



An
Bord
Pleanála

Board Order
ABP-310708-21

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 21/110

Appeal by Ian Galvin and Others care of Anne Harpur Architects of Talbot Place, Tramore, County Waterford against the decision made on the 3rd day of June, 2021 by Waterford City and County Council to grant subject to conditions a permission to Sharon and Sean Foster care of David Smyth Architect of 5 Atlantic View, Church Road, Tramore, County Waterford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from single dwelling to three independent residential units with all necessary associated refurbishment works and external site works at 2 Rosebank Terrace, Upper Branch Road, Tramore, County Waterford (Protected Structure RPS 262).

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.

Reasons and Considerations

Having regard to the provisions of the Waterford County Development Plan 2011-2017 (as varied and extended) and the Tramore Local Area Plan 2014-2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the existing residential zoning objective for the site, would not adversely affect the character and setting of the Protected Structure and would comprise a sympathetic reuse of the house on the site in accordance with Policy AH 4 of the Tramore Local Area Plan 2014-2020. 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 10th day of May, 2021 and by the further plans and particulars received by An Bord Pleanála on the 26th day of July 2021, 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 bin storage arrangements for the ground floor residential units shall be provided in the proposed recessed spaces on either side of the initial path behind the front gate.
 - (b) The bin storage arrangements for the first floor residential unit shall be provided in the rear garden.
 - (c) The satellite dish shall be removed from the front elevation of the house.

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

Reason: In order to protect the character of the protected structure.

3. Detailed drawings and specification for the replacement sliding sash windows on the front elevation of the Protected Structure shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure an appropriate standard of development/conservation.

4. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

- (b) All repair works to original features such as walls, gates, railings, the front door and its surrounds, plasterwork, and rainwater goods shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. The repair works shall retain the maximum amount of surviving historic fabric in-situ and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. Notwithstanding the provisions of Article 6(5) of the Planning and Development Regulations, 2001, as amended, or any statutory provision modifying or replacing them, the residential units shall not be used for short term lettings, as defined by Section 3A(5) of the Planning and Development Act, 2000, as amended, without a prior grant of planning permission.

Reason: In the interest of residential amenity.

7. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

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.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 29th day of June 2022.