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**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: 19/587**

**Appeal** by Claire and Tommy McFarland care of Diarmuid Reil Architects of 23-24 Merchant's Quay, Waterford against the decision made on the 1<sup>st</sup> day of October, 2019 by Waterford City and County Council to grant subject to conditions a permission to Lydia McGovern care of C.J. Falconer and Associates of Saint Patrick's House, Newtown, Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a two-storey extension to the rear and side of dwelling also including two number Velux roof windows and new photovoltaic panels to the rear of the existing roof, complete with all associated ancillary works and associated site works at 40 The Dunes, Tramore, County 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 zoning objective for the site, the pattern of development in the area, and the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously insure the amenities of residential property in the vicinity by reason of overlooking or overshadowing and would be acceptable in terms of pedestrian and traffic safety. 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 the form, scale and positioning of the proposed extension, along with a conditioned requirement relating to colouring, would constitute an acceptable form of development which would not materially adversely impact on the existing amenity of adjoining properties. The Board also noted the provisions of Section 34(13) of the Planning and Development Act 2000, as amended, specifically that a person shall not be entitled solely by reason of a permission under this section to carry out development.

## **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. The fibre cement cladding board proposed for the rear and side elevations of the first-floor extension shall be of a white or light cream colouring. Written details of the colouring shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. 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 off-site disposal of construction/demolition waste.

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

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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

**Dated this            day of            2020.**