



An
Bord
Pleanála

Inspector's Report

ABP-307487-20

Development	Construction of an extension to side and rear of single storey detached dwelling
Location	Cliff Road , Ardmore, Co Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	20147
Applicant(s)	Mary Lincoln
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Mary Lincoln
Observer(s)	Katherine Hourigan
Date of Site Inspection	3rd June, 2020
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on Cliff Road in Ardmore to the east of the village centre. The site is on the sea side of the road, and is currently occupied by a single storey chalet or holiday cabin.
- 1.2. The chalet structure bounds the road though, other than a rooflight, there are no windows or other openings in this elevation or in the west facing elevation. There is an existing window in the east facing elevation and a patio type door and window in the north facing elevation towards the coast. On the opposite side of the road from the site is a terrace of single storey houses. Internally, the building is laid out with a small kitchen, WC / shower area and area for a sofa / sofa bed. There is also accommodation at a mezzanine level that extends over approximately half of the floorplan. The floor area of the chalet is stated to be 15.76 sq. metres however this does not appear to include the loft / mezzanine area.
- 1.3. Access to the site is via a pedestrian gate that is located on the eastern side of the chalet, and the area to the east and north east of the structure is level and laid out as a garden. There are two steps inside the existing gate that access the level of the chalet and garden. In addition to this open area, there is a further very small area of level open space at a lower level that is accessed via a set of steps. The area to the immediate north and east of the chalet is characterised by a concrete slab, and the northern extent of the upper garden area is defined by a fence and hedgerow. The boundary of the site is indicated as extending further north from the level site on which the chalet and garden are sited, however this area is steeply sloping and, with the exception of the small lower garden area, inaccessible. The stated area of the overall site is c.232 sq. metres.
- 1.4. To the immediate east of the site are a set of steps that provides public access from Cliff Road to the shoreline and pier below.

2.0 Proposed Development

2.1. The proposed development comprises the construction of an extension to the side and rear of the existing structure. The development would result in the existing 15.76 sq. metres of floor space being increased by c.20.5 sq. metres to provide an overall area of 36.24 sq. metres. The main elements of the proposed development can be summarised as follows:

- The proposed extended dwelling would provide two bedrooms, the first within the existing footprint and the second within the proposed extension. The extension would project c.900 mm beyond the existing concrete plinth at the northern end of the site and would be supported in this area by supports built into the rock / concrete support to the terrace below. This part of the accommodation would therefore be cantilevered out over the side of the cliff.
- The creation of a new access to the building on the eastern side via a new doorway that faces the pedestrian entrance to the site from Cliff Road.
- A new pitched roof is proposed to the extension which would be hipped into the existing roof of the building. No overall increase in roof height is proposed. The elevation facing the sea (north facing) would have a gable front that would now have a width of c.6.6 metres against the existing c.4.6 metre wide pitched roof.
- The development is proposed to be connected to the public water supply and drainage networks.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission for 4 no. reasons that can be summarised as follows:

1. That the site is located in a visually vulnerable area and adjoining a '*streetscape of distinctive character*'. It is considered that the design of the proposed extension which includes braced cantilevers over the cliff area would seriously detract from the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
2. That the floor area of the proposed development would be significantly less than the minimum for a two bedroom unit as set out in the development plan and would therefore contravene a specific development management standard as set out in the plan and result in a sub standard form of residential development.
3. That the proposed development would be contrary to the qualitative and quantitative standards set out in the Sustainable Urban Housing Design Standards for New Apartments and also the DoE Guidance Quality Housing for Sustainable Communities. The proposed development would therefore result in a sub standard form of residential development that which would be contrary to national policy and contrary to the proper planning and sustainable development of the area.
4. That in the absence of clear details demonstrating that the existing residential use of the site was the subject of planning permission or was an established use at the commencement of the Planning and Development Acts, the Planning Authority is precluded from considering a grant of permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the fact that there has been a s.5 reference application on the site, the content of the third party observation and notes that the status of the existing structure on the site as '*residential*' is unclear and requires clarification. The fact that the structure is significantly below the required floor area for a residential unit is noted as is the fact that the site is located in a visually sensitive location close to the public access and beach and that supports / cantilever structure is required. Refusal of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

