



An
Bord
Pleanála

Board Order
ABP-311225-21

Planning and Development Acts 2000 to 2020

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 21531.

Appeal by Kathleen Murray care of Ian Doyle of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford against the decision made on the 29th day of July, 2021x by Waterford City and County Council to refuse a permission to the said Kathleen Murphy for the proposed development.

Proposed Development: Subdivision of the site to form a site for a separate dwelling; permission for the erection of a two-storey detached dwelling in the site so formed, including et al, a new entrance onto Maypark Lane, modifications to the footpath on Maypark Lane, connection to the main drainage and all associated site works, all at 1 Freshfield, Maypark Lane, 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 provisions of the Waterford City Development Plan 2013 - 2019 (as extended and varied), including Variation No. 1 'Development Management Standards to the Development Plan', and the zoning objective of the site (Existing Residential), which seeks to protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, or the amenities of property in the vicinity, and would provide an acceptable standard of amenity for future residents. 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, 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 shared boundary wall at the southwestern boundary of the site shall be relocated so as to be no closer than two metres from the existing house (number 1 Freshfield).

Reason: In the interest of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0700 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.

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 the 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 developers 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.


Michelle Fagan

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



Dated this 20th day of December 2021.