



Planning and Development Acts 2000 to 2019

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 19/419

Appeal by Donald Palmer and Heather Whitley care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 21st day of November, 2019 by Waterford City and County Council to grant subject to conditions a permission to Shane Statham care of Bryan McCarthy and Associates of 9A Durand's Court, Parnell Street, Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: The indefinite retention of alterations to an existing permitted single storey house extension planning reference 15/414. The alterations consist of the following: Minor alterations to the roof profile and height, elevational alterations including additional windows to the front and rear and a minor increase in floor area at a Protected Structure (RPS 104), Coole Cottage, Dock Road, Dunmore East, County Waterford, as revised by the further public notice received by the planning authority on the 29th day of October, 2019.

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 residential zoning objective for the area, the pattern of development in the area and the previous permission on the site, it is considered that, subject to compliance with conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, and would not have a negative impact on the character or setting of the protected structure on site or adjoining protected structures or the character of the conservation area in which the site is located. The development for which retention is sought, would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 21st day of October, 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 within two months of the date of this Order and any such agreed details shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development for which retention is sought shall be retained, carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference number 15/414.

Reason: In the interest of clarity.

3. Within two months of the date of this Order, the window in the east-facing elevation serving the 'garden house' as set out in Drawing Number 004 received by the planning authority on the 21st day of October, 2019, shall be permanently glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

4. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this Order. This scheme shall include the following:

- (a) the establishment of screen planting along the eastern boundary of the site from the south-east corner of the extension to a position at least as far south as the sunroom.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

5. The flat roof of the permitted extension shall not be used as a balcony or terrace and no access to this area shall be undertaken save for maintenance purposes.

Reason: To prevent overlooking of adjoining residential property and to protect residential amenity.

6. 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 within two months of the date of this Order 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.

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

Dated this day of 2020.