



An
Coimisiún
Pleanála

Inspector's Report

ABP-322456-25

Development

Retain vehicular entrance gates, reinstatement of boundary fence and hedgerow, alterations to garage, demolition of porch, shed and existing house extensions, construction of porch and single storey extensions, elevational changes, upgrade of wastewater treatment system and all ancillary site works and services.

Location

Old School House, Ballyorney,
Enniskerry, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2460473

Applicant

Sally-Anne Fisher

Type of Application

Permission and Retention Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant

Barbara Rossiter

Observers

None

Date of Site Inspection

27th June 2025

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The appeal site, measuring approximately 0.149 ha, is located on the eastern side of the R760 in the townland of Ballyorney, approximately 2.7 km to the south-west of Enniskerry village in Co. Wicklow. The site, situated in a designated Area of Outstanding Natural Beauty, is broadly rectangular in configuration and uneven in terms of topography. There is a steep drop in site levels just beyond the northern site boundary with the adjoining property known as Oakenlawn. The site is bound to the front by a stone wall with mature hedging and trees planted behind or on top. Timber gates provide the entrance to the site. The site is very well screened by hedging, vegetation and trees along the front, side and rear boundaries.
- 1.2. A detached 4-bedroom dormer dwelling with slate roof and external walls finished in pebble dash, render and stone is positioned in the centre of the site. The site also accommodates a detached double garage with pitched roof to the north-west adjacent to the public road, and sheds to the rear of the site. The gross floor area of existing buildings is given as 184 sqm.
- 1.3. The surrounding area and landscape provide for extensive forested areas comprising both coniferous and deciduous woodlands. There are also a number of rural houses in the vicinity of the site as well as lands used for agricultural purposes. Charleville House and Demesne and Powerscourt House and Gardens are located in the general vicinity of the appeal site, to the north-west.

2.0 Proposed Development

- 2.1. Retention permission and permission are sought for the following proposals.
- Retention of the existing vehicular entrance gates as constructed.
 - Permission for the following:
 - (a) Reinstatement of front boundary fence and hedgerow to the front of the garage.
 - (b) Alterations to garage, involving partial removal of wall, to facilitate access from within the subject site.
 - (c) Demolition of existing front porch and its replacement with a new entrance porch with flat roof height of c 3.1m and a depth of 1.8m.

- (d) Demolition of existing southern (side) extension which comprises a bedroom.
- (e) Demolition of existing eastern (rear) extension and shed.
- (f) Construction of a single storey rear (east) flat roof extension c 3.8m in height to comprise two bedrooms and a single storey extension with flat roof to the side (north) incorporating a utility room.
- (g) A c15 sqm glazed covered terrace on the northern side of the house.
- (h) Skylights to existing roof; associated elevational changes to all elevations.
- (i) Upgrade of wastewater treatment system to comprise a tertiary system to include a sewage treatment plant with stone and sand polishing filters.
- (j) All ancillary site works and services.

Proposed extensions will have a render finish.

The layout drawing indicates a post and panel fence to the northern site boundary.

A driveway / parking area is indicated proximate to the northern site boundary.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a decision to grant permission for the proposed development subject to 10 conditions on 7th April 2025. Noteworthy conditions are summarised as follows:

C3 – Submit, prior to commencement, a landscaping scheme to ensure all existing mature trees and boundary treatments particularly at the northern boundary are retained and preserved against damage during construction work.

C4(a) – Revised front boundary in front of the garage to comprise native hedgerow or other suitable boundary (not wire mesh fencing) to be submitted for written agreement.

C4(b) – Existing entrance to be permanently closed before new entrance is brought into use.

C6 – All surface water run-off to be collected and disposed of within the site as per drainage plan submitted as Further Information. No such surface water run-off shall

be allowed to flow onto the public roadway or adjoining properties, nor to discharge to the public foul sewer.

C7 – The effluent disposal system shall be laid out as proposed and constructed to the specification of Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) Code of Practice published by the EPA 2021. Photographic evidence of the installation of the septic tank/secondary treatment unit, distribution chamber, and percolation trenches/polishing filter and pipes shall be submitted on completion of the system. A certificate from a Chartered Engineer, Environmental Health Officer, or Hydrogeologist, (with professional indemnity insurance) stating that the effluent disposal system has been installed in accordance with this condition, shall be submitted to the planning authority before occupation.

