recommendation would not change if the SCR was corrected, I consider that rather raising this as a new issue, it would be appropriate for a note to be included as drafted below.

### **Note**

The Board is not satisfied that the application has been accompanied by a satisfactory Site Characteristic Assessment in accordance with The Environmental Protection Agency Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) Code of Practice 2021 as there are inconsistencies in the dates provided for the trial hole assessments and the requirements set out in section 3.4 of the Site Characteristic Assessment have not been fully complied with. It is also noted that the required information on existing surface features within 250 meters does not accurately include the distance to the Dargle River.

## 8.0 AA Screening

- 8.1. I have considered the proposed conversion of a shed to a dwelling and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The closest site to the subject site are Knocksink Wood SAC (Site Code 000725), c. 1.5 km north, Ballyman Glen SAC (Site Code 000713), c. 2.3 km northeast, Wicklow Mountains SAC (Site Code 002122), c. 3.8 km northwest, Bray Head SAC (Site Code 000714), c. 5 km west and Glen of the Downs SAC (Site Code 000719), c. 5.1 km south.
- 8.3. The proposed development comprises a conversion of a store and a new wastewater treatment system and associated works creating a new dwelling c. 102 sqm. No nature conservation concerns were raised in the planning appeal.
- 8.4. 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:
- Small scale and nature of the development.
  - Distance from the nearest European site and lack of connections.
- 8.5. 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.
- 8.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

I recommend that permission be refused.

## 10.0 Reasons and Considerations

1. Having regard to Policy Objective CPO 6.24 to facilitate family/granny flat extensions for use by a member of the immediate family, subject to compliance with the stated criteria set out in Section 3.1.9 of the Development and Design Standards in Appendix 1 of the current Wicklow County Development Plan, 2022- 2028, it is considered that the size, siting and physical separation of the existing shed from the principal residence are contrary to the stated criteria and would militate against the proposed development being functionally integrated with the main house. Therefore, in the absence of any exceptional circumstances to the contrary, and as it is considered that an independent living unit could reasonably be provided by means of modification or extension of the main dwelling, it is considered that the proposed development would materially contravene Policy Objective CPO 6.24 of the current Wicklow County Development Plan and would be contrary to the proper planning and sustainable development of the area
2. Having regard to Policy Objective CPO 6.36 of the current Wicklow County Development Plan, 2022- 2028, that urban generated housing shall not be permitted in the rural areas of the County, other than in rural settlements that have been deemed suitable to absorb an element of urban generated development as set out in the Settlement Strategy and having regard to National Policy Objective 19 in the National Planning Framework (2018) to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, it is considered that the proposed development represents urban generated housing. It is considered that the proposed development, in the absence of any identified locally based need for the dwelling as provided in Objective CPO 6.41 of the County Development Plan, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, thus, contravene the objectives of the Wicklow County Development Plan and policy provisions of the National Planning Framework and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The Board is not satisfied on the basis of the submissions in the application and appeal that adequate sightlines in both directions are available for vehicles egressing the site and it is considered that to permit this development would endanger public safety by reason of serious traffic hazard and would therefore be contrary to 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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Rosemarie McLaughlin  
Planning Inspector

12<sup>th</sup> March 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-321630-25		
<b>Proposed Development Summary</b>	Conversion of shed to independent living unit (102 sqm), water treatment system and all associated site works		
<b>Development Address</b>	Hanalei, Little Newtown, Enniskerry, Co. Wicklow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b> <b>X</b>	Tick if relevant and proceed to Q2.	
	<b>No</b>	Tick if relevant. No further action required	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Class 10(b)(i) [Residential] mandatory threshold is 500 dwelling units.	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	Class 10(b)(i): Construction of more than 500 dwelling units. Proposal is for 1 dwelling	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321630-25</b>	
<b>Proposed Development Summary</b>	Conversion of shed to independent living unit, water treatment system and all associated site works	
<b>Development Address</b>	Hanalei, Little Newtown, Enniskerry, Co. Wicklow	
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b> Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposal is for the conversion of a structure into a dwelling and all associated site works in a rural area where there are many oe-off houses. It is not an exceptional type of development. The development is to be served by public mains and a new WWT system. The proposed development will not result in the production of significant waste, emissions, or pollutants. There is no real likelihood of significant cumulative effects with other permitted developments.</p>	NO
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to</p>	<p>The size is c. 102 sqm and is unexceptional. This is a relatively small development in this context.</p>	NO

other existing and / or permitted projects?	There are no significant cumulative considerations.	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>There are no significant ecological sensitivities on the site. The site is c 140 m south of the River Dargle.</p> <p>There are no potential other significant environmental sensitivities in the area, and no protected structures.</p>	NO
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)