

An  
Bord  
Pleanála

**Board Order**

**ABP-316909-23**

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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: 22/933**

**Appeal** by Theresa and Conor Spain of A6 Harbour Village, Circular Road, Dunmore East, County Waterford against the decision made on the 5<sup>th</sup> day of April, 2023 by Waterford City and County Council to grant subject to conditions a permission to Simon Elmes care of John Stewart and Associates Architects of Oakdene, Newtown Road, Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** First floor gabled extension over the existing bay window at the rear of the house, to give a new kitchen/dining area, with an additional floor area of 14.8 square metres and for the reroofing of the rear of the house in natural slate, along with ancillary works, all at Avoca Lodge (formerly the Site Office), Harbour Village, Circular Road, Dunmore East, County Waterford, as revised by the further public notices received by the planning authority on the 14<sup>th</sup> day of March, 2023.

## 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 residential land use zoning of the site, the nature and scale of the proposed development, and the provisions of the Waterford City and County Development Plan 2022-2028, including Objective DM 11 on residential extensions, 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 of property in the vicinity in terms of overlooking, overbearing or overshadowing impacts, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 the planning authority on the 8<sup>th</sup> day of March, 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. No overhanging of, or trespass on, adjoining properties by eaves, gutters, foundations etc. shall take place on foot of this permission. The extension may be reduced in scale so as to avoid any such trespass. Details in this regard shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interest of orderly development and residential amenity.

4. 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.

5. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

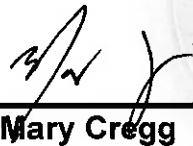
**Reason:** In the interest of public health.

6. The construction of the proposed 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 all intended construction practice for the proposed development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.  
**Reason:** In the interest of public safety and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

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.



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**Mary Cregg**

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

Dated this 15<sup>th</sup> day of March 2024.