C10 – Garage to be used for private domestic use only and not for human habitation or for any commercial purpose.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **first report** of the area planner notes the planning history of the site, identifies the policy context and the nature of the proposal involving extensions to the existing rural house located in an Area of Outstanding Natural Beauty. It is noted that the scale of extensions is sympathetic to the existing house. Key issues raised in this report are reflected in the Further Information (FI) request which issued on 23rd September 2024 as follows:

- **Item 1:** A new window to the first floor (northern elevation) has potential to overlook the neighbouring site. The need for a large window serving the attic storage area should be addressed.
- **Item 2:** Unclear if boundary trees are to be removed to accommodate proposed development. A landscaping plan to be provided in this regard to include details of any tree removal to facilitate sightlines. Revised site layout to show full details of surface water drainage.

- **Item 3:** Wire-mesh fencing is an inappropriate boundary treatment in front of the garage. Height of proposed fencing and its position relative to new boundary hedging should be confirmed.
- **Item 4:** Provide sightline drawing to show available sightlines, to include the proposed fencing and hedgerow in front of the garage.
- **Item 5:** New entrances are required to be sufficiently set back (usually 5m) from the public road to comply with engineering safety standards. This matter to be addressed.

The **second report** assesses the FI received on 18th March 2025, as follows:

- **Item 1:** Proposed first floor window serves the double height family room on the ground floor and as such there is no potential for overlooking to occur due to the window height.
- **Item 2:** A revised site layout plan is submitted indicating car parking is set away from mature trees at the northern boundary. One tree is to be felled although this is not considered to be significant; its removal will not lead to overlooking impacts. Should permission be granted, submission of a landscape plan should be sought by condition.

A combination of Sustainable Drainage Systems (SuDS) is proposed including green roofs, rainwater planters and soakaways. Proposal is acceptable in this regard; calculations have been provided, and the likelihood is that surface water will only flow to the watercourse in flooding events.

- **Item 3:** It is not agreed that wire mesh is an appropriate boundary type, and it is considered the proposed fence is more suitable to an urban location. Should permission be granted this matter can be addressed by condition.
- **Item 4:** A revised sightline drawing is provided which shows the proposed new entrance will have improved sightlines compared to the existing situation.
- **Item 5:** The revised gate position is setback 5m from the public roadway which is acceptable.

The report recommends permission is granted subject to 10 conditions.

3.2.2. Other Technical Report

Senior Environmental Health Officer (EHO):

This report notes the following:

- Water supply source is from a Group Water Scheme.
- 6 PE wastewater treatment system proposed with sand polishing filter (15 sqm).
- Ground is suitable for effluent disposal.
- Compliance with Table 6.2 of EPA Code of Practice 2021.
- Approval recommended subject to condition.

3.3. Prescribed Bodies

I note the planning authority notified Fáilte Éireann and An Taisce of the planning application. No reports from prescribed bodies are on file.

3.4. Third Party Observations

Submissions were received by the planning authority on behalf of the resident of the neighbouring property at Oakenlawn, Ballyorney. Matters raised are similar in nature to the appeal grounds. The **first submission** is summarised as follows:

- Planning application does not comply with requirements of the Planning and Development Regulations 2001 as amended (Articles 18, 19 and 23 refer) and as such the planning application is invalid.
- Misleading information provided.
- Overlooking impacts.
- Proposed use of garage questioned.
- Domestic Wastewater Treatment System (DWWTS) is undersized given the number of bedrooms (all double).
- Unregulated intensification of use of property would exacerbate current inadequacy of proposed DWWTS.
- No formal means of dealing with surface water runoff; water discharges to drainage ditch on eastern boundary.

- Sewage discharges from existing DWWTS onto neighbouring site leading to public health concerns.
- Minimum separation distances as per EPA Code of Practice are not met in this application.

This initial submission includes a report from a Consulting Civil and Structural Engineering company noting, inter alia, separation distances between the DWWTS and adjoining features, which are deemed inadequate.

The **second submission** is in response to the FI provided and is summarised as follows:

- Concerns regarding attic accommodation, overlooking and loss of tree which provides screening.
- No landscape plan provided as requested.
- No results of infiltration test given.
- Unacceptable that surface water would be discharged to adjoining property.
- A new entrance is not warranted.
- Use of garage questioned.

