



An
Coimisiún
Pleanála

Inspector's Report

PL-500565-WX-26

Development	Construction of a house and all associated site works.
Location	Ballyboggan, Barntown, Wexford Rural, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20251315W.
Applicant(s)	Joanne & Eoin Gorry.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Appellant(s)	Joanne & Eoin Gorry.
Observer(s)	Fintan Roche. Ann Jones and Others. Dick Walsh & Montse Sans Castellvi. Alison Stone & Eoin Thompson.

Date of Site Inspection

24th April, 2026.

Inspector

Aiden O'Neill.

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1.0 Site Location and Description

- 1.1. The proposed development site is an irregular-shaped, steeply sloping, greenfield site, c. 0.45ha in area, which fronts onto the L-7600-2 to the north, in a semi-rural location, to the north-west of, but within the development boundary of, Wexford Town in a 60km/h speed zone.
- 1.2. There are a cluster of individual dwellings in the vicinity including a large two-storey flat roofed recently constructed contemporary dwelling at a higher level to the south-east, 2no. large single-storey dwellings to the south-west, and a large two-storey contemporary dwelling further south-west. On the other side of the road to the north-east is a single-storey dwelling. Further north-west are 2no. large two-storey dwellings on large plots. Further east is a single-storey dwelling and a large two-storey contemporary dwelling fronting the L-7600-2. There is an estate of individual dwellings to the north-east known as Slaney Woods. Further south and south-west are 3no. more recently constructed residential estates, including Ard na Slaine, Ard na hAbhann and Coil Aoibhinn.
- 1.3. The site rises gently from the north and then significantly increases in level from the 20m contour line to approximately the 31m contour line on the southern boundary. There is an exposed rocky outcrop area with loose stone on part of the steep slope in the vicinity of the existing oak tree. Mature trees and hedgerows bound the site on all sides, although the southern boundary is generally more open. There is a narrow stream along the inside of the northern boundary. A small section of an old wall is visible to the north-east. The site is currently accessed via gate from the north-western shared access with the 2no. large single-storey dwellings to the south-west.
- 1.4. An adjoining undeveloped site (c.0.19ha) to the immediate east is currently for sale through Keane Auctioneers.

2.0 Proposed Development

- 2.1. The proposed development consists of the erection of a fully serviced part two-storey, part three storey dwelling house of contemporary design, of a large footprint, c. 332.5m² in area, and maximum 9.5m in height (c. 6m to 2nd floor level), that is set into and extends up the slope, approximately from the 20m contour line to the 28m contour

line; single-storey garden store (11.1m²); single-storey shed (19.5m²); carport (48m²), provision of a vehicular access with 1.8m high rendered blockwork piers fronting 1.5m splayed/curved stone clad wall; provision of a pedestrian entrance (reopened historic gateway); connection to Uisce Éireann infrastructure (wastewater & mains water); boundary and site landscaping; and all associated site works to facilitate the development.

- 2.2. The large two-storey flat roofed contemporary dwelling is located at a higher level c. 24m to the south-east, and the boundary of the closest dwelling to the south-west is c. 18.9m from the proposed dwelling.
- 2.3. A daytime and nighttime visualisation is included with the application. These illustrate the proposed dwelling as an arrangement of volumes stacked on one another, with varying heights, materials, fenestration detail, and orientation.
- 2.4. The proposed dwelling includes a ground floor office, guest bedroom, gym, external gym terrace and reflecting pool; first floor kitchen and living spaces with large rooflight, play/flexi space and store as well as side terrace area, and rear terrace and lawn area with hot tub; and 4no. bedrooms (1no. ensuite) and laundry room at second floor.
- 2.5. The new entrance with the L-7600-2 provides 59m sightlines in both directions, as evidenced in the drawings, with a minimum 34.1m intervisibility with the entrance to the west that serves the 2no. neighbouring dwellings to the south-west and south-west.
- 2.6. A detailed landscaping plan includes the preservation of a Category A oak tree, a proposed native woodland and some screen hedgerow planting along the south-eastern and western boundary, and screen hedgerow planting along the north-western and north-eastern boundary. An apple tree orchard is proposed along the northern boundary.
- 2.7. A natural pond and SuDS soakaway trench are proposed to treat surface water on site. The proposed development will connect to the public water and wastewater network. A Confirmation of Feasibility from Uisce Éireann dated 6th August, 2024 is included with the application. No upgrades are required to water and wastewater infrastructure.

