



An  
Bord  
Pleanála

**Board Order  
PL 93.248198**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 16/825**

**Appeal** by Cleaver and Marie Ardill of 16 Morley Terrace, Gracedieu Road, Waterford against the decision made on the 21<sup>st</sup> day of February, 2017 by Waterford City and County Council to grant subject to conditions a permission to Ceire Rochford and Ciaran Duffy care of Patterson and Bannon Architects of Stoneyford, Kilkenny in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing two-storey extension to rear of main building, new vehicular access to rear yard plus proposed alterations, new two-storey extension and renovation at number 17 Morley Terrace (a Protected Structure, RPS Number 164), Gracedieu Road, Waterford.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, to the pattern of development in the area and to the provisions of the Waterford City Development Plan 2013-2019, it is considered that the proposed development, subject to compliance with the conditions set out below, represents a sensitive and well considered addition in the contemporary form to a Protected Structure and would not injure the character or setting of the Protected Structure and furthermore would not seriously injure the residential amenities of the adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, subject to compliance with the attached conditions, the proposed development would not have a negative impact on the character and setting of the Protected Structure and furthermore the Board agreed with the planning authority that the proposed development would not have a negative impact on the adjoining property by reason of its scale and, therefore, would be in accordance with the proper planning and sustainable development of the area.

## 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. Prior to commencement of development, the developer shall submit to and agree in writing the following -
  - (a) Details or sample of the proposed up and down timber sliding sash window.
  - (b) Slimline or equivalent glazing shall be used.
  - (c) The new ground floor double door and architraves shall match the existing doors and architraves in materials, design and finish.
  - (d) The stone finish to ground floor proposed extension and boundary wall shall be omitted.
  - (e) The proposed dormer window shall be omitted and replaced with two skylights.

**Reason:** In the interest of protecting the built heritage and to clarify the nature and extent of the development hereby permitted, in the interest of the proper planning and sustainable development of the area.

3. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

5. 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 Bord Pleanála to determine the proper application of the terms of the Scheme.

