



Planning and Development Acts 2000 to 2018

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 18/608

Appeal by Valerie Meaney and Kevin Kinsella care of Rojo Studio Architects of Fumbally Exchange, Brick Lane, Greyfriars, Waterford against the decision made on the 20th day of December, 2018 by Waterford City and County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of an additional floor above the existing bungalow and the construction of a single storey extension to the south façade of the bungalow. In addition, the change of use and refurbishment of the existing commercial/industrial units to ancillary domestic use including a new site entrance and new wastewater treatment system together with all ancillary site works at Halfway House, Ballymaclode, Waterford.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND conditions numbers 1 and 5 so that they shall be as follows for the reasons set out.

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted on the 3rd day of December, 2018, with the exception that the proposed entrance and turning arrangements for access to the existing bungalow, using the former industrial unit, shall be in accordance with the plans and particular as lodged with the application, and not those as submitted on the 3rd day of December, 2018, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

5. The “commercial/industrial unit” as indicated on the submitted details shall be used solely for purposes incidental to the enjoyment of the extended dwelling, and for the purpose of accessing and egressing from the site of the extended dwelling and for parking cars associated with this dwelling, and shall not be used for habitable purposes, housing or animals or any commercial or industrial purpose.

Reason: In the interest of clarity and to delimit the use of this structure to that for which application was made.

In not accepting the Inspector’s recommendation that the planning authority be directed to attach these conditions unaltered, the Board was satisfied that the sightlines at the location of the originally proposed access are superior to those at the existing residential entrance to the west, accepted the applicant’s argument that the previous light industrial and commercial uses of the subject premises would have generated significantly greater traffic movements onto and from the public road than the solely residential-related use now proposed, and was satisfied that the applicant’s original proposal to use a turntable within the former light industrial/commercial building was appropriate and permitted the bulk of the building to be used for household-related storage, as proposed, and would not endanger public safety by reason of traffic hazard.

Reasons and Considerations

Having regard to the existing pattern of development, including the industrial/commercial uses of the existing building (which uses would have generated significantly greater traffic than the proposed use), and the superior sightlines at the location of the proposed access, as compared to those at the existing residential access to the west, it is considered that the imposition of these conditions, as set out in the planning authority's decision, was not appropriate or reasonable in the circumstances, and that the conditions should, therefore, be amended to permit the original access proposal by the applicant.

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.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.