



Planning and Development Acts 2000 to 2019

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 18/843

APPEAL by James O'Callaghan care of Fewer Harrington and Partners of Studio 14, Maritana Gate, Canada Street, Waterford against the decision made on the 22nd day of August, 2019 by Waterford City and County Council to refuse permission.

Proposed Development: Development of a four-storey apartment block to the rear including the following:- three number one bed apartments and one number two bed apartment at ground floor level, three number one bed apartments and one number two bed apartment at first floor level, three number one bed apartments at second floor level, three number one bed apartments at third floor level together with all associated site works to include addition of bin store, plant room and a winter garden, all at the rear of 22 Lady Lane (a Protected Structure RPS No. 246), Waterford. The proposed development was revised by further public notices received by the planning authority on the 30th day of July, 2019.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. Having regard to the existing character and the prevailing pattern of development in the area, the site location on a prominent location and in proximity to the City Wall and within the “Trinity Within” Architectural Conservation Area, the presence of a number of Protected Structures both on and adjacent to the site as listed in the Waterford City Development Plan, 2013-2019, and to the structures recorded by the National Inventory of Architectural Heritage as having Regional Value supported by Architectural, Artistic and Historical categories of special interest, it is considered that the proposed development, by reason of its overall form, scale, height, massing, layout and design, would be out of scale with its surroundings, would seriously detract from the architectural character and setting of a number of Protected Structures, would materially affect the character of the Architectural Conservation Area, would be detrimental to the visual amenities of the area, and would set an undesirable precedent. The proposed development would, therefore, would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied that the Archaeological Assessment presented in support of the proposed development adequately addresses the full extent of impacts on the City Wall, the Recorded Monument which forms the southern site boundary, or the archaeology of the site. It is therefore concluded that the development, if permitted would significantly injure or interfere with a recorded monument, and that the archaeological significance of the site is such that any development of the site in advance of a comprehensive archaeological assessment, carried out to the requirements of the appropriate authorities, would be premature. The development would therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Terry Ó Niadh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.