None on file.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The following is a summary of the main issues raised in the third party observation submitted to the Planning Authority:

- That the development is inappropriate to this location and would set an undesirable precedent.
- That the only other structures on the sea side of Cliff road are garages.
- That the design would result in a sub standard level of residential amenity.
- There is no car parking to serve the development.
- Questioned how the structure can be considered to be a habitable dwelling as it does not contain any sleeping accommodation.
- That the site is not zoned for any particular purpose and the applicant therefore need to satisfy plan requirements regarding housing need and also to comply with policy regarding coastal development.
- That the development would result in overdevelopment of the site arising from lack of private amenity space and excessive site coverage.
- That the development would have a negative visual impact in this location that is of high visual quality.

4.0 Planning History

Waterford City and County Council Ref. 2019/15; ABP Ref. ABP-306660-20;

Section 5 referral made to the Planning Authority and, in the absence of a decision within the prescribed period, the question was referred to the Board by the first party, regarding the extension of existing holiday chalet on the site to the north and east

comprising a new conservatory extension to the north facing elevation having a floor area of c.9 sq. metres and eaves and pitched roof to the same height as the existing chalet and hipped into the existing roof and new porch extension to the east facing elevation measuring c. 1.4 metres by 1.4 metres and with a floor area of c.2 sq. metres. The Board deemed that these works would be development that was not exempted development. The Board Direction in this case also states that the Board concluded that *'the existing structure on the site is not an unauthorised structure or use and comes within the definition of a 'house' under section 2(1) of the Planning and Development Act, 2000 (as amended).'*

5.0 Policy Context

5.1. Development Plan

The site is located on ***lands that are not zoned for any particular purpose*** under the provisions of the *Waterford County Development Plan, 2011-2017* (as extended), as the site is located on the northern side of the Cliff Road with the zoning only extending as far as the sites on the southern side of the road.

The map of the village indicates ***scenic views*** (blue arrows) running from the bay area south east towards the shore and including towards the section of coastline where the subject site is located.

Section 8.1 under the heading of ***Landscape***, provides for the identification of visually vulnerable areas where there are *'very distinct features with a very low capacity to absorb new development without significant alterations of existing character over an extended area.'* These areas are identified in Appendix A9 and as per 6.1(b) of this appendix includes all beaches and strands, including headlands and promontories from Waterford Harbour to East Point. The environs of the appeal site are included within this area. Within such areas, Paragraph 8.1 of the Plan states that *'There is an onus on developers/applicants for planning permission to demonstrate that that there shall be no obstruction or degradation of views towards visually vulnerable features or sensitive areas.'*

Section 8.2 of the Plan relates to **Landscape Protection**. **Policy ENV5** states that :
‘Development in areas outside of settlements, along the coast road (from Youghal to Cheekpoint) and in upland areas, will only be considered where such proposals do not have an adverse impact on the landscape and where they satisfy the criteria set out under the settlement strategy policy contained in Chapter 4 County Settlement Strategy.’

Section 8.15 relates to Coastal Zone Management and **Objective CP4** states:

‘To protect the scenic value of the Coastal Zone from Cheekpoint to Youghal including landward and seaward views and continuous views along the coastline and manage development so it will not materially detract from the visual amenity of the coast.’

The plan identifies Cliff Road as a **streetscape of distinctive character** although on the map of Ardmore this designation map appears to primarily relate to the opposite (southern) side of the road from the appeal site. **Paragraph 10.46** of the plan sets out policies applicable in areas such as the appeal site which are identified in the plan as Streetscapes of Distinctive Character.

Section 10.23 of the Plan relates to **extensions** and states as follows:

‘.....The Council shall only look favourably on extensions that respect the scale and character of the existing structure, and that afford protection to the existing residential amenity of the area.’

