



Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 22254

APPEAL by David Kiely care of Joe Moynihan Engineering of Durrow, Stradbally, County Waterford against the decision made on the 24th day of May, 2022 by Waterford City and County Council to refuse permission.

Proposed Development: Retention planning permission for the as constructed stone entrance and planning permission for (1) the change of use of the existing building from commercial to residential including the alteration and addition of window and door opes along with all associated site works and (2) the decommissioning of the existing wastewater treatment system and the construction of an upgraded wastewater treatment system along with all associated site works, at Knockateemore, Dungarvan, County Waterford.

Decision

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

Reasons and Considerations

1. Having regard to the location of the existing outhouse, on a shared boundary, it is considered that the proposed development would result in an ad hoc pattern of development in a rural area and would constitute a substandard form of development by reason of its site layout and overall relationship with the adjoining property, and would be seriously injurious to the residential amenity of same. The proposed development would set an undesirable precedent for similar type development and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information available on file, the Board is not satisfied that the setback of circa 45 metres of existing hedgerow, required to provide adequate sight lines to the proposed entrance, is justified in this area zoned High Amenity, particularly as the entrance it is proposed to retain is not accessing a residential property. The retention of the existing entrance, therefore, is considered by the Board to 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 concurred with the planning authority's second reason for refusal that the change of use from commercial to residential of the existing structure "would constitute a substandard form of development by reason of its site layout and overall relationship with the adjoining property and would be seriously injurious to the residential amenity of same".

The Board noted that the retention of the existing entrance required the setback of circa 45 meters of hedgerow. The Board considered that, as it is concluded that permission be refused for the change of use of the existing structure, the applicant had not demonstrated that the retention of the

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entrance, which required the setback of hedgerow, was justified at this rural location.



M. Henchy

Mary Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *17th* day of *April* 2024.