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council refused planning permission on 5th December, 2025 for the following reason:

Having regard to the overall bulk and siting of the proposed dwelling and the characteristics of the site, the proposed development would not be in keeping with the character of development in this area and as such would have a detrimental visual impact on the area. As such the proposed development would be contrary to Objectives TV21 and TV53 of Volume 1 and section 3.7 of Volume 2 of the Wexford County Development Plan 2022 - 2028 and the proper planning and sustainable development of the area.

3.1.1. Conditions

N/A.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Executive Planner's report dated 2nd December, 2025 notes the following:

- While a large two-storey dwelling has been recently granted and constructed to the rear of the site (PA Ref. No. 20210632), the overall scale of the proposed development is considered excessive for the characteristics of the site and consequently would have a detrimental effect on the visual amenities of the area.
- This area would generally have a semi-rural lower density character with single and two-storey houses set within large well landscaped sites.
- The overall scale and bulk of the proposed building, noting its significant third-storey element, its footprint and the other structures proposed on the site would not be in keeping with this.
- The site has been recently cleared, however this was not required to be protected in the outline permission. Boundary landscaping has generally been retained. c. 7m roadside boundary will be lost to provide the proposed access

but this would not of itself be a reason for refusal. A detailed landscaping plan has been submitted which will provide enhanced biodiversity.

- The proposed vehicular access is considered acceptable. The Roads section recommend the pedestrian only access to the southern side of the frontage should not be granted permission.
- Ground levels on the site drop significantly and significant new areas of building and hardstanding are proposed. The surface water management proposals, including open pond, are considered appropriate.
- It is not considered that the proposed development would give rise to adverse impacts on neighbouring amenity from overlooking or noise. Construction management and lighting could be controlled by condition.
- The site is located in Flood Zone C.

The Executive Planner's report is the basis for the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

- The Borough District Office of Wexford Report dated 19th November, 2025 notes that the required 65m sightlines are available at the proposed entrance to the site, and recommends a grant of permission subject to conditions in relation to surface water. A note is also included which states that the proposed pedestrian entrance along the northern boundary is considered a traffic hazard as there is currently no footpath in this location. The omission of this pedestrian access is recommended.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

There are 4no. observations on file, raising the following points:

- Traffic hazard arising from the proposed separate vehicular and pedestrian access.
- Impact of further traffic on noise, road capacity and road conditions.

- Scale and bulk of the proposed development relative to the low density character of the area.
- Inadequate surface water details.
- History of flooding on the road.
- Loss of green space and biodiversity.
- Potential for commercial use.
- Potential for unstable ground conditions.
- Construction noise impacts.
- Objection to proposed boundary treatments.

4.0 Planning History

4.1. The following history pertains to the proposed development site.

PA Ref. No. 20241401: Permission consequent on the grant of outline planning permission for the erection of a fully serviced dwelling house, garden, shed, carport, provision of a vehicular access, provision of a pedestrian entrance, connection to Uisce Eireann infrastructure (wastewater and mains water), boundary and site landscaping along with all associated site works to facilitate the development was refused on 15th January, 2025 for 3no. reasons as follows:

1. Having regard to the overall bulk and siting of the proposed dwelling and the characteristics of the site, the proposed development would not be in keeping with the character of development in this area and as such would have a detrimental visual impact on the area. As such the proposed development would be contrary to Objectives TV21 and TV53 of Volume 1 and section 3.7 of Volume 2 of the Wexford County Development Plan 2022-2028 and the proper planning and sustainable development of the area.
2. It is considered that the proposed vehicular access arrangements are significantly different to what was authorised under the outline permission 20221490 of the development and would therefore materially contravene condition no. 1 of the grant of governing outline planning permission and would

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

3. The proposed vehicular access arrangements are significantly different to what was authorised under the outline permission 20221490. As such this application cannot be determined as a permission consequent to that outline permission.

In the Planner's report for this application, the proposed development is described as 'undeveloped land, formerly part of a garden with frontage to a local road at Ballyboggan, Wexford.

PA Ref. No. 20221490: Outline permission, subject to 9no. conditions, granted on 24th April, 2023 for a dwelling house, garage and associated site works. Condition no. 3 stated that the design and size of the dwelling shall have regard to the relevant Wexford County Development Plan standards in place at the time of the submission of the planning application subsequent to the grant of outline planning permission.

REASON: To ensure adequate control is maintained.

PA Ref. No. 94/0908: Permission to erect a house, garage and septic tank granted on 15th November, 1994.

