

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 21/1208

Appeal by Tom and Fiona Walsh care of Cummins and Voortman Limited of Ballyline, via Callan, County Tipperary against the decision made on the 22nd day of February, 2022 by Waterford City and County Council to grant subject to conditions a permission to Denise Crotty care of Enda Kirwan of Fruithill, Dungarvan, County Waterford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Indefinite retention of alterations to dwellinghouse as previously granted under planning reference number 17/189 which include elevation changes, increased floor area, increased ridge height and replacement dwelling for cottage, all at Dunroaming House, Kilmacomma, Clonmel, 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.

Reasons and Considerations

Having regard to the planning history of the site, and noting that the site is within the Clonmel Environs Settlement Boundary, as set out in the Waterford City and County Development Plan 2022 - 2028, under which residential development is acceptable, together with the nature and scale of the development proposed for retention and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would be in keeping with the character of the area, would not seriously injure the amenities of residential property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development, shall comply with the terms and conditions of the planning permission granted under planning register reference number 17/189 and any agreements entered into thereunder.

Reason: In the interest of clarity.

3. Within three months of the date of this Order, the following details shall be submitted to the planning authority for written agreement:
 - (a) Details of the construction of all new retaining walls within the proposed development site, including along those along the eastern and western site boundaries, with the adjoining properties, shall be designed, supervised and certified by a Chartered Civil or Structural Engineer, and the works shall be subject to the written agreement of the planning authority.
 - (b) A 1.8 metre block wall to be capped and rendered, shall be erected along the western site boundary, that is, along the length (a minimum of 20.5 metres) of the western side elevation of the dwelling hereby permitted.
 - (c) A landscaping scheme shall be submitted to include mounding and contouring and details of how it is proposed to link and stabilise the differential in levels from the excavations that have occurred into the steep slope between the front and rear elevations.

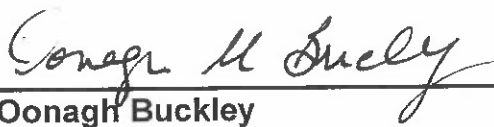
Reason: In the interests of clarity and the amenities of the adjoining property.

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

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 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 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.


Oonagh Buckley

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



Dated this 3rd day of July 2023.