5.2. Natural Heritage Designations

The site is not located within any European site. The closest such European site to the subject site is the Ardmore Head SAC which is located c.300 metres to the east of the site at the closest point.

5.3. EIA Screening

Having regard to the limited scale and nature of the proposed development there is no real likelihood of significant effects on the environment arising. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal:

- That the basis for the decision of the Planning Authority relates to the applicant not having demonstrated the residential status of the building. If the planning authority were in doubt on this issue further information should have been requested.
- Submitted that the structure has been continuously used and maintained as a habitable dwelling.
- That significant detail regarding the history of the use of the site was submitted as part of the section 5 referral case submitted to the Planning Authority and subsequently on appeal to An Bord Pleanala. Details of this history are presented in Appendix I to the appeal.
- The building has been used continuously as a dwelling since its purchase by the great grandmother of the current applicant in 1925 and has been in continuous ownership, control and occupation of the current applicant's family or their employees or guests since that date.
- That while the building has undergone many upgrades and modifications over the years it has always been of the same size and use as today.
- The reliance of the planning officer on the 25" map of the area to discount the existence of the dwelling is incorrect.

- That contrary to the content of the Planning Officer report the issue being determined in the s.5 referral is not whether the structure is a dwelling.
- Submitted that the building on the site is a 'house' and is a 'habitable house'.
- That the works proposed to extend the building are development as defined in the planning and development act.
- That the applicant '*...recognises that though the extension sought is minor in extent, it was not exempt from the requirement to seek planning permission....*'.
- Submitted that the reason for refusal relating to non compliance with Quality Housing for Sustainable Communities and Sustainable Urban Housing Design Standards for New Apartments is not appropriate as the established use of the site is residential / as a house and the development proposed is not a new development. No s.28 guidance applies to extensions to existing dwellings.
- That the site benefits from a private garden, access to the sea shore and provides a level of amenity far in excess of nearly all apartments and most houses.
- That reference in reason for refusal No.2 to non compliance with the minimum floor area for a two bed apartment as set out in the development plan is not appropriate as the development on site is a house and not an apartment.
- Submitted that the enhancement of the established use of the site should be facilitated so long as that enhancement is not contrary to the sustainable planning and development of the area.
- That the report of the planning officer correctly identifies section 7.8 of the plan as being relevant (house extensions). The proposed development is consistent with this part of the plan as it will not impact negatively on privacy, daylight and sunlight or residential amenity.
- Regarding Reason for Refusal No.1 Visual Amenities – the development has been designed to be basically accommodated within the footprint of the existing dwelling and patio. The existing ridge height of the building would not change and there would be no appreciable change in appearance of the

building when viewed from Cliff Road. It is not considered that views from the seashore will be significantly impacted given no change to the overall height and the backdrop of existing houses and other buildings behind the site on Cliff Road and further back. Photomontages to support this opinion are submitted with the appeal. .

6.2. Planning Authority Response

No response received from the Planning Authority to the first party grounds of appeal.

6.3. Observations

An observation on the first party appeal has been received from Katherine Hourigan c/o Coakley O'Neill Town Planning. The following is a summary of the main issues raised in this submission:

- That the site is located on lands that are not the subject of any zoning and are therefore '*white lands – un serviced areas*'. With regard to such locations, the development plan states that the erection of new dwellings outside of the identified settlements shall not be permitted unless the applicant complies with the housing need policies as set out in Chapter 4.
- That plan policy regarding extensions is set out at 10.23 of the plan and requires that extensions would respect the scale and character of the existing structure and the amenities of adjoining structures.
- Paragraph 10.46 of the plan sets out policies applicable in areas such as the appeal site which is identified in the plan as a '*Streetscape of Distinctive Character*'.
- That given the scale of the structure on the site it is questioned how the structure can be considered to constitute a habitable house. Contrary to the statement of the first party appeal, there is no confusion regarding the assessment undertaken by the Planning Authority on this issue.
- That it is the policy of the planning authority to generally restrict development in coastal and visually vulnerable areas. Policy ENV5 and Objective CP4.