5.0 Policy Context

5.1. Development Plan

The provisions of the Wexford County Development Plan 2022-2028 refer.

Volume 1 of the Plan states that it relates to the whole functional area of Wexford County Council including the areas previously under the jurisdiction of Wexford Borough Council, New Ross Town and Enniscorthy Town.

Wexford Town is designated as Level 1 Key Town in Table 3-2 of Volume 1 of the Plan. Wexford Town is identified as a self-sustaining regional driver which has a comparable structure to the five centres designated in the NPF. The town is allocated an increase in population of 9,085 persons for the period 2016-2040 in Table 3-3 of Volume 1 of the Plan.

Objective SH06 of Chapter 4 of the Volume 1 of the Plan seeks to prioritise the provision of new housing in existing settlements and at an appropriate scale and density.

Table 4-5 of Chapter 4 of the Volume 1 of the Plan in relation to inner suburban/Infill sites states that potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area.

Design and Placemaking is addressed in Chapter 5 of the Volume 1 of the Plan.

Section 5.10.1 in relation to infill, states that the Council will encourage development which intensifies the use of the land to, at a minimum, the intensity of adjoining uses but optimally, subject to the appropriate protection of amenities of adjoining residences to a higher intensity.

Objective TV14 seeks to require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, are flexible in the face of unknown future demands, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.

Equally, objective TV15 seeks to ensure that the appearance of buildings, in terms of details and materials (texture, colour, patterns and durability), is of a high standard with enduring quality and has a positive impact on the visual quality of the area.

Furthermore, objective TV21 seeks to ensure that all new development is designed to respect, enhance and respond to its natural, built, cultural and social context and add to character and sense of place.

Objective TV22 seeks to ensure that new development has regard to the scale of the settlement and the ability of the settlement to absorb further development. In deciding whether any given development exceeds the absorption capacity of the settlement, as

well as the absolute quantum of development, the Planning Authority will also have regard to scale, bulk and massing of the individual buildings and groups of buildings.

Objective TV23 seeks to ensure that new development responds to the natural features of the site and wider settlement. The Design Statement required for the site (or site layout where a Design Statement is not required) should identify the features to be retained and design measures to enhance the biodiversity of the settlement such as linking green or blue features within and outside the site.

Objective TV53 in relation to building height seeks to ensure that building height within future development makes a positive contribution to the built form of the area, is not obtrusive and does not adversely impact on the streetscape, local amenity or views.

Volume 2 of the Plan sets out the applicable Development Management standards. Section 2 sets out common principles for all developments including: siting, layout and design should ensure that the development would not give rise to undue overshadowing of properties in the vicinity; and boundary treatments must be appropriate to their setting-urban and rural.

Section 3.7 sets out policies with respect to corner/garden sites. This states that the development of a residential unit in the side garden of an existing residential plot or on a corner site would contribute to the efficient use of lands and can enhance a streetscape. These proposals should comply with the requirements relating to infill development as set out in Chapter 5 Design and Place-making in Towns and Villages and:

- The site should be sufficient in size to accommodate an additional dwelling and an appropriate set back should be maintained from adjoining dwellings. The dwelling should generally be designed and sited to match the established building line and respond to the roof profile of adjoining dwellings.
- The design of the dwelling should respond to the character of the area and adjoining dwellings and contribute to a sense of harmony. Contemporary and innovative proposals that respond to the local context will be encouraged, particularly on larger sites which can accommodate a number of dwellings.

Section 3.12.2 in relation to dwelling house design states that all houses must accord with or exceed the minimum floor area and private open space standards set out in

Table 3-4 of the Plan. The minimum floor area for a four bedroom dwelling is 110m² and the minimum private open space area is 70m².

On roads with a speed greater than 60kph, the required sightlines are 65m. Section 6.2.6 states that it shall be demonstrated that the formation of the access/egress point and its required sightline arrangements would not result in the undue loss of mature trees, or built features such as stone walls and piers, where such natural or built features contribute significantly to the amenity and character of the area.

In addition, new developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows and new developments shall have regard to objectives in the Plan to protect and preserve trees and woodlands.