4.0 Planning History

Planning Authority Reg. Ref. 24/60019 refers to a June 2024 decision to refuse permission for a development the same / similar to the development proposed, which is the subject of this appeal. The refusal reason stated the following:

1. The proposed development shows the retention of an existing vehicular entrance and parking area for which no permission exists. The proposed development would represent consolidation of un-authorised development on this site. Furthermore, the proposal is also to retain the existing permitted garage structure. The proposed development would result in the house being served by two sets of vehicular entrance points and parking areas and this would constitute haphazard, piecemeal development. The provision of such a form of development unduly impacts on the amenities of the area, the amenities of adjoining properties and undermines the

planning regulations and would be contrary to the proper planning and sustainable development of the area.

A first party appeal was lodged in connection with planning authority's decision to refuse permission, however this appeal was subsequently withdrawn (Reference Number ABP-319965-24 refers).

5.0 Policy Context

5.1 Wicklow County Development Plan 2022-2028

5.1.1. The proposed development was considered by the planning authority under the Wicklow County Development Plan 2022-2028.

5.1.2. The site is located within Level 10 - The Rural Area (Open Countryside) of the County's Settlement Strategy as detailed within Section 4.2 of the County Development Plan.

5.1.3. The Role and Function of the rural area is set out in Chapter 4. Under this heading it is stated that, inter alia, 'Development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focused on ensuring that the scenic value, heritage value and/or environmental / ecological / conservation quality of the area is protected.'

5.1.4. Relevant objectives in Chapter 4 are as follows:

CPO 4.10 To support the sustainable development of rural areas by encouraging growth while managing the growth of areas that are under strong urban influence to avoid over-development.

CPO 4.14 To ensure that key assets in rural areas such as water quality and natural and cultural heritage are protected to support quality of life and economic vitality.

CPO 4.15 To protect and promote the quality, character and distinctiveness of the rural landscape.

5.1.5. Chapter 6 of the County Development Plan relates to Housing. Section 6.3.8 relates to Rural Housing. Relevant objective:

CPO 6.44 To require that rural housing is well-designed, simple, unobtrusive, responds to the site's characteristics and is informed by the principles set out in the Wicklow Single Rural House Design Guide. All new rural dwelling houses should demonstrate good integration within the wider landscape.

5.1.6 Chapter 13 relates to Water Services. Relevant Objectives:

CPO 13.16 Permission will be considered for private wastewater treatment plants for single rural houses where:

- the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);
- the proposed method of treatment and disposal complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10)' and the Environmental Protection Agency "Waste Water Treatment Manuals"; and
- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

5.1.7 Chapter 17 relates to Natural Heritage and Biodiversity.

The subject site is located within area 1(d) – The North Eastern Valley / Glencree and within an Area of Outstanding Beauty.

5.1.8 Other relevant Objectives / Appendices are set out below:

Appendix 1 – Development and Design Standards

Development Standard 2.1.9 (Entrances & sight lines)

- In all areas, new entrances shall be designed having regard to the design speed, function and traffic volumes on the adjoining public road as well as pedestrians, cyclists and vulnerable road users;
- Clear sightlines will be required to be available or provided at new junctions and entrances. The sight distance required shall be calculated using the applicable road design manual having regard to the following criteria:
 - The designation of the road, its function in the road hierarchy and existing / projected volumes of traffic;
 - The typical speed (not the speed limit) of the road;
 - The vertical and horizontal alignment of the road;
 - And any other such factors that may be pertinent to the specific location or as may be set out in road design manuals.
- When locating new entrances and proposing increases in traffic movements at existing entrances, it must be shown that vehicles turning right into the entrance do not obstruct or cause a hazard to other road users. Sufficient forward sight distance must be available to (a) cars approaching an entrance in case a car is waiting on the road carriageway to turn right, (b) for cars waiting to turn right at an entrance. Right turning lanes may be required and these shall be designed in accordance with the applicable road design manual.

