



An
Coimisiún
Pleanála

Inspector's Report

PL-501072-WW-26

Development

Extension to the side and rear along with a replacement roof and attic conversion along with the upgrading of the existing sand polishing filter and all associated site works

Location

Magnumore, Lisheens, Brittas, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2660021

Applicant(s)

Trevor & Oonagh Doyle

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Appeal

Appellant(s)

Trevor & Oonagh Doyle

Observer(s)

None

Date of Site Inspection

27/06/26

Inspector

Donal Farrelly

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1.0 Site Location and Description

- 1.1. The appeal site is located at Magnamore, Lisheens, Brittas, Co. Wicklow, D24 V253. Residential properties are located directly to the north and south of the appeal site. To the rear of the site are agricultural fields and a forested area set further back c150m from the southeastern boundary of the appeal site. Opposite the appeal site is a light industrial development site set back c45m from the local road. The Brittas River is located c100m to the northwest of the appeal site boundary, but the site is not hydrologically connected to it.
- 1.2. The appeal site contains an existing residential dwelling which fronts the L7345 Lisheen Road. A lane to access the rear agricultural lands and forested area extends along the southeastern boundary of the appeal site. To the rear of the appeal site is a large grassed garden area, and also a hardcore area with a number of vehicles and buses.

2.0 Proposed Development

- 2.1. Planning permission is sought for a single storey extension to the side and rear of the existing house, a replacement roof, and an attic conversion. The floor area of the existing dwelling is 168m², with the proposed works outlined at 124m². An upgrade of the existing sand polishing filter area by 75m² is proposed in the southeast corner of the appeal site.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused by Decision Order dated 02/03/2026 for the following reason.

The proposed development would represent the consolidation of un-authorised development on this site having regard to the lack of evidence of permission for the existing hard-surfaced yard, located within the south-eastern parameters of the site, which accommodates the storage of numerous vehicles and also accommodating the placement of a caravan and a number of storage sheds. The provision of such a form

of development unduly impacts on the amenities of the area, the amenities of adjoining properties, undermines the planning regulations, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report of Planner dated 26/02/2025 recommends a refusal of permission. This refusal was based on the consolidation of unauthorised development and impact on amenity of the area.

3.2.2. Other Technical Reports

Environmental Health Officer-No objection.

Wicklow Fire Services-No objection subject to fire related conditions.

Transportation and Infrastructure Delivery-No observations.

3.3. Prescribed Bodies

TII- No objection and that the PA has regard to the provisions of official policy for development proposals.

Irish Water-No response received.

Kildare County Council-No response received.

3.4. Third Party Observations

None received.

4.0 Planning History

4.1. Planning Reference 2560480. single storey extension to the side and rear along with a replacement roof and attic conversion and all associated site works.

Permission refused regarding insufficient information on the septic tank system, and unauthorised development on site.

4.2. Planning Reference 906312. Bungalow refused.

5.0 Policy Context

5.1. Development Plan

The Wicklow County Development Plan 2022-2028 (CDP) is the relevant Development Plan for the appeal site. In my opinion the most relevant policies and objectives of the CDP are summarised below.

Chapter 4 relates to 'Settlement Strategy'. The appeal site is designated as being located within Level 10 The rural area (open countryside). Rural housing policy applies to Level 10 areas.

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.

Appendix 2-Single Rural Houses Design Guidelines. Extensions to Existing Rural Houses. This details principles of good rural design with regard to house extensions. This includes extensions being proportionate and appropriate for the site and existing dwelling. It also outlines that extensions should complement and be sympathetic to the existing dwelling.

Wicklow County Council's Policy For Wastewater Treatment & Disposal Systems For Single Houses (PE ≤ 10)

5.2. Natural Heritage Designations

Wicklow Mountains SAC (002122) is located c4km to the southeast of the appeal site.

Poulaphouca Reservoir SPA (004063) is located c5km to the southwest of the appeal site.

Red Bog, Kildare SAC (000397) is located c5km to the southwest of the appeal site.

Proposed Natural Heritage Areas

Slade Of Saggart And Crooksling Glen (000211) is located c1.5km to the northwest of the appeal site.

6.0 EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A first party appeal has been lodged by the appellant. The appeal was accompanied by site photographs.
- 7.1.2. The grounds of appeal are summarised as follows;
- They created a rear yard without planning permission which includes hardcore. It is not permanent and can be reinstated. The yard is used to park vehicles, and they want to main it as a temporary storage area for the builders.
 - The yard is only used for personal use. Vehicles, sheds and structures are all used for either personal or leisure activities.
 - The roof needs to be replaced, and they have a family living in the property.