Table 1-1 of Volume 1 (and Volume 3) of the Plan notes that an LAP is to be prepared to replace the Wexford Town and Environs Development Plan 2009-2015 (as extended, now expired). It is noteworthy that the Wexford Town and Environs Development Plan 2009-2015 (as extended, now expired), the site was located within the development boundary of the town and environs and was zoned 'Residential Low'¹. A Road Improvement objective applied to the local road fronting the site. The LAP designated the Ballyboggan and Newtown area as Planning Zone 5, and a Masterplan had been prepared. A pre-draft consultation report for the Wexford Town Local Area Plan 2024 was published in June, 2023². Proposed Variation No. 1 of the Wexford County Development Plan 2022-2028 (February, 2026), which is currently at Material Alteration stage to 28th May, 2026 indicates a projected population increase of +13,433 persons for Wexford Town to 2034.

The Landscape Character Assessment in Volume 7 of the Plan identifies that the site forms part of the lowlands, which according to Table 7-3 of Volume is of a low to medium sensitivity. No scenic routes or views apply to the site.

¹ The proposed development site is located in the wider Rural Area Under Strong Urban Influence in Map 1 of Volume 1. However, this also includes Wexford Town itself.

² On foot of the commencement of Chapter 6 of Part 3 of the Planning and Development Act, 2024, Local Area Plans are to be replaced with three types of Area Plans. Proposed Variation No. 1 of the Wexford County Development Plan 2022-2028 (February, 2026) indicates that an Urban Area Plan is to be prepared for Wexford.

5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

The NPF First Revision 2025 reinforces the strategic planning objective of compact, sustainable growth within existing built up areas that also safeguards the environment. The Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation.

5.3. **Natural Heritage Designations**

The proposed development site is c. 0.380km to the west of the Slaney River Valley SAC (Site Code: 000781) and the Wexford Slob And Harbour pNHA (Site Code: 000712)); and c. 0.416km to the south of the Wexford Slob and Harbour SPA (Site Code: 004076).

6.0 **EIA Screening**

6.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The Frist Party appeal sets out the following grounds:

- Reason for Refusal:
 - The reason for refusal is not well-founded when assessed against the design and landscape-led response in the Design Statement:
 - The planning assessment should not be driven by Vol. 2 Section 3.7 (Corner/Side Garden Sites) as the site lies within the

rural/urban fringe where Vol 2 Section 3.1.1 (Single Houses in Rural Areas) is more appropriate.

- Section 3.7 primarily concerns infill housing on existing plots or on corner sites in towns/villages.
- The site is not within the curtilage of a dwelling and does not constitute a corner/garden site.
- The site has remained undeveloped since the early nineteenth century and is an independent plot, not a subdivision of a residential curtilage.
- In practical terms, the area reads as the rural/urban fringe, where the design response which integrates with landform, breaks down massing, uses recessive/natural materials, retains the majority of existing boundary treatments and strengthens ecological value is the appropriate approach.
- The design complies with the standards set out in Vol. 2 Section 3.1.1 – Design Guidance for Single Houses in Rural Areas.
- The proposed development is aligned with Objectives TV21 and TV53, ensuring contextual fit, unobtrusiveness, and protection of amenity and views.
- The pattern and character of development in the area is varied.
 - There is no single consistent typology. ‘In keeping’ cannot mean mimicry of a non-existent dominant typology.
 - Details of the range of FFLs and heights of developments in the vicinity are provided, which shows a broad vertical spread with no common datum. Existing houses do not generally track contours. The proposed development sits towards the lower end of the FFL range.

- Many houses sit on exposed shoulders or man-made platforms, are not tucked into the landform, interrupt hedgerows for access, and face all sorts of directions.
 - The existing pattern of development reads as a patchwork, and the cumulative pattern of permissions has effectively normalised prominent, platformed siting.
 - Current CDP guidance in Table 3-1 of the Plan encourages buildings to be set into the landscape, to use shelter and to minimise cut and fill.
- The dwelling is landform-led, stepped into the rising topography with tiered massing and a flat/parapet roof profile to reduce perceived scale and visual prominence.
 - Cross-sections confirm that the proposed roofline is below the reference level of the neighbouring dwelling on the crest.
 - The refusal reason is addressed by the stepped siting strategy, parapet roof profile and sectional relationship to higher ground.
 - Visual impact is mitigated in full.
 - The design prevents skyline encroachment and reinforces a secluded character.
 - The building is intentionally broken into tiers, rather than expressed as one block.
 - The proposed development is aligned with the Rural Design Guidelines.
 - The proposal includes the retention and reinforcement of hedgerows, new screen planting, woodland blocks and tree retention to reduce perceived scale and visual prominence.
 - The proposed development is absorbed into its landscape by retaining and reinforcing natural boundaries.