- Submitted that the appeal site is extremely sensitive both in terms of its visual impact and the distinctive character of the streetscape. The view of the planning officer that the proposed development would be detract from the visual amenity of the area is supported. The visual impact of the development when viewed from the pier steps is particularly noted.
- Submitted that the proposed development would constitute an obtrusive feature on the natural coastal landscape that would detract from the visual amenity of the landscape.
- That the residential accommodation that would result from the development is deficient and would be of poor quality. While the house and apartment guidance cited by the Planning Authority relate to new development, these documents provide guidance as to what is considered to be the minimum requirements for residential living accommodation. The c.36 sq. metre floor area proposed is far below the standards required for a two bedroom unit.
- That the site area cited in the application is deceptive as a significant part of this comprises cliffs that do not have any amenity value.
- In conclusion submitted that the proposal represents over development of the site that would take up more than half of the site area and have a negative precedent for other similar future developments, would constitute a sub standard form of residential accommodation and which would have a negative impact on the landscape setting of the area.

7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development,
- Impact on Visual and Residential Amenity,
- Access and Parking,
- Other Issues,
- Appropriate Assessment.

7.2. Principle of Development

Planning Status of Existing Structure

- 7.2.1. A significant concern expressed by the Planning Authority relates to whether the existing structure is authorised and whether it comes within the definition of what constitutes a house as per the Planning and Development Acts. Reason for Refusal No.4 included in the Notification of Decision to Refuse Permission specifically states that the applicant has not satisfactorily demonstrated that the existing use of the site was in place prior to 1st October 1964.
- 7.2.2. The Board will note that this issue also arose in the submissions and consideration of the recent section 5 referral case relating to the site (ABP Ref. 306660-20). As part of the referral case, the Richard Lincoln (husband of the first party in this case) raised a number of points regarding the history of the use of the site and its ownership. This information has essentially been restated in the first party submissions on the current file and includes the following:
- Submitted that the building pre dates the planning acts having existed on the site since 1910 and therefore pre dates the planning acts. The structure on the site is clearly visible on historical mapping including the 1924 OS map.
 - That in the ownership of Amy and Snow Dwyer (1935-1969) the property was used by their driver (John Mullarkey) which is where the building derives its name.
 - That the structure has always been a domestic habitable building which has over the years undergone many upgrades and modifications, but has always been the same size and use as today.
 - Stated that building is serviced and connected to the public water supply and foul drainage.
 - Stated that local property tax has been paid on the structure as a domestic dwelling.
 - That the structure is indicated on the 1924 OS map.

- 7.2.3. Section 2(1) of the Act states that “*house*” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building.
- 7.2.4. As set out in the assessment of the s.5 referral case (Ref. ABP-306660-20), neither the history of use / occupation of the site or the payment of property tax on the property can be formally verified on the basis of the information submitted. However, on the basis of the information presented it would appear to me to be likely that the structure on the site was occupied as a dwelling and has, over a very significant number of years, been used as a holiday home, albeit one which was owned by persons local to the area and likely therefore not frequently used for overnight accommodation. It is therefore my opinion that it is likely, though not possible to fully verify on the basis of the information presented, that the structure on the site is authorised. On the basis of the information presented, including in particular the statement that the site was historically used as a residence by a driver working for the owners, it is also my opinion that the structure on the site comprises a ‘house’ as defined in the Planning and Development Act.
- 7.2.5. I note the submission on file from the third party observer which highlights the limited scale of the existing structure and questions how it can be considered to constitute a habitable house. In my opinion however the issue of relevance to this assessment is whether the structure on site constitutes a house rather than a habitable house. As set out above, on the basis of the information presented, I consider that the structure meets the definition of a house as set out in the Act.
- 7.2.6. It is also noted that the Board Direction in case Ref. ABP-306660-20 concluded that ‘*the existing structure on the site is not an unauthorised structure or use and comes within the definition of a ‘house’ under section 2(1) of the Planning and Development Act, 2000 (as amended)*’. Having regard to the assessment above and on the basis of the information on the current appeal file, I do not consider that there is any clear basis to contradict this conclusion. I do not therefore consider that reason for Refusal No.4 as included by the Planning Authority is appropriate and that neither the Planning Authority or the Board are precluded by way the planning history or

