



Planning and Development Acts 2000 to 2019

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 19/474

Appeal by Liam and Audrey Hennebry of 18 Newtown Road, Waterford against the decision made on the 15th day of October, 2019 by Waterford City and County Council to grant subject to conditions a permission to Guy and Sinead Palmer care of MDP and Partners of 2/3 Colbeck Street, The Viking Triangle, Waterford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of an existing domestic garage and utility room to a yoga studio and meeting area, alterations to facades, internal modifications, and all associated ancillary works at Fairview (House), 19 Newtown Road, Waterford (a protected structure).

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 provisions of the Waterford City Development Plan 2013-2019 and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Plan in terms of land use and would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, 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, as amended by the further plans and particulars submitted on the 19th day of September 2019, 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. (a) The existing coach house/garage windows shall be repaired and the original glass shall be retained unless otherwise agreed in writing with the planning authority. All works to the windows, sill and lintels shall be carried out in line with best conservation practice as set out in the Department of Culture, Heritage and the Gaeltacht Advice Series 'Windows – A Guide to the Repair of Historic Windows' (2007).
- (b) Prior to the commencement of any development on site, revised details of the entrance door to Newtown Road, providing a double door or a door with side lights shall be submitted to, and agreed in writing with, the planning authority and shall include details of glazing pattern, material, fitting and finishes. The timber door/window shall be painted and any glazing pattern shall replicate the glazing pattern on the windows of the main house.

Reason: In the interest of visual amenity and protection of the built heritage.

3. (a) All works to the protected structure shall be carried out in line with best conservation practice as set out in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011 and the relevant volumes of the Department's Advice Series publications.
- (b) All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

- (c) All works shall be undertaken by skilled and experienced conservation contractors and specialists with relevant experience of historic materials and techniques.
- (d) The conservation professional in (b) shall sign off on completion that the works have been carried out in line with best conservation practice and shall prepare a report recording the works carried out and submit this to the planning authority and the Department of Culture, Heritage and the Gaeltacht.

Reason: In the interest of the protection of built heritage.

- 4. (a) This permission relates to yoga classes only.
- (b) Classes shall only take place between 0700 hours and 2200 hours Monday to Friday and between 0800 hours and 1900 hours on a Saturday. There shall be no classes on Sundays or public holidays.

Reason: In the interest of the residential amenities of property in the vicinity.

- 5. Any signage shall be agreed in writing with the planning authority prior to the operation of the yoga studio.

Reason: In the interest of visual amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2020.