- The landscape strategy demonstrates that the proposed development is not an imposition on its setting.
- The design statement includes a shadow/overshadowing assessment concluding no shadow reaches neighbouring properties.
 - The ridge line of the proposed dwelling sits below the existing dwelling that sits on the crest immediately south of the site, 2.1m above the highest finished roof level of the proposed dwelling. The proposed dwelling does not dominate or impose on its neighbour but instead remains recessive against the natural rise of the land. The design mitigates any potential impact on the privacy of adjoining dwellings. Bedroom windows do not face the south-east or east, and the closest boundary is 13.4m.
 - The dwelling to the south-west is in an excavated plateau, with substantial vegetation and level changes making it very imperceptible. Habitable spaces have been located to ensure privacy and no overlooking.
 - Terraced and main glazing look inwards. A shadow analysis prepared having regard to the BRE Guidance Third Edition 2022 indicates that there is no loss of daylight or undue overshadowing of neighbouring occupiers.
- There are no adverse effects in relation to access, services, surface water and heritage.
 - Sightlines are in accordance with the Plan.
 - There will be negligible operational traffic impact.
 - Connections to public water services is feasible.
 - An integrated SuDS strategy is proposed.

- There are no Recorded Monuments or Protected Structures on site, with the nearest Protected Structure c. 85m to the north-east, with no intervisibility.
- Design
 - A contemporary rural house is proposed which balances the practical requirements of family life with a sensitive design response to the steeply sloping site.
 - Terraces are aligned with the sun path.
 - The stepped design ensures that each section sits at ground level on at least one side. All windows to the east and west present as ground floor openings.
 - A dedicated guest suite at ground floor level has its own entrance, parking and amenity area.
 - Circulation is efficient, with each zone connecting to external amenity. Passive solar gain underpin the arrangement of spaces and terraces.
 - Materials are vernacular with contemporary durability.
- The proposed development is aligned with objectives TV21 and TV53 of Volume 1 of the Plan.
- The Commission is asked to set aside the refusal and grant permission for the proposed development.

7.2. Planning Authority Response

- None on file.

7.3. Observations

- There are 4no. observations on the file, as follows:
 - Fintan Roche (located to the north-east)
 - Pile driving, noise, dust and vibration concerns

- The proposed development will result in significant noise, dust and ground vibration during construction.
- Driving piles into the sloped site is likely to increase the risk of ground movement, erosion or slope failure. This area already suffers from flooding.
- There is a lack of detailed construction management measures.
- Overlooking and overshadowing
 - Concerned that the proposed dwelling will dwarf his relatively small property and will have direct sightlines into his property, and overshadow it. The recently constructed dwelling to the south also overlooks his property.
- Second vehicular access and pedestrian entrance
 - Objects to the vehicular and pedestrian entrance located at the dangerous bend opposite his dwelling.
- Ann Jones and Others (located to the north-west):
 - The reasons for refusal are well founded.
 - The refusal is based on unchanged fundamental deficiencies in the development proposal.
 - The design amendments do not materially alter the core bulk and siting.
 - The overall size, scale and spatial impact remain substantially the same as the previously refused development.
 - The scale and size of the building is not appropriate given the nature of the site which is sloped, suffers from poor drainage and has been quarried in the past.
 - Section 3.7 of the Plan was applied correctly

- The Planning Authority's application of the policy for a garden plot is correct.
- There was originally one house [the closest to the south-west from the proposed development site] with garden areas to either side which have since been subdivided into two small plots. It cannot be considered to be an independent plot.
- The proposed development site has been used for the past 25-30 years for grazing cattle and sheep.
- The site is open and exposed with limited natural screening.
- The proposed development continues to be out of character with the area.
 - The area contains a sensitive rural landscape that is open in character and highly visible, and has low capacity to absorb large developments.
 - The outline permission was limited to a dwelling house, garage and associated site works. The application stretches far beyond the outline permission.
 - There are no houses in the area that are modern three-storey, or are of this size and bulk or concentrated in such as small plot.
 - Disagree with the contention that there is a lack of development character.
 - The Ballyboggan area as mostly 2 storey buildings.
 - The applicant's contention that the proposed development is in keeping with the character of the area on the basis that no single, defined character exists is flawed. While the area contains a mix of development types, this does not justify a three-storey dwelling of the scale and massing proposed. The collective landscape reads as a rural landscape.