status of the existing use on the site from granting permission for the development which is the subject of the current appeal.

Land Use Zoning

- 7.2.7. I note the fact that the appeal site is located on lands that, while functionally within Ardmore Village, is located on lands that are not zoned for any specific purpose under the provisions of the *Waterford County Development Plan, 2011-2017* (as extended). Specifically, as the site is located on the northern side of the Cliff Road, it is outside of the extent of lands zoned in Ardmore where the zoning only extends as far as the sites on the southern side of the road. On foot of this, the question is raised by the third party observers as to whether the first party should be required to demonstrate compliance with the rural housing provisions as set out in Chapter 4 of the development plan.
- 7.2.8. Firstly, it would appear to me that while the appeal site is located outside of the area for which zonings are identified, the site is clearly located within the settlement of Ardmore. There are a very limited number of structures on the coast side of Cliff Road and it is therefore in my opinion a bit of an anomaly that the plan does not identify any zoning for the appeal site. Notwithstanding this, as set out above, the structure on the appeal site is an existing house. In my opinion therefore the principle of the use of the site for residential purposes or as residential / holiday home accommodation has been established, and the application the subject of appeal is therefore one for an extension to an existing house. The relevant provisions of the development plan regarding extensions are set out at paragraph 10.23, and section 7.4 of this assessment below considers the proposed development in the context of this section.

Applicability of Development Plan and National Standards Regarding Internal Layout / Floor Area

- 7.2.9. The basis for the Reasons for Refusal Nos. 2 and 3 relates to the limited size of the proposed completed development and non compliance with the residential standards, most significantly floor area, as set out in the Waterford County

Development Plan and also the departmental guidance documents, *Quality Housing for Sustainable Communities* and *Sustainable Urban Housing: Design Standards for New Apartments*. There are in my opinion a number of points that need to be highlighted on this issue. Firstly, as noted by the first party, the form of development proposed relates to a house and not an apartment and therefore the development plan and departmental standards relating to apartment units do not apply. I note and agree with this view as the building on the site is clearly a house, albeit a very small one, that is served by an individual access and a private garden. The second point to highlight is that as discussed above, the use of the site as a house is established and the development plan and departmental standards referenced in Reasons for refusal Nos. 2 and 3 relate to new residential development. As discussed above, therefore the relevant development plan criteria is more that relating to extensions than new residential standards. For these reasons I consider that the specific wording used in reasons for refusal Nos.2 and 3 as drafted by the Planning Authority are not relevant to the circumstances of the appeal site and the development the subject of appeal.

Internal Size and Layout

7.2.10. In stating the above, there is clearly an issue regarding the residential quality of the proposed development and the standard of residential accommodation which is proposed to be provided. The fact that the existing structure on the site is considered to constitute a house does not in my opinion mean that any extension or alteration to the structure, such as the proposed extension, should automatically be considered to be acceptable on the basis that it would result in an increased floor area and improvement in amenity. In particular, while the structure on site may have been used for permanent residential accommodation in the distant past, it would not appear likely to have been used for more than very occasional overnight use in recent times. The proposed development on the other hand is clearly designed to facilitate overnight use of the property with two bedrooms provided. While all information points to the use of the site being a part time holiday home form, a grant of permission would not prohibit the permanent residential use of the site and for this reason consideration of the residential amenity of the proposed development is appropriate.

