

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 20/566

APPEAL by Jennifer Lanigan care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 16th day of August, 2021 by Waterford City and County Council to refuse permission for the proposed development.

Proposed Development: A dormer style dwelling with ancillary site works (as previously granted under planning reference number 9719) to rear of numbers 11-15 Eldon Terrace, Waterford, with access through existing entrance servicing existing house "Eureka" at John's Hill, Waterford. Further public notices were received by the planning authority on the 22nd day of July, 2021.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

The stated proposal for the connection to the wastewater services would involve connecting to existing pipework infrastructure to the rear of a house that is one of a group of houses in a terrace of protected structures laid out over three levels in the first instance and thereafter, the existing pipework (with the additional wastewater loading) would traverse a narrow opening through the house at street level prior to connecting to the public foul sewer piped network along the public road at John's Hill, Waterford. Noting the particular circumstances of the site constraints that exist, the technical feasibility for this arrangement is not sufficiently detailed in the information presented with the application or appeal. Furthermore, noting the constrained site size in an urban area, the proposal for discharge of surface water on site using soakpits, as introduced at appeal stage, has not been detailed with design information or drawings. In the absence of demonstrated clarity regarding the servicing of the development to accommodate an indirect wastewater connection to the public sewer and the safe disposal of surface water on site using soakpits, the Board was not satisfied that the proposed development would not be prejudicial to public health or constitute orderly development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied that there was sufficient clarity on the technical feasibility to treat and dispose both foul water (to the public foul water network) and surface water (on site), having particular regard to the particular site constraints and accordingly the Board did not consider that this could be resolved by the attachment of a planning condition. Furthermore, noting the constrained site size in an urban area, the Board noted the proposal for discharging surface water on site using soakpits, as introduced at appeal stage, however, the proposal was not detailed with design information or drawings. In the absence of demonstrated clarity regarding the servicing of the development to accommodate an indirect wastewater connection to the public sewer to the public sewer and the safe disposal of surface water on site using soakpits, the Board was not satisfied that the proposed development would not be prejudicial to public health or constitute orderly development and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

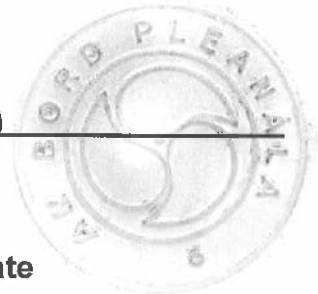
Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 24th day of October 2022.