



An  
Bord  
Pleanála

## Board Order ABP-313368-22

**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: 22/52**

**Appeal** by Max Fezer care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 22<sup>nd</sup> day of March, 2022 by Waterford City and County Council to refuse permission.

**Proposed Development:** Demolition of existing two-storey dwelling. Subdivision of site and construction of three number terraced dwelling units consisting of two number split-level two-storey three-bedroom units and one number two-storey two-bedroom unit. Forming of one number new entrance together with all associated site works, all at 'The Stilt House', Ballymabin, Dunmore East, County Waterford.

### Decision

**REFUSE** permission for the above proposed development for the reasons and considerations set out below.

## Reasons and Considerations

1. The design, height and massing of the proposed development on this elevated site and proximity to the south-eastern site boundary would result in an overly dominant development that would appear crammed into the site and visually prominent in the landscape and would not be in character with the pattern of development in the area, and as seen from the approach road to Dunmore East. The proposed development would be contrary to Section 7.8 and Objective H 20 (Protection of Existing Residential Amenity) of Volume One of the Waterford City and County Development Plan 2022-2028 and Section 5.9(d)(i) relative to infill development of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would result in an increase in traffic movements to and from the site and would provide for a new separate entrance onto the regional road. The Board is not satisfied that it has been demonstrated in the documentation submitted with the planning application and the appeal that the existing entrance from the private access road could not be upgraded and utilised to provide a more suitable entrance for the redevelopment of the site. Furthermore, the Board is not satisfied that the additional traffic and turning movements generated by the proposed entrance at this location on the R684 Regional Road on the outskirts of the town of Dunmore East would not constitute a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site, and to the section of the stream to be culverted to facilitate access and parking for the proposed development, inside the front boundary, and the proximity to Flood Zones A and B along the frontage to the R684 Regional Road, the Board is not satisfied that it has been demonstrated in the documentation submitted with the planning application and the appeal that the proposed development would be in accordance with the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government/Office of Public Works in November 2009. On the basis of the submissions made in connection with the planning application and the appeal, and despite the Site Specific Flood Risk Assessment, it is considered that, in the absence of a Justification Test, as set out in Box 5.1 of the said Guidelines, it cannot be concluded that the proposed development would not constitute an unacceptable risk of flooding. The proposed development would conflict with the aforementioned Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.



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**Liam Bergin**

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

**Dated this 30 day of August 2023.**