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**Planning and Development Acts 2000 to 2020**

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

**Planning Register Reference Number: 20/349**

**APPEAL** by Charles and Ann Bradley of Dahlia Cottage, The Cove, Tramore, County Waterford against the decision made on the 30<sup>th</sup> day of July, 2020 by Waterford City and County Council to grant subject to conditions a permission to Sara Walshe care of David Smyth Architects of 5 Atlantic View, Church Road, Tramore, County Waterford.

**Proposed Development:** Retention of ventilation duct from cooking area on the south east elevation at The Pier Cafe, Junction of Newtown Road and Cove Road, Tramore, County Waterford.

**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**

The site which is the subject of the appeal is located on lands that are zoned 'Existing Residential' under the provisions of the Tramore Local Area Plan, 2014-2020 with a stated objective 'to protect the amenity of existing residential development and to provide for new residential development at medium density' and in a location that immediately adjoins existing residential properties. On the basis of the information lodged with the application and during the course of the appeal, the Board is not satisfied that a clear rationale for the design and layout of the ventilation equipment for which retention permission is sought has been established and that no information indicating compliance with the noise conditions set out in Waterford City and County Council Reference Number 16/252 has been presented. The Board is not satisfied that the development proposed to be retained, would not seriously injure existing residential amenities and, as such, would be contrary to the 'Existing Residential' zoning objective of the site and adjoining land. The development proposed to be retained would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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

**Dated this                      day of                      2021**