Section 2.2.3 Wastewater disposal

On-site effluent disposal systems for single houses will only be considered where:

- the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);
- the proposed method of treatment and disposal complies with Wicklow County Council's Policy for Wastewater Treatment & Disposal Systems for Single

Houses ($PE \leq 10$) and the Environmental Protection Agency “Waste Water Treatment Manuals”; and

- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

5.1.9 **Appendix 2 - Single Rural House Design Guidelines**

Extensions to existing rural houses

There are no hard and fast rules about the size of an extension, but it will be necessary to ensure that:

- *The extension respects the size of the existing house;*
- *The extension does not reduce the area of the garden to such a degree that it affects the usefulness of the garden;*
- *The site is big enough to accommodate the extension as well as all the other facilities that a house requires e.g. effluent disposal system, car-parking area etc.*

5.2. **EPA Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021**

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses. Table 6.2 sets out required separation distances from the wastewater treatment system.

5.3 **Natural Heritage Designations**

- Knocksink Wood SAC located approximately 2.7km to the north.
- Wicklow Mountains SAC and SPA located approximately 3km to the south-west.
- Glen of the Downs SAC located approximately 4.5 km to the south-east.

5.4 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

6.0 The Appeal

This is a third-party appeal against the planning authority's decision to grant permission for the proposed development submitted by Justin O'Callaghan, Architect on behalf of Barbara Rossiter, the owner and occupier of Oakenlawn, Ballyorney, which shares common boundaries with the subject property.

6.1 Grounds of Appeal

The grounds of appeal may be summarised as follows under the headings below:

Validity of planning application

- It is considered that the planning application as submitted to the planning authority did not comply with particular parts of Articles 18, 19 and 23 of the Planning and Development Regulations 2001 as amended. Issues raised in this context include the following:
 - Public notices do not describe true nature and extent of development. No references made to new driveway, parking area, proposed works to the attic, including attic storage.
 - Submitted drawings do not show, inter alia, context of neighbouring houses, the mature wooded nature of appellant's property, trees at northern boundary, drainage ditch, septic tank location and percolation area for existing septic tank.
 - No contours noted on site layout drawing, height of proposed extension differs on drawings, changes in levels not shown, inconsistencies in terms of separation distances of septic tank to boundaries.
 - Lack of contiguous drawings.

- Not all proposed elevational changes are marked on drawings.
- Boundary distances on floor plans not given.
- North point either incorrectly indicated or not indicated on floor plans.

Proposed Domestic Wastewater Treatment System (DWWTS)

- The planning authority was in error in its assessment of the proposed DWWTS.
- The system is inadequately sized to cater for the accommodation proposed (8 bedspaces) and for potential unregulated intensification which could be undertaken in accordance with exempted development provisions.
- Unsuitability of the site for the proposed DWWTS.
- Potential impact of DWWTS on existing trees and their root systems due to proximity to site boundary.
- Fails to comply with EPA Code of Practice (CoP) 2021.
- Separation distances set out in Table 6.2 are not met and significantly below required thresholds.
- EHO report incorrectly states the proposed DWWTS complies with the CoP.
- There is an overlap between percolation areas for DWWTS and that for surface water.

Existing septic tank

- Sewage discharges have occurred on to the appellant's property during periods of heavy rain damaging trees and causing public health concerns.
- Drawings provide no details relating to the exact location of the septic tank, percolation area or connections to same. Further no details of a sand filter (as per application form) associated with the existing system are provided.
- Planning authority did not seek FI relating to these matters.

Other issues

- Proposed development likely to increase surface water run-off to adjoining property. All such run-off should be collected and disposed of within the site.

- Overlooking impacts onto adjoining site will arise due to new windows on eastern and northern elevations.
- Property could be used as a B&B or rented out in future and potentially accommodate 16 persons (4 per bedroom) which would further exacerbate the inadequacy of the proposed DWWTS.
- Attic space could be converted to habitable space in the future.
- Concern garage would potentially be used for human habitation in the future.
- No garage floor plan provided, and no access is shown.
- No conditions were included to reduce the number of bedrooms or remove exemptions relating to overnight guest accommodation.
- Existing site entrance should be maintained.
- Mature trees not shown on drawings.
- No landscape plan provided.
- Concern related to possible unauthorised development on the site.
- The applicant should have been required to publish a newspaper notice stating that FI or revised plans were received in connection with the proposal.