- The proposed development is unsuitable for the area.
 - Detrimental visual impact
 - The proposed development is an over-intensive form of development that fails to respect the rural setting and visual sensitivity of the area.
 - Proposed landscaping will take years to mature meaning that the three-storey dwelling would remain highly visible and intrusive.
 - Overshadowing
 - The shade analysis undertaken is extremely limited and does not cater for all neighbouring houses.
 - Traffic, road safety and access issues
 - The sharp bend on the local road is an established road safety hazard.
 - Traffic on the local road has increased significantly during peak periods. The scale of the proposed development worsens these conditions, including affecting vulnerable road users.
 - The LAP identifies the Ballyboggan area as having constrained and poor road infrastructure.
 - Roads in the area are prone to flooding and erosion.
 - Vehicular and pedestrian access
 - The secondary vehicular entrance is located directly opposite the observer's working farm entrance. No justification for this additional access has been provided.
 - The proposed pedestrian access is unacceptable.
 - Ground instability, drainage and flood risk
 - Pile-driven foundations are proposed.

- No adequate geotechnical assessment has been submitted to demonstrate that the site is suitable for development.
- The surface water drainage proposals are inadequate for an area prone to flooding.
- The site is understood to contain significant shale deposits which are largely impermeable. SuDS ponds may increase flood risk and also require long-term management.
- Concerns that the proposed development will be used for commercial purposes.
- The Commission is requested to uphold the decision to refuse permission.
- Dick Walsh & Montse Sans Castellvi (1st dwelling to the south-west)
 - There is no material change since the previous refusal.
 - The proposed building will be noticeably higher than their existing dwelling, resulting in an overbearing and dominant presence.
 - The area is characterised by modestly scaled residential development that sits comfortably within a rural/semi-rural landscape. The proposed development is an overdevelopment of the site and does not integrate properly, detracting from the character of the area.
 - The land consists of mud and slate-type stone which is known to be unstable and unsuitable for excessive excavation without risk. There are legitimate concerns regarding ground stability.
 - The Commission is request to uphold the refusal of permission.
- Alison Stone & Eoin Thompson (dwelling to the south)
 - The scale and design remains excessive and inappropriate for this location.

- The proposed development should be visually assessed in conjunction with their dwelling which now forms part of the character of the area. The combined visual mass of both structures is imposing and incongruous with the rural landscape. The two dwellings read as a concentrated cluster of large-scale structures.
- The proposed development is overly intensive.
- The proposed development does not fully comply with the relevant objectives of the Plan.
- The proposed planting is not appropriate as such planting will adversely affect natural lighting and may give rise to concerns regarding root encroachment and potential impact on foundations.
- The stepped design into the slope accentuates the bulk of the building and lacks sensitivity to its hillside setting.
- The proposed floor area is significantly larger than the immediate neighbouring dwellings.
- The proposals give rise to unnecessary light pollution and associated amenity impacts in a rural setting.
- The fully independent ground floor suite resembles the characteristics of a second dwelling.
- The requirement of large-scale piling is deeply concerning given the known fragility of the site's ground, with consequences for adjacent land including their property.
- Local oral history suggests that this site was used as a quarry for stone walls within the immediate vicinity.
- The proposed planning along the southern boundary with the observer's property is totally unacceptable.
- The public road is already dangerous during peak times. The proposed entrance is located adjacent to a bend where visibility is restricted.

- The road is not safe for pedestrians, and there is no footpath along the proposed development site.
- The proposed development site receives very limited sunlight during the winter months; therefore the accuracy of the sunlight assessment is questioned.
- The roofing treatment should be restricted to sedum.
- The Commission is requested to uphold the decision of the Planning Authority.

7.4. Further Responses

- N/A

8.0 Assessment

8.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that main issues which require consideration in this appeal are those raised in the grounds of appeal.

8.2. The main appeal issues are, therefore, as follows:

- Compliance with the Plan.
- Other matters

8.3. Compliance with the Plan

8.4.1 Permission is sought for a large part two-storey, part three storey dwelling house of contemporary design, c. 332.5m² in area, and maximum 9.5m in height (c. 6m to 2nd floor level), on a steeply sloping site to the north-west of Wexford Town.

8.4.2 The immediate area of the proposed development site is dominated by a large two-storey dwelling on a large footprint, also of contemporary design, that sits on top of the hill to the immediate south of the proposed development site. Other individual dwellings in the vicinity are generally one to two storeys in height, and are either of a vernacular or contemporary design, and are located at a lower level. The wider area also includes residential estates to the south and north-east.

