

An
Bord
Pleanála

Board Order ABP- 314069-22

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 22/390

Appeal by Ellen and Billy Ryan care of Warren Flavin Architecture of Lios na Learóige, Cnoc an Óir, Williamstown Road, Waterford against the decision made on the 28th day of June, 2022 by Waterford City and County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a first floor extension over existing flat, roof extension to the rear of the dwelling and for modification to existing windows on the rear and side elevation along with site development works to facilitate development all at 5A The Orchard, Rockenham, Ferrybank, 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 provisions of the Waterford City and County Development Plan 2022-2028, and the zoning objective of the site (Existing Residential), which seeks to protect and improve existing residential areas and their amenities, 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, as amended by the further plans and particulars received by An Bord Pleanála on the 13th day of July, 2022, 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 development shall be amended as follows:
 - (a) The proposed first floor rear extension shall be reduced to 4.5 metres in length (when measured externally) and shall be set back a minimum of 2.4 metres from the party boundary wall with the site of number 6A The Orchard.

- (b) There shall be no windows in the proposed north-east (side) or north-west (rear) elevations of the proposed first floor extension.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of the residential amenities of adjoining property.

3. The materials, colours and textures of all the external finishes to the proposed extension shall match those of the existing house and details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house hereby permitted, without a prior grant of planning permission.

Reason: In the interest of the residential amenities of the area.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. Site development and building works shall be carried out only between the hours of 0800 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.

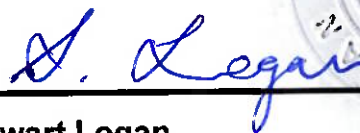
Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise reduction measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. 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 prior to 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 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





Stewart Logan

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

Dated this *27* day of *October* 2023.