The appeal includes a number of attachments as follows:

- A copy of the Notification of Decision.
- Planning authority acknowledgements of the submissions made by the appellant.
- Copy of letter from appellant to planning authority relating to possible unauthorised development on the appeal site and a subsequent response from the planning authority.
- A copy of Drawing No.180.PL.0101Rev06.
- Drawing No. 300 prepared on behalf of appellant entitled 'Explanatory Site Sections.'
- A letter to the appellant's agent from OBA Consulting Engineers (dated 1st September 2024) which provides an opinion on the proposal, following a review of planning documents and a site visit. This is summarised as follows:

- No details of existing soakaway, calculations, percolation rates or evidence of a percolation test.
- Rainwater discharge from garage roof is uncontrolled and falls into adjoining site.
- New treatment plant located at north-eastern corner of site adjacent to boundary of neighbouring property. Location of existing septic tank not given.
- Proposed treatment unit and polishing filters are positioned within 0.848m and 1.192m of boundary.
- Minimum separation distance from proposed DWWTS to existing adjacent features (i.e. soakaways, site boundaries, slopes, dwellings, open drain / drainage ditch) fall far short of minimum separation distances set out in CoP.
- Proposed treatment system will have a detrimental impact on appellant's property.

6.2 Applicant Response

No valid response received.

6.3 Planning Authority Response

None.

6.4 Observations

None.

7.0 Assessment

7.1 Having examined the application details and all other documentation on file, including the appeal and all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are those raised in the grounds of appeal and the area planner's report, and are as follows:

- Principle of development

- Impact on Residential Amenity
- Wastewater Treatment
- Surface water
- Planning Application Inaccuracies / Omissions
- Matter Arising
- Water Framework Directive - Screening
- Appropriate Assessment

7.2 Principle of development

- 7.2.1 The applicant has applied for, inter alia, retention of vehicular entrance, permission to demolish extensions and construct new extensions to the existing house and the upgrade of the existing wastewater treatment system.
- 7.2.2 The appellant raises concerns relating to several aspects of the proposal, including the validity of the planning application, impacts on residential amenity, the existing and proposed wastewater treatment system, future potential development, possible unauthorised development and that the existing entrance should be retained.
- 7.2.3 The principle of a residential use is established on the site. The proposed development of extensions to the house are acceptable and I consider they are appropriate and respect the size of the existing rural house on this site, as required under Appendix 2 of the County Development Plan.
- 7.2.4 In terms of the access to be retained, I note a revised sightline drawing (Drawing No. 24-20-01-P1) was provided at Further Information (FI) stage, which demonstrates this access will have improved sightlines to the north of c 25.6m compared to the existing situation of c 10.6m from the existing access point (at the front of the garage). I note also the double gates would be relocated 5m back from the road edge, allowing a vehicle to pull-in off the road when entering. I consider the proposed new entrance to be acceptable on the basis of improved sightlines to the north compared to the previous situation and I would recommend retention permission be granted should the Commission decide to grant permission in this case.

7.3 Impact on residential amenity

- 7.3.1 While I acknowledge concerns raised regarding potential for overlooking from a proposed new first floor window on the northern elevation of the dwelling, this in fact serves a double height space as shown on the submitted floor plans. In this context I am satisfied that no overlooking impacts onto the adjoining lands to the north would arise.
- 7.3.2 3 no. ground floor windows are proposed in the new rear (east-facing) single storey extension. 2 of the windows are high level (serving a dressing room and a bedroom), while the third serves a bathroom. Given the high-level design of the windows and that the bathroom window would be fitted with opaque glazing, I do not anticipate any undue overlooking impacts onto the adjoining lands to the east. I would note that the main windows serving these bedroom windows are positioned on the side (north and south) elevations of the proposed rear extension.
- 7.3.3 No overbearing or overshadowing impacts are foreseen due to the nature of the proposed development and separation distances to the site boundaries.
- 7.3.4 I note the appellant's view that the subject property could potentially be used as a B&B in the future or rented out and the attic space could be converted to habitable accommodation. Such matters are not open for adjudication in this case and would be more appropriately considered under a Section 5 reference or the enforcement provisions of the Planning and Development Act 2000, as amended, should that be necessary at a future point.

7.4 Wastewater Treatment

- 7.4.1 The proposed development includes the upgrading of the existing septic tank, which is noted, in the application documentation, to be old and unsuitable for use, through the installation of a 6PE tertiary sewage treatment plant, provision of a sand polishing filter (15 sqm) and a washed pebble filter (50 sqm), located within the northern part of the site.
- 7.4.2 The appellant has indicated the existing septic tank serving the appeal site has malfunctioned resulting in sewage discharges onto their lands. The appellant claims that the proposed system does not adhere to the required separation distances from adjoining features as detailed in Table 6.2 of the EPA Code of Practice 2021 relating to DWWTS, and that the proposed system is inadequately sized to serve the dwelling

population and noting there is potential for attic space to be converted to bedrooms in the future.