- 8.4.3 I also note that the principle of a dwelling was accepted in the previous outline planning permission (PA Ref. No. 20221490) granted on the site. However, the proposed dwelling the subject of that outline permission was much smaller in footprint than the proposed dwelling the subject of this appeal.
- 8.4.4 While the immediate area of the proposed development site would be characterised as semi-rural in nature, it is located within the boundary of Wexford Town.
- 8.4.5 In this context, and while it is acknowledged that the proposed development site is located within a rural/urban fringe area as contended by the First Party, Vol 2 Section 3.1.1 (Single Houses in Rural Areas) is not the appropriate policy that applies. The proposed development is not a one-off rural dwelling.
- 8.4.6 The Planning Authority has applied Section 3.7 of Volume 2 of the Plan with respect to corner/garden sites. This is consistent with the assessment undertaken for the previously refused application, PA Ref. No. 20241401, in which the planner's report described the proposed development site as 'formerly part of a garden. The garden site status of the proposed development site is also stated in the observations to the appeal. It is clear that Section 3.7 of Volume 2 of the Plan is the policy that applies in this instance.
- 8.4.7 While this policy acknowledges that the development of a residential unit in the side garden of an existing residential plot would contribute to the efficient use of lands, it also requires that the site should be sufficient in size to accommodate an additional dwelling and an appropriate set back should be maintained from adjoining dwellings..
- 8.4.8 In this respect, the site, at c. 0.45ha in area, is of a suitable size to accommodate an additional dwelling in principle. The closest dwellings are c. 18.9m to the south-west and c. 24m to the south-east, limiting the potential for overlooking or overshadowing.
- 8.4.9 However, in reality, the steep rise in level to the south boundary constrains the net developable area of the site.
- 8.4.10 Section 3.7 of the Plan also states that the design of the dwelling should respond to the character of the area and adjoining dwellings and contribute to a sense of harmony.
- 8.4.11 The First Party argues that the character of the area is varied, with no single consistent typology.

- 8.4.12 However, aside from the dominant and overbearing two-storey dwelling sitting on top of the hill to the south, the immediate area can be characterised as a mix of low density vernacular and contemporary one-to-two-storey dwellings on generally medium to large plots.
- 8.4.13 The proposed development is a large dwelling, with an extensive footprint arranged in a series of volumes over 3 storeys with associated structures, footpath network, and large terrace/public open space areas.
- 8.4.14 It would be the largest dwelling in the immediate area, and because of its extensive footprint, its design, and 3 storey height extending up the steep southern slope, it would detract from the character of the area, which is already compromised by the two-storey dwelling sitting on top of the hill to the south. Ironically, it is the observation made by the owner of this dwelling to the south that best describes the cumulative effect of both dwellings as imposing and incongruous large-scale structures in the rural landscape.
- 8.4.15 It is noted that the design has been modified from that previously proposed under the most recent refusal for the site under PA Ref. No. 20241401, but the modifications, which primarily involve lowering of the 2nd and 3rd storeys of proposed dwelling into the site by c. 1m through excavating more of the slope, do not respond effectively to the principal reason for refusal, and the overall scale and configuration is generally similar.
- 8.4.16 Notwithstanding the contemporary approach taken, which is supported by section 3.7 of the Plan, and which is evidenced in the vicinity, and notwithstanding the arguments set out in the Design Statement that the proposal integrates with landform, breaks down massing, uses recessive/natural materials, retains the majority of existing boundary treatments and strengthens ecological value, the proposed development does not respond appropriately to its local context. The design approach taken to extend the dwelling up the steep slope, and with it the associated excavation works, exacerbates the overall impact of the proposed dwelling.
- 8.4.17 In the context of Objective TV14 of the Plan, it is considered that the proposed development is not respectful of its setting and the environment.
- 8.4.18 In the context of Objective TV15 of the Plan, the proposed development does not have a positive impact on the visual quality of the area.

8.4.19 In the context of Objective TV21 of the Plan, the proposed development does not respect, enhance and respond to its context and does not add to the area's character and sense of place.

8.4.20 In the context of Objective TV22 of the Plan, the proposed development, by reason of its scale, bulk and massing, has not had regard to the scale of the area, or the ability of the area to absorb further development.

8.4.21 In the context of Objective TV53, the proposed development does not make a positive contribution to the built form of the area, is obtrusive and adversely impacts local amenities.