7.2.11. The proposed finished development would have a floor area of c.36 sq. metre including two bedrooms. The floor area proposed is therefore far below normal requirements for a two bedroom unit. The first party appellant highlights the fact that site benefits from a private garden, access to the sea shore and provides a level of amenity far in excess of nearly all apartments and most houses. It is also submitted by the first party that the enhancement of the established use of the site should be facilitated so long as that this is not contrary to the sustainable planning and development of the area. I agree with the first party that the site is one of high visual amenity and that post development it would be served by a retained private amenity space of c. 50 sq. metres which is adequate for a two bedroom house. I also consider that for the purposes of use as a holiday home, the proposed floor area is sufficient to cater for a two bedroom unit. In my opinion the issue of concern relates to a situation where the extended structure was used as a place of permanent or extended residential use, in which case the proposed overall floor area of c.36 sq. metres, bedroom sizes of c.4.5 sq. metres and living accommodation of c.24 sq. metres would be very restrictive and such as to provide a clearly sub standard level of residential accommodation.

7.2.12. There is no indication on the appeal file that it is intended that the completed development would ever be used as a place of permanent or extended residential occupation, and the issue is not specifically addressed by the first party. While unlikely, in the event of a grant of permission there is no clear method of preventing such use of the site and it is therefore considered that the proposed development has the potential to result in a sub standard form of residential development that would result in a sub standard level of residential amenity for future occupants and such that it would be contrary to the proper planning and sustainable development of the area.

7.3. Impact on Visual and Residential Amenity

7.3.1. Reason for Refusal No 1 as attached by the Planning Authority notes the location of the site in a visually vulnerable area and adjoining a '*streetscape of distinctive character*' and states that the design of the proposed extension which includes braced cantilevers over the cliff area would seriously detract from the visual

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

- 7.3.2. That plan policy regarding extensions is set out at Paragraph 10.23 of the plan and requires that extensions would respect the scale and character of the existing structure and the amenities of adjoining structures, including privacy and access to daylight and sunlight. In terms of the impact of the development on the amenities of surrounding structures, the scale of development proposed and the separation from, and relationship with, existing surrounding residential uses is such that I do not consider that the proposed development would have any adverse impact on the amenity of adjoining structures. The issue for consideration therefore is whether the proposed extension would respect the character and scale of the existing structure and its impact on the visual amenities of this scenic location, one of the very few buildings located on the sea side of the road in this location. The assessment of the visual impact of the extension has also to be undertaken in light of the location of the site in an area which is identified in the plan as a streetscape of distinctive character and a visually vulnerable area which the landscape character assessment (Appendix 9 of the Plan) defines as *'very distinct features with a very low capacity to absorb new development without significant alterations of existing character over an extended area.'*
- 7.3.3. The first party appeal contends that the proposed development has been designed to be basically accommodated within the footprint of the existing dwelling and patio and that the roof profile and height would be such that there would be no appreciable change in appearance of the building when viewed from Cliff Road. Similarly, it is contended that views from the seashore would not be significantly impacted given no change to the overall height and the backdrop of existing houses and other buildings behind the site on Cliff Road and further back. Photomontages to support this opinion are submitted with the appeal.
- 7.3.4. In terms of the impact of the proposed development when viewed from the seaward side and longer range views, while the extension would have a gable facing the sea and increased width from c4.2 metres to c.6.2 metres, I note and would generally agree with the case made by the first party that when set against the backdrop of the existing development behind, the proposed development would not result in a significantly visually prominent feature and would not therefore have a significant

impact on such views. I consider that the photomontages submitted by the first party and which are on the appeal file, provide strong support for this assessment. In my opinion, of greater significance in terms of visual amenity is the potential impact of the development on closer range views and particularly those from Cliff Road and the Pier Steps.