- 7.4.3 In considering this aspect of the proposal, Wastewater Objective CPO 13.16 of the County Development Plan is relevant as it seeks to facilitate private wastewater treatment plants for single rural houses, where inter alia, the proposed method of treatment and disposal will not give rise to unacceptable adverse impacts on ground waters / aquifers, complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10)' and EPA Wastewater Treatment Manuals. This Objective notes that 'in all cases the protection of ground and surface water quality shall remain the overriding priority.'
- 7.4.4 I have reviewed the submitted Site Suitability Assessment Report which indicates the aquifer category as being Regionally Important (Rg) and having an 'Extreme' and 'High' groundwater vulnerability classification. The Groundwater Protection Response Category is identified as 'R2 1' which is detailed in Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice as being 'acceptable subject to normal good practice.' The Code of Practice includes the advisory that where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Section 6 of the Code of Practice are met and the likelihood of microbial pollution is minimised. Water supply is from a Group Water Scheme and it is noted from the Further Information response that there are no wells within 100m of the site.
- 7.4.5 A trial hole with a depth of 2.1m encountered slightly sandy, slightly gravelly slit/clay with rubble content between 0.0m to 0.9m, sandy very gravelly silt / clay at 0.9m to 1.2m and sandy gravelly silt / clay with occasional cobbles at 1.2m to 2.1m. The water table and bedrock are not indicated to have been encountered in the trial hole. In terms of the percolation characteristics of the soil, the sub-surface test result is indicated at 21.86 min/25 mm. The Report states that no surface tests were carried out due to unsuitable soils of made ground and rubble and concludes that due to the limited available area on the site and the need to maximise separation, a tertiary system is recommended.
- 7.4.6 In terms of the appellant's concern relating to the 6 PE capacity / loading, I note the proposed system is designed to reflect the four bedrooms in the extended house.

Table 3.2 of the EPA Code of Practice confirms that a 6 Design PE is appropriate for a 4-bedroom house. Therefore, I am satisfied with the design capacity of the system based on the proposed occupancy of the dwelling.

- 7.4.7 I note that section 5.4.2 'Trial Hole Assessment' of the EPA Code of Practice indicates a trial hole depth of at least 3m in cases where regionally important aquifers underlie the site, in order to prove that the existing vulnerability classification as stated in the assessment is correct. I note that the trial hole was excavated to a depth of 2.1m although a regionally important aquifer is stated to underlie the site in the Site Suitability Assessment Report. I note however that the vulnerability classification is given as both 'Extreme' and 'High' in the submitted Site Suitability Assessment Report.
- 7.4.8 I advise the Commission that the proposed wastewater treatment system does not meet minimum separation distances from the proposed DWWTS as set out in Table 6.2 of the EPA Code of Practice and this is set out in detail in the third-party appeal and associated opinion letter appended to the appeal prepared by OBA Consulting Engineers. The proposed system is located c 5.5m from the existing house, it abuts the north-eastern site boundary, lies c 1.2 m from the eastern drainage ditch and less than a metre from the northern site boundary beyond which the ground levels fall significantly. Table 6.2 states that an on-site treatment plant or tank should be 7m from a dwelling house, an infiltration area should be 10m from a dwelling house and all parts of the system should be a minimum of 3m from a site boundary and 10m from an open drain.
- 7.4.9 I concur with the concern raised by the appellant regarding the EHO's report, which concludes that the required separation distances to boundaries are achieved in this proposal, and this is clearly not the case.
- 7.4.10 Notwithstanding the foregoing, I note that Section 1.3 of the Code of Practice allows consideration to be given to a non-conforming system if it constitutes an upgrade of an existing and non-conforming system and will protect human health and the environment. The Site Suitability Assessment Report states the existing dwelling is served by a very old septic tank and soak-pit and that installation of a more suitable and modern wastewater system is proposed. It notes the constraints of this site in terms of available space for a percolation area and therefore that the minimum separation distances will not be achievable.

