



Planning and Development Acts 2000 to 2020

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 20/575

Appeal by Niall Burns, Liam Burns and Teresa Hamer care of Joe Moynihan Engineering of Durrow, Stradbally, County Waterford against the decision made on the 13th day of October 2020 by Waterford City and County Council to refuse a permission for the proposed development.

Proposed Development: (1) The renovation and change of use of two number existing outbuildings to residential accommodation along with various alterations to window and door opes, (2) the raising of the walls and change of roof type to a portion of outbuilding number 1, (3) the construction of a garage/workshop, (4) the upgrading of the existing entrance, and (5) the decommissioning of the existing and installation of a new wastewater treatment system at Knockroe, Colligan, Dungarvan, 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 proposed development for the renovation and conversion of two number outbuildings of traditional style with vernacular architectural merit to residential accommodation within the curtilage of the existing cottage, along with the construction of a garage/workshop and ancillary works, and having regard to the modest nature of the re-development of a single extended residential dwelling within the site, it is considered that, subject to compliance with the conditions set out below, the proposed development will comply with the relevant policies of the Waterford County Development Plan 2011-2017 (as extended), including Section 7.6 of Variation No. 1 (Development Management Standards) in relation to the conversion of outhouses, would not injure the amenities of future residents or properties in the vicinity, would not impact on traffic safety or be prejudicial to public health, and 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 outbuildings were of architectural merit and therefore demonstration of a genuine rural housing need was not required to facilitate their sensitive restoration and conversion to additional

residential accommodation as an extension of the single residential dwelling on site. Having regard to the nature of the proposed development as an extension of the existing dwelling complex, rather than the creation of two new dwellings, the Board considered that the arrangements for wastewater disposal, amenity space and parking/access were satisfactory, subject to compliance with the conditions set out below.

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 proposed development shall be amended as follows:
 - (a) the footprint of the proposed garage/workshop should be relocated at least five metres in a southerly direction from Outbuilding Number 2.

Revised drawings showing compliance with this requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. The external finishes of the outbuildings (including roof slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The existing dwelling and renovated outbuildings shall be jointly occupied as a single residential unit and the outbuildings shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no room in the renovated outbuildings shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

Reason: In order to prevent overdevelopment of the site in the interest of residential amenity and traffic safety and convenience.

6. (a) The proposed front boundary wall immediately adjacent to the vehicular entrance shall be set back and rebuilt to achieve the required sightlines to the south of the entrance. The height, location and finishes of this set-back wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The secondary access gate shall be permanently closed once the construction of the development has been completed.

Reason: In the interest of traffic safety and visual amenity.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

9. (a) The proposed proprietary wastewater treatment system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (b) Treated effluent from the treatment system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (c) Within three months of the commissioning of the treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

10. 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.

11. 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 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.

Dave Walsh

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

Dated this day of 2021