8.4.22 A refusal of permission is recommended on this basis.

8.5 Other Matters

8.5.1 Road Safety

8.5.1.1 Concerns are raised with respect to the new vehicular entrance, however, I note that the Roads Engineer was satisfied this proposal, subject to the omission of the pedestrian access to the north-east of the site. It is considered that the proposed entrance, relative to existing accesses in the vicinity, will not result in a traffic hazard, and is acceptable in this regard.

8.5.2 Landscaping

8.5.2.1 I note the concerns raised with respect to the proposed landscaping, however, I consider the proposed treatment to be appropriate and would contribute to local ecological and biodiversity value.

8.5.3 Construction Impact

8.5.3.1 Concerns have been raised in relation to the suitability of the steeply sloping part of the site for construction.

8.5.3.2 Having regard to the steep slope and exposed rocky outcrop area with loose stone on part of the steep slope, I would share these concerns, which would need to be addressed, but, in light of the substantive reason for refusal I have decided not to pursue this issue.

9.0 AA Screening

- 9.1. I have considered the construction of a house and all associated site works at Ballyboggan, Barntown, Wexford Rural, Co. Wexford in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The proposed development site is c. 0.380km to the west of the Slaney River Valley SAC (Site Code: 000781), and c. 0.416km to the south of the Wexford Slobs and Harbour SPA (Site Code: 004076).
- 9.3 The proposed development comprises the construction of a house and all associated site works at Ballyboggan, Barntown, Wexford Rural, Co. Wexford.
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Slaney River Valley SAC (Site Code: 000781), and the Wexford Slobs and Harbour SPA (Site Code: 004076) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:
- The nature of the development
 - Location - distance from nearest European site and lack of connections
- 9.6 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.
- 9.7 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.
- 9.8 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 The proposed development site is located to the north-west of Wexford Town, in the townland of Ballyboggan, Barntown, ED Wexford Rural, Wexford. The nearest relevant water body is the Coolree Stream, code IE_SE_12C130100 c. 0.436km to the west, the status of which is 'Review'.

10.2 The proposed development comprises the construction of a house and all associated site works at Ballyboggan, Barntown, Wexford Rural, Co. Wexford.

10.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of the construction of a house and all associated site works at Ballyboggan, Barntown, Wexford Rural, Co. Wexford, 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 (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/or groundwater water bodies either qualitatively or quantitatively.

10.4 The reason for this conclusion is as follows:

- The nature of the development proposed.
- Distance from the nearest relevant water body, and the lack of hydrological connections.

10.5 Conclusion

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

11.0 Recommendation

11.1. I recommend that permission for the development is refused for the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the overall bulk and siting of the proposed dwelling and the characteristics of the site, the proposed development would not be in keeping with the character of development in this area and as such would have a detrimental visual impact on the area. As such the proposed development would be contrary to Objectives TV14, TV15, TV21, TV22, and TV53 of Volume 1 and section 3.7 of Volume 2 of the Wexford County Development Plan 2022 - 2028 and the proper planning and sustainable development of the area.

13.0 Conditions

N/A

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Aiden O'Neill

Aiden O'Neill
Planning Inspector

27th April, 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500565-WX-26
Proposed Development Summary	Construction of a house and all associated site works.
Development Address	Ballyboggan, Barntown, Wexford Rural, Co. Wexford.
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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 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 checked="" 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)	Class 10 (b) (i) of Part 2 of Schedule 2. Threshold is 500 dwelling units.
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"/>	
No <input checked="" type="checkbox"/>	

Add on full

Inspector: _____

Date: 27th April, 2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500565-WX-26
Proposed Development Summary	Construction of a house and all associated site works.
Development Address	Ballyboggan, Barntown, Wexford Rural, Co. Wexford.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The area in the immediate vicinity of the site is primarily characterised by individual residential development, although there are residential estates in the general area. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature and character. The development would not result in the production of any significant waste, emissions, pollutants or nuisance due to the nature of the proposed residential use. The development does not require demolition works. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is not located within, or immediately adjoining, any protected areas, or other areas of heritage or cultural interest. There are no Protected Structures or Recorded Monuments on the site or in the vicinity. The development is located in a serviced urban area within the boundary of Wexford Town and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site, and is of a low to medium sensitivity in terms of landscape character. No scenic routes or views apply to the site.

<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. There are no significant cumulative considerations having regard to other existing and/or permitted projects.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Ad onull

Inspector: _____ Date: 27th April, 2026

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)