- 7.3.5. I note the point being made by the first party regarding the roof height and profile. The form and height of the existing building closest to Cliff Road would not be altered by the proposal, however the extension to the side would be c.2.0 metres beyond the existing side building line and would, in my opinion result in a significant increase in the bulk and scale of the building when viewed from the east on Cliff Road. In my opinion, this change in view from Cliff Road would impact negatively on the important views towards the sea in this location. In my opinion of potentially greater significance in terms of visual amenity, the proposed extension would be clearly visible when viewed from the Cliff Steps that are located immediately to the east of the site. In addition to the scale of the proposed extension when viewed from this location, the proposed projecting cantilevered part of the development would in my opinion constitute a visually incongruous element and be such as to have a negative impact on the visual amenities of the area and views of the coast. The case made by the first party regarding the precedent for a cantilevered form of development to the Cliff Hotel is noted, however this location is in my opinion in a much less visually prominent and sensitive location removed from the coast, and is not therefore such that it could reasonably be considered to constitute a precedent for the form of development proposed in the subject application.
- 7.3.6. Notwithstanding the fact that the overall height of the roof of the existing structure would not be increased, the form, scale and degree to which the proposed extension would project beyond the existing eastern and northern elevations would, in my opinion lead to a development that would not respect the scale and character of the existing structure as required by Paragraph 10.23 of the plan (Extensions) and which would result in a visually incongruous form of development in this scenic and sensitive location, particularly when viewed from the east on Cliff Road and from the Pier Steps. While the streetscape of distinctive character designation in the immediate vicinity of the appeal site is indicated on the southern side of the road and relates primarily to the impact on the form and appearance of existing groups of

buildings, it is my opinion that the proposed development would have an overall adverse impact on the streetscape and on the visual quality of Cliff Road and would be contrary to Policy ENV5 and more particularly Objective CP4 which seeks to protect the scenic value of the coast and to ‘..... manage development so it will not materially detract from the visual amenity of the coast.’

7.4. Access and Parking

- 7.4.1. There is currently no provision for off street parking to serve the house on the site and no off street parking provision is proposed as part of the development the subject of this appeal. The sea side of Cliff Road where the site is located is characterised by double yellow lines and Cliff Road is narrow in the immediate vicinity of the site. Some on street parking is available on the opposite (southern) side of the road from the site however these spaces are in demand by residents of the cottages opposite the site as well as visitors.
- 7.4.2. The absence of dedicated off street parking is not, in my opinion such that the development is unacceptable given that the proposal is for an extension to an existing house. However, as discussed above under the heading of size and internal layout, the increased floor area and internal configuration with two bedrooms would facilitate the more intensive use of the existing structure for overnight accommodation and longer term holiday home use, thereby resulting in an increased demand for parking in the vicinity of the site.
- 7.4.3. Pedestrian access to the site would remain unaltered by the proposed development and it is noted that the development would not have any impact on access to the Pier Steps which adjoin the site to the east.

7.5. Other Issues

- 7.5.1. The building on site has an existing connection to the public water supply and foul drainage systems. It is proposed that these connections would remain, albeit that the proposed development would likely lead to some additional demand on the existing services. There is no indication on the appeal file that the development is acceptable to the councils engineering section or comment from Irish Water,

however given the existing use of the site and the scale of the proposed development it is my opinion that the proposed development is acceptable in terms of water and foul drainage.

- 7.5.2. The existing surface water drainage on site comprises collection from the roofed area and the hard surfaced area adjoining the building and the piping of this surface water to a lower area on the cliff. The same basic layout is proposed to be retained in the proposed development and is considered to be acceptable.
- 7.5.3. With regard to the principle of the extension of the building footprint beyond the extent of the existing concrete slab on site and the existing terrace area at the northern end of the building, I consider that very limited detail regarding the feasibility or engineering implications of the proposed cantilevered design have been provided with the application. The fact that the supports are proposed to be attached to the existing concrete slab / foundation in this area is noted, however the extent of engineering works required to undertake this development or indeed the requirements for construction access are not clear from the information submitted. In the event of any future application on the site it is therefore considered that additional detail on these issues would be required.