- 7.4.11 The Site Suitability Assessment Report includes design details and section drawings / pictures of the recommended tertiary on-site sewage treatment system. It is proposed to excavate the soil to 1m and install a 0.3m bed of washed pebble with the sand filter constructed over the stone infiltration bed. The partially raised mound sand filter will lie 0.5m above ground level. Figure 1.0 details the stratified levels of gravel and sand.
- 7.4.12 Having regard to the constraints of this site which accommodates an existing dwelling, the findings of the Site Suitability Assessment Report in which a T value of 21.86 min/25 mm was recorded on site indicating good percolation characteristics, and the proposal to install a tertiary treatment system with sand polishing filter and washed pebble filter, I consider the site to be suitable for the proposed on-site effluent treatment system being constructed and maintained in accordance with the details submitted.
- 7.4.13 I note the view expressed in the report prepared by OBA Consulting Engineers on behalf of the appellant that the proposed treatment system would have a detrimental impact on the appellant's property due to non-compliance with minimum separation distances as per Table 6.12 of the EPA Code of Practice. For the reasons set out in section 7.4.13 of this report (above) I do not agree with this conclusion. I consider the installation of the treatment system proposed would effectively and efficiently deal with wastewater arising from the proposed development. The proposed treatment system constitutes a significant upgrade and improvement of an existing and non-conforming system and as such it will, in my view, protect human health and the environment, as referred to and envisaged in Section 1.3 of the EPA Code of Practice. In this context, I recommend a grant of permission.
- 7.4.14 While noting the appellant's concerns that the proposed treatment system may impact on trees and root systems within their site, I note the treatment system is located wholly within the applicant's boundary and there is no evidence provided that such impacts would occur.

7.5 Surface water

- 7.5.1 The appellant contends that the proposed development is likely to increase surface water run-off from the subject site into their adjoining site and considers all such run-off should be collected and disposed of within the appeal site.

- 7.5.2. On foot of a request for Further Information relating to surface water drainage the applicant submitted a report from Poga Consulting Engineers confirming that existing surface water drains mainly to a ditch on the far side of the eastern boundary in the direction of the Stilebawn watercourse (which flows c 530m to the east / north-east). The report states that infiltration test results (which have not been submitted) show the site is unsuitable for extensive infiltration and as such a combination of SuDS techniques are proposed in the form of green roofs, rain garden planters to treat and attenuate surface water from the new roofs. Furthermore, permeable paving to the new driveway and a soakaway to cater for run-off from the new porch roof is proposed. These measures are reflected in the submitted surface water drainage plan and details (Drawing Ref. 24055-100-PO refers) provided at FI stage.
- 7.5.3. I note that the planning authority considers that the proposed SuDS measures would improve surface water management on the site and I would concur with this assessment. In my opinion, one of the fundamental considerations for drainage from a proposed development is that surface water run-off of adjoining lands or roads should not be exacerbated. Should the Commission be minded to grant permission, the management of surface water drainage for the proposal could be dealt with satisfactorily by condition. In this regard I note Condition 5 of the permission is relevant and requires that no surface water run-off shall flow, inter alia, onto the public road or adjoining properties.

7.6 Planning Application Inaccuracies / Omissions

- 7.6.1 I note the appellant's view that the planning application as submitted to the planning authority did not accord with specific provisions within Articles 18, 19 and 23 of the Planning and Development Regulations 2001, as amended. The compliance of the planning drawings with the requirements of the Planning Regulations is a validation matter for the consideration of the planning authority. The planning application was accepted as being valid in this case. Notwithstanding the foregoing, I consider that sufficient information has been included with the application drawings and documentation to facilitate the consideration of this case. I am satisfied that the development description of the proposal as reflected in the public notices is acceptable. In my view the matters raised by the appellant in this regard are not of a substantive nature and have not prejudiced third party rights.

7.7 Water Framework Directive – Screening

7.7.1 The subject site is located in a rural area c 2.7 km south-west of Enniskerry village in Co. Wicklow. The proposed development comprises, inter alia, demolition of sheds and extensions, construction of new extensions, elevational changes and upgrading of wastewater treatment system.

7.7.2 I have assessed the proposed domestic development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and groundwater water bodies either qualitatively or quantitatively. The reason for this is as follows:

- The nature of the works comprising a small scale and nature of development.
- Location-distance from the nearest waterbodies and the lack of direct hydrological connections from the site to any surface and transitional water bodies.
- Standard pollution controls that would be implemented.

