



An
Coimisiún
Pleanála

Inspector's Report ABP-322622-25

Development	Changes to north, south & west elevations of house (previously granted under ref. 20240974).
Location	Rathnageeragh/Tinnacorrick, Newbawn, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20250292
Applicant(s)	Andrea & David McEvoy
Type of Application	Planning Permission
Planning Authority Decision	Grant permission w. Conds.
Type of Appeal	First Party v Decision
Appellant(s)	Andrea & David McEvoy
Observer(s)	None.
Date of Site Inspection	8 th August 2025
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1.1. The site is located in Rathnageeragh townland, Co. Wexford. The site is approximately 2km outside Newbawn village. It comprises part of a field in which a dwelling is currently under construction. The site is accessed off the L8059 road. Agricultural lands surround the site on all sides. The closest dwelling is approximately 140m to the north-west.

2.0 Proposed Development

- 2.1.1. The public notices state the proposed development comprises changes to a proposed dwelling house which include amendments to the north, south & west elevations, new site entrance, new boundary & dwelling house position on the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Wexford County Council issued a notification to grant permission subject to 7 no. Conditions. I note the following in particular:
- Condition 1: The proposed development shall be carried out in accordance with the plans and particulars lodged with the planning application, except as otherwise required by the conditions of this permission. Reason: To ensure the proposed development accords with the permission and that effective control is maintained.
 - Condition 2: The development shall also be retained and carried out in accordance with the plans and particulars lodged with the planning application and the conditions attached to the parent permission issued under 20240974, as well as conditions hereunder. Reason: To ensure the proposed development accords with the permission and that effective control is maintained.
- 3.1.2. Conditions 4 and 5 related to Development Contributions payable as set out in Appendix 1 of the Planning Authority Decision.

3.2. Planning Authority Reports

3.2.1. Planning report: The Planner report recommended permission be granted. I note the following points:

- Application relates to changes to a proposed dwelling. Relevant conditions regarding the previous permission are to be attached;
- Housing need: Rural housing need was previously demonstrated;
- Proposed changes: Proposed development is to be relocated towards western boundary. Changes to elevations are proposed. Report stated the relocation, elevation alterations, and alterations to boundaries are acceptable;
- Dwelling area: Report stated the application indicates a slight reduction in building area, and that the proposed development floor area is 344.02sqm. It stated that no contributions have been paid under the previous permission;
- Report stated: *“Under the previous application 20240974 the area planner did not include the overhang areas which came below 300sq.m. Under this application a similar consideration will be given, and it is considered that the proposed floor area and site area are in compliance with minimum site sizes and floor areas for dwelling. Contributions as noted previously will be charged at a full rate with overhangs included as per application form.”*
- Access: Required sightlines can be achieved without boundary works;
- Water: No change to water supply or effluent treatment are proposed.

Other Technical Reports

3.2.2. Roads: Grant with conditions.

3.2.3. Environment: Grant with conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Subject site

- 4.1.1. Reg. Ref. 20240974: Planning permission granted subject to conditions by the Planning Authority in 2025 for: *“Permission for the construction of a fully serviced dwelling house, on-site treatment system, provision of a vehicular access, boundary and site landscaping and any ancillary works to facilitate the development”*.

4.2. Nearby sites:

- 4.2.1. None.

5.0 Policy Context

5.1. National guidelines and strategies

National Biodiversity Action Plan 2023, including its Objectives and Targets.

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivery
Homes Sustaining Communities 2007.

5.2. Development Plan

- 5.2.1. The site is in the Stronger Rural Area in the Wexford County Development Plan 2022-2028. I note the provisions of Core Strategy Guiding Principle J ‘Vibrant Rural Areas’; and Sections 4.2 Climate Action and Housing; 4.9 Housing in the Open Countryside, 2.5 ‘Sustainable Design’, 2.9 Boundary Treatments, and 3.1 Single Dwellings in Rural Areas, including 3.1.1 Design Guidance for Single Houses in Rural Areas and 3.1.2 Standards for Single Dwellings in Rural Areas.

5.3. Natural Heritage Designations

- 5.3.1. Bannow Bay SAC and Bannow Bay SPA are approx. 8.15km to the south-east.