7.2. Planning Authority Response

None received.

7.3. Observations

None received.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development and unauthorised development

- Wastewater treatment system

Principle of development and unauthorised development

- 8.2. The appeal site comprises an existing bungalow dwelling and wastewater treatment system, with a number of vehicles and structures located to the rear of the dwelling. I carried out a site visit and I am satisfied that the site is not used for commercial purposes. The appellant seeks to improve the existing house and site with a modern house extension and attic conversion and a larger wastewater filtration bed to accommodate the additional bedroom associated with the attic conversion and extension.
- 8.3. I note the planning history of the site. A previous application planning reference no. 906312 was refusal for a bungalow dwelling in 1990. I can find no other evidence regarding the planning history for the appeal site and note the dwelling appears on historic mapping from 1995. It would appear from the house design, and reference within the site assessor reports that the house was constructed in the 1970s.
- 8.4. I note the reason for refusal regarding the unauthorised development on site including the presence of a number of vehicles and structures. I consider these enforcement related issues and, the matter of enforcement falls under the jurisdiction of the Planning Authority.
- 8.5. However notwithstanding the above, I consider the works associated with the proposed development to be separate to the PA enforcement process. This includes the extension to the dwelling, works to the roof of the dwelling and attic conversion, and the wastewater treatment system. I am of the opinion that these works can be assessed, and a decision made separate to the enforcement procedures associated with any unauthorised development on site.
- 8.6. I therefore consider that the principle of development is acceptable.

Wastewater treatment system

- 8.7. The previous planning application 2560480 was refused due to insufficient information regarding the wastewater treatment system. In the current submission the appellant has submitted a report which includes a site characterisation report (SCR) dated from 2021. I note that the PA EHO outlines that the site is unlikely to

meet the requirements of the 2021 EPA Guidance and that the installed system is an improvement in comparison to the older 1970s system.

8.8. The current application seeks to extend the filtration bed by 75m² to enable the extension to include an additional bedroom. This is confirmed in the cover letter submitted by the site assessor. The cover letter confirms that the wastewater treatment plant was designed in accordance with the EPA Code of Practice 2009 as that was the standard at the time of installation. The SCR includes photographs of the installation and outlines that this system is a significant improvement on the old system which was installed in the 1970s. I also note that the SCR includes failed percolation test results due to the nature of the ground.

8.9. I acknowledge Appendix 2- Single Rural Houses Design Guidelines of the CPD and Wicklow County Council's Policy for Domestic Waste Water Treatment Systems for (Population Equivalent ≤ 10) 2024 and Point no. 14 of the 2024 document. However, considering that the dwelling was constructed in the 1970s I accept that the old septic tank was upgraded to an improved wastewater treatment system. I therefore consider the 75m² extension to the constructed filtration bed to accommodate a house extension with one additional bedroom to be reasonable and acceptable in this instance.

9.0 **AA Screening**

I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located at Magnamore, Lisheens, Brittas, Co. Wicklow approximately c4km northwest of the Wicklow Mountains SAC.

The permission is for a single storey extension to the side and rear of the existing house, a replacement roof, and an attic conversion. An upgrade of the existing sand polishing filter is included.

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 as follows:

- The minor works and scale of the development
- Location and distance from nearest European site and lack of hydrological connections

I conclude, on the basis of objective information, that the 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

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

The development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

I recommend to the Commission that planning permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- the provisions of the Wicklow County Development Plan 2022-2028,
- the nature, scale, and location of the development on an existing residential site,
- the design of the wastewater treatment system,

It is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of visual and residential amenity, and would be acceptable in terms of wastewater treatment. Therefore, the development would 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, 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. (a) The roof colour of the proposed attic conversion and extension shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

(b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

3. The wastewater filtration area shall be extended by 75m² as detailed on the site plan drawing no. 25.003 and in the site assessor cover letter dated 03/12/25.

Reason: In the interest of public health and to prevent water pollution

4. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: in order to safeguard the amenities of property in the vicinity.

6. 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.

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.

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.”

Donal Farrelly
Planning Inspector

02/07/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501072-WW-26
Proposed Development Summary	Planning permission is sought for a single storey extension to the side and rear of the existing house, a replacement roof, and an attic conversion. An upgrade of the existing sand polishing filter area by 75m ² is proposed in the southeast corner of the appeal site.
Development Address	Magnamore, Lisheens, Brittas, 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?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ 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)	The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ 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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____