An Coimisiún Pleanála

Direction
CD-020779-25
ABP-321343-24

The submissions on this file and the Inspector's report were considered at a meeting held on 24/09/2025.

The Board decided to direct the planning authority to refuse to grant a licence for the following reasons and considerations.

Planning Commissioner: **Date:** 26/09/2025

Mary Gurrie

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the provisions of Section 254(5) of the Planning and Development Act 2000, as amended, to the haphazard and piecemeal nature of the proposal and to policies BH11 and BH12 of the Waterford City and County Development Plan 2022-2028, which seek to protect the character and streetscapes of the Architectural Conservation Area (ACA), it is considered that in the absence of an Architectural Heritage Impact Assessment the applicant has not demonstrated that the proposed development, located forward of a number of Protected Structures in an Architectural Conservation Area (ACA), would not detract from the setting of

the protected structures and the character and vistas of the ACA. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development by reason of its location relative to vehicular traffic lanes, on a busy thoroughfare and parking bays, could result in a risk to public and traffic safety and constitutes a disorderly form of development which is not in accordance with the proper planning and sustainable development of the area.

Note: The Commission noted the Inspector's second recommended reason for refusal in relation to facilitating ongoing unauthorised development with respect to the applicant's café. The Commission considered that the question of whether the café use had the benefit of planning permission, or was otherwise exempted development, was a matter for the planning authority and not within the scope of this appeal and, therefore, did not include it as a reason for refusal in itself.