6.0 Environmental Impact Assessment screening

6.1.1. The proposed development has been subject to preliminary examination for environment impact assessment (See Form 1 Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, I consider that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger requirement for EIA screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of First-Party Appeal

7.1.1. A first-party appeal was received which I summarise as follows:

- Appellant wishes to appeal the gross floorspace measurement of the permission;
- Appellant states the submitted application form stated 297sqm gross floorspace, but the Planning Authority requested the area measurement to be 344.02sqm which the appellant complied with to avoid invalidation;
- Appeal states that the external walls are defined by the thermal/air tightness line and areas measured have been from the inside face of the external walls;
- Appeal sets out details of the planning application form methodology for measuring gross floorspace which is from the inside external wall. Appeal states the floorspace measurement has complied with that methodology.

7.1.2. The appeal includes plans showing the relevant area and application form extracts.

7.2. Planning Authority Response

7.2.1. None.

7.3. Observations

7.3.1. None.

8.0 Assessment

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this case are those raised in the appeal:

- The dwelling area, and;
- Related matters raised in the course of the appeal.

8.2. Dwelling area

8.2.1. Regarding the principle of development, the proposed works are to alter a permitted dwelling house (Reg. Ref. 20240974). I am satisfied the proposed development is acceptable in principle subject to the considerations below.

8.2.2. Regarding the dwelling area, having reviewed the available information I consider there to be a number of discrepancies in the floorspace figures provided in the subject application. However, I am satisfied that the application drawings and floorspace figure stated in the appeal appear to provide the relevant gross floorspace figure, that is, 297sqm rather than 344sqm. The Commission may be inclined to seek further submissions from the parties in this regard, however given the foregoing, and noting the absence of third parties to the case, I am satisfied the development can be permitted in this regard, subject to revised conditions.

8.2.3. Having regard to the submitted information and having visited the site, I am satisfied the dwelling as proposed including its size and layout is acceptable and generally complies with the provisions of the Development Plan in this regard. In the interests of completeness I set out further details below:

Floorspace discrepancies

8.2.4. For context I note discrepancies in both the subject application (Reg. Ref. 20250292) and permitted application on the site (Ref. 20240974).

- In the subject case the appellant states the building as proposed would be 297sqm gross floorspace. However, whilst the layout plan and floor plans

indicate the dwelling house area is 297sqm, the application form indicated the gross floorspace to be 344.09sqm. The Planning Authority Planner Report utilised the area stated in the application form (344sqm) rather than drawings.

- In the permitted application (Ref. 20240974) the application form stated the floor area as 342.06sqm. Two versions of the ground floor plan were submitted; whilst the building layout and dimensions appeared to be the same in both drawings, they stated different floor areas (that is, 282sqm and 305sqm). The initial Planning Authority Planner Report in that case utilised a floor area figure of 282sqm rather than 342sqm. In the subsequent Planner Report the latter figure was used.

- 8.2.5. No floor area was stated in the public notices or development description in either application. To inform the subject assessment, I consider the floorspace figure of 305sqm to be the relevant figure in the previous application.

Change in floorspace

- 8.2.6. In the subject case the Planner Report noted a slight reduction in building area from that previously permitted. The submitted plans indicate the previously permitted western elevation is to be set back in extent. I note that no change in floorspace or dwelling area is stated in the public notices or development description. As above, having reviewed the available information I consider the relevant figures provided are 305sqm for the permitted dwelling, and 297sqm for the dwelling as proposed. This indicates a slight reduction in area arising from the proposed development (approx. 8sqm). Whilst a reduction in floorspace is not clearly stated in the public notices, I am satisfied the extent of floorspace change is reasonably minor and comes within the development description reference to changes to the western elevation.

Measurement methodology

- 8.2.7. The appellant raises issues with the gross floorspace measurement methodology used. I consider that some of the differences in figures above may arise as a result of differences in measurement methodology in in this regard, however this is unclear.
- 8.2.8. A related issue is raised in the Planner Report in relation to 'overhangs'. The Planner Report appears to raise whether the car port should be included in the dwelling gross floorspace calculation. I see no clarification in this regard in the Development Plan,

Wexford County Development Contributions Scheme 2018, or relevant national guidelines. In this case the car port adjoins the dwelling; is largely but not fully covered by the dwelling roof; has walls on three sides but is open on the eastern side; and is connected to the dwelling proper by an external door into the utility room. I note the different views taken in the respective Planner Reports referenced above. I do not consider the car port as proposed forms part of the gross floor area of the dwelling, although I acknowledge that with modest further works it could be subsumed into the dwelling proper. This approach broadly tallies with the appellant's floorspace calculation. As such I am satisfied the figure stated of 297sqm remains the relevant figure in terms of gross floorspace and development contributions.