7.6. **Appropriate Assessment**

- 7.6.1. The application was not accompanied by a Screening for Appropriate Assessment or Stage 2 Appropriate Assessment and a Screening Assessment undertaken by the Planning Authority concluded that the proposed development would not be likely to have significant effects on any European sites.
- 7.6.2. The scope of the project the subject of screening comprises an extension to an existing house / holiday home structure located on the coast side of Cliff Road in Ardmore County Waterford. The existing structure on the site has a ground floor footprint of c. 15.76 sq. metres and the development proposed comprises an extension of c.20 sq. metres, including a section which is proposed to be cantilevered over the existing concrete slab at the northern end of the site.

- 7.6.3. The closest European site to the appeal site is Ardmore Head SAC which is located c.300 metres to the east of the appeal site along the coast. The Helvick Head to Ballyquin SPA site is located c.4km directly north east of the appeal site at the closest point. The Blackwater Estuary SPA and the Blackwater River SAC sites are located c.8km (direct route) or c.12km (by sea) to the west of the appeal site.
- 7.6.4. The main potential impacts comprise construction phase impacts in terms of noise emissions from construction activity and resulting disturbance and the discharge of contaminants into the marine environment from construction activity including the construction of the cantilevered part of the proposed extension. Having regard to the nature of the proposed development, the potential emissions, separation distances from the above referenced European sites and the potential pathways, it is considered that the only site that might be impacted by the proposed development would be the Ardmore Head SAC.
- 7.6.5. The Ardmore Head SAC site consists of sea cliffs and associated coastal habitats, including numerous small ledges which support breeding seabirds. The habitats for which the site is selected as a SAC, and associated conservation objectives, are as follows:
- Vegetated sea cliffs, with the conservation objective '*To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Ardmore Head SAC, which is defined by attributes and targets including habitat length, distribution, physical structure, vegetation structure and composition.*'
 - Dry heath, with the conservation objective '*To maintain the favourable conservation condition of European dry heaths in Ardmore Head SAC, which is defined by attributes and targets including habitat area and distribution, ecosystem function, community diversity and vegetation composition.*'
- 7.6.6. The habitats for which the site is designated, and associated conservation objectives, relate to vegetated sea cliffs and heath areas that are outside of the area potential contact with any contaminants which may be generated by the construction activity at the development site. It is therefore not considered that there is any clear

pathway between the appal site and the Ardmore Head SAC such that there would be potential effects on the European site.

- 7.6.7. In conclusion, the proposed development is not likely to have significant effects on the Ardmore Head SAC or any other European sites, in light of the conservation objectives of these sites.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations:

9.0 Reasons and Considerations

1. Having regard to the visually sensitive location of the site on the seaward side of the public road where there are clear views of the site from the east on Cliff Road and from the Pier Steps and in a 'visually vulnerable area', as designated in the *Waterford County Development Plan 2011-2017* (as extended and varied), to the small scale and limited visual impact of the existing structure on the site and the relative scale of the proposed development, in particular the increased width of the existing structure by the extension on the eastern side and the design of the proposed extension which includes braced cantilevers over the cliff, it is considered that the proposed development would constitute an visually obtrusive form of development in this location that would have a negative impact on the coastal landscape and views in this location which it is the aim of the council to protect as per Policy ENV5 and Objective CP4 of the Plan. The proposed development would therefore be contrary to Policy ENV5 and Objective CP4 of the *Waterford County Development Plan 2011-2017* (as extended and varied) with regard to landscape and coastal protection, would seriously injure the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the limited floor area proposed (c.36.24 sq. metres), the restricted bedroom sizes proposed (c.4.5 sq. metres) and the fact that the existing structure on the site complies with the definition of a 'house' as set out in the Planning and Development Acts and that the development could facilitate an intensification in the use of the site and extended residential occupation, it is considered that the proposed development would result in a sub standard form of residential accommodation for future occupants that would be seriously injurious to residential amenity and therefore contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

7th September, 2020