7.7.3 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

7.8 Matter Arising

7.8.1 Planning Authority Conditions

The majority of the planning authority's conditions are standard in nature and appropriate to the proposed development. Should the Commission decide to grant permission I recommend inclusion of a condition similar to Condition 4 which requires (a) boundary treatment to be agreed in writing prior to commencement of development and (b) the existing entrance to be permanently closed when the new entrance is brought into use. Furthermore, I consider it appropriate that the appellant provides pre-and post-development drawings and floor plans of the garage

for the written agreement of the planning authority, and I recommend inclusion of a condition to this effect.

8.0 Appropriate Assessment

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

The nearest European Sites to the proposed development are:

- Knocksink Wood SAC located approximately 2.7km to the north.
- Wicklow Mountains SAC and SPA located approximately 3km to the south-west.
- Glen of the Downs SAC located approximately 4.5 km to the south-east.

The proposed development comprises, inter alia, retention of entrance, extensions to an existing house, upgrading of wastewater treatment system, and all ancillary works.

Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and nature of the proposed development.
- Location-distance from nearest European Site and lack of connections.
- Taking into account the screening determination of the planning authority.

I conclude, 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 any other plans or projects.

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

9.0 Recommendation

Having regard to the above it is recommended that retention permission and permission is granted for the proposed development subject to the conditions set out below.

10.0 Reason and Considerations

10.1 The subject site which accommodates an existing dwelling is located in the rural area (Open Countryside) of Wicklow County's Settlement Strategy as set out within Section 4.2 of the Wicklow County Development Plan 2022-2028. It is considered that sufficient information is included with the application to facilitate consideration of this appeal case, and that subject to compliance with the conditions set out below, the proposed development would not be injurious to the residential and visual amenities of the area, would not result in surface water run-off onto adjoining property, would not impact on adjoining trees outside the site boundaries, would not have a detrimental impact on adjoining lands, that the design capacity of the proposed 6PE tertiary treatment plant is appropriately sized to serve the four bedroom house and would efficiently deal with effluent from the proposed development given that it is a significant upgrade and improvement of an existing and non-conforming system, thereby protecting human health and the environment as referred to in Section 1.3 of the EPA Code of Practice for Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11. Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th day of March 2025, 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>
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2.	<p>The existing dwelling and the proposed extensions shall be jointly occupied as a single residential unit and the extensions shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extensions in the interest of residential amenity.</p>
3.	<p>Drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed extensions shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<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 2nd of August 2024.</p> <p>(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area / polishing filter which shall be provided in accordance with the recommendations included within the site characterisation report and the associated Recommendation Report relating to the wastewater treatment system submitted with this application on the 2nd of August 2024.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the site</p>

	<p>characterisation report and the associated Recommendation Report relating to the wastewater treatment system submitted with the application.</p> <p>Reason: In the interest of public health and to prevent water pollution.</p>
6.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This scheme shall show retention of all existing mature trees and boundary treatments on site, including along the northern boundary, and outline the measures to be put in place for their protection during the construction period.</p> <p>Reason: In the interest of residential and visual amenity.</p>
7.	<p>(a) The existing entrance shall be permanently closed off once the new entrance is operational.</p> <p>(b) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the front boundary in front of the garage consisting of indigenous hedgerow.</p> <p>Reason: In the interests of visual amenity, traffic safety and the proper planning and sustainable development of the area.</p>
8.	<p>(a) The garage shall not be used for human habitation or any commercial purpose other than a purpose incidental to the enjoyment of the main dwelling.</p> <p>(b) Prior to commencement of development the applicant shall submit pre- and post-development elevation drawings and floor plans of the garage for the written agreement of the planning authority.</p> <p>Reason: In the interest of orderly development and the amenities of the area.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 to 1400 hours on Saturdays and not at all on Sundays and public</p>

	<p>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: In order to safeguard the amenities of property in the vicinity.</p>
10.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</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.

John Duffy
Planning Inspector

31st July 2025

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ABP-322456-25
Proposed Development Summary	Retain vehicular entrance gates, permission sought for reinstatement of boundary fence and hedgerow, alterations to garage, demolition of porch, shed and existing house extensions, construction of porch and single storey extensions, elevational changes, upgrade of wastewater treatment system and all ancillary site works and services.
Development Address	Old School House, Ballyorney, Enniskerry, Co. Wicklow
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____