'Site Size' requirements

- 8.2.9. Development Plan Section 3.1.2 'Standards for Single Dwellings in Rural Areas' states the Planning Authority will require the size of the dwelling house to comply with the site size/floor area ratios set out in Table 3-3. Table 3-3 'Site Size, Dwelling Floor Area Ratio and Biodiversity Requirements' indicates that dwellings of between 200sqm and 300sqm are to have a site size of 0.4ha, and that dwellings greater than 300sqm are to have a site size of 1.0ha. In the subject case I am satisfied the site area is 0.4ha and the dwelling area is to be 297sqm. As such I am satisfied the dwelling as proposed meets Development Plan site size requirements.

Other changes to permitted dwelling

- 8.2.10. The application also proposed other amendments to the permitted dwelling including to the north, south & west elevations, boundaries, and the position of the dwelling in the site. I have reviewed the submitted information, and the changes proposed. I note the Planning Authority Planner Report assessment in these regards and the provisions of Condition 2 and 7 of the Planning Authority decision. I am satisfied with these proposed changes, subject to revised conditions in these regards.

Summary

- 8.2.11. Based on the available information, I am satisfied the proposed development is acceptable and generally complies with the Development Plan and that planning permission should be granted subject to revised conditions.

8.3. Related matters raised in the course of the appeal

Access

- 8.3.1. I have reviewed the revised site access, I note the Planning Authority Roads section and Planner reports, including points relating to sightlines and boundaries. I note Conditions 2, 3 and 6 of the Planning Authority decision. I further note that the application red and blue line areas differ to that shown as part of the existing permission (Ref. 20240974). I am satisfied with these proposed changes, subject to revised conditions in these regards.

Conditions

- 8.3.2. I consider that revised versions of Conditions 1 and 2 of the Planning Authority decision are required to appropriately link the subject changes to the previous permission on the site.
- 8.3.3. Regarding access, Condition 6 of the Planning Authority decision is identical to Condition 4 of the existing permission on the site. Given the proposed attachment of revised Conditions 1 and 2, I do not consider this condition (Cond. 6) is necessary.
- 8.3.4. Regarding finishes, Condition 7 of the Planning Authority decision required external finishes to be as per the submitted drawings. Given the details provided in the application and the existing permission I do not consider this condition is necessary.
- 8.3.5. Regarding contributions, I note the changes to the dwelling area as set out above, and Conditions 4 and 5 attached to the Planning Authority decision. I note the Planning Report point that contributions have not been paid to date. The proposed works if permitted will impact the calculation of contributions. I consider that conditions linking the subject development to the permission on site are required.

9.0 Appropriate Assessment screening

- 9.1.1. I have considered the proposed dwelling changes in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approx. 8.15km north-west of Bannow Bay SAC and Bannow Bay SPA. The proposed development comprises changes to a permitted dwelling. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from

further assessment because it could not have any effect on a European Site. The reason for this conclusion is the small scale and nature of the development, and the location-distance from nearest European site and lack of connections. Taking into account screening report/determination by LPA, 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 other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1.1. The subject site is located approximately 430m from the Heathpark Stream. The proposed development comprises changes to the elevations of a permitted dwelling. No water deterioration concerns were raised in the planning appeal. I have assessed the project 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 & ground water waterbodies in order to reach good status, and prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively, or otherwise jeopardise any water body in reaching its WFD objectives. The reason for this conclusion is the small scale and nature of the development proposed, and the location-distance from nearest Water bodies and lack of hydrological connections. I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body 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.

11.0 Recommendation

11.1.1. I recommend permission be **Granted**, subject to revised conditions, for the reasons and consideration set out below.

12.0 Reasons and Considerations

Having regard to the relevant policies and objectives of the Wexford County Development Plan 2022-2028, including Section 4.9 'Housing in the Open Countryside', and having regard to the nature of the proposed changes to the permitted dwelling, and to the pattern of development in the area; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and submitted as part of the appeal on the 27 th May 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. Reason: In the interest of clarity.
2.	Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (Register Reference 20240974). Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).
3.	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.
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	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.
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-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.-

Dan Aspell
Inspector
18th August 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	ABP-322622-25
Proposed Development Summary	Changes to a proposed dwelling house which include amendments to the north, south & west elevations, new site entrance, new boundary & dwelling house position within the site
Development Address	Rathnageeragh townland, Co. Wexford
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
	<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.	
<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.	
<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)	
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:** __ 14th August 2025__