

An  
Bord  
Pleanála

Board Order  
ABP-310992-21

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**Planning and Development Acts 2000 to 2020**

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

**Planning Register Reference Number: 21/413**

**Appeal** by Scott and Jane Berryman care of E-Project Chartered Architects Limited of 21 Lower Main Street, Dungarvan, County Waterford against the decision made on the 6<sup>th</sup> day of July, 2021 by Waterford City and County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention permission for modifications to planning permission reference number PL 18/333, comprising of (1) Enlarged garage space including garage roller door, (2) external terrace at first floor level over existing flat roof with external staircase access, (3) size and fenestration changes to projecting bay window to first floor bedroom, and (4) size and fenestration changes to rear dormer window with Juliet balcony at 18 Church Street, Dungarvan, County Waterford.

## Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH conditions numbers 1 (b) and (c) and the reason therefor.

## Reasons and Considerations

Having regard to Section 7.8 of Variation 1 of the Waterford County Development Plan 2011-2017 (as extended and varied), which seeks to ensure that the design and layout of extensions to houses should have regard to the amenities of adjoining properties, and to the nature, scale, design and location of the proposed development, which is not consistent with the character and form of the existing building, it is considered that the retention of the first floor terrace and external staircase would seriously injure the residential amenities of property in the vicinity, particularly number 19 Church Street, by way of overlooking, loss of privacy and visual intrusion; and having regard to Section 10.41 of the Dungarvan Town Development Plan 2012-2018 (as extended and varied), which seeks to ensure that any modifications, alterations, or extensions affecting a structure within an Architectural Conservation Area, are sited and designed appropriately, and that it would not have an adverse impact on the character and setting of the area, the inclusion of conditions numbers 1(b) and (c) is considered to be in accordance with the proper planning and sustainable development of the area.

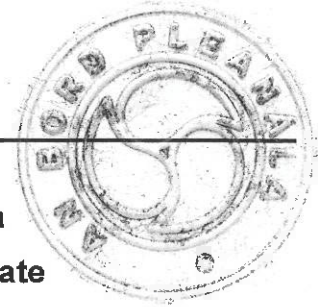
## Matters Considered

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.



Michelle Fagan

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



Dated this 29<sup>th</sup> day of November 2021.