



An  
Bord  
Pleanála

## Board Order ABP-320641-24

**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: 24/60081**

**Appeal** by Michael and Gerladine Curran and others care of 5 Annville, Dunmore Road, Waterford City against the decision made on the 7<sup>th</sup> day of August, 2024 by Waterford City and County Council in relation to an application by Wise Properties Limited care of Ian Murphy of Burchall House, Parnell Street, Waterford for development comprising indefinite retention of the roadside boundary fence as constructed (deletion of Condition 3(a) of planning register reference number 18/777) and permission for the construction of an additional gated vehicle entrance together with all associated site works, all at Tearmann House, 6 Annville, Dunmore Road, Waterford (which decision was to refuse permission for the indefinite retention of the roadside boundary fence as constructed (deletion of Condition 3(a) of planning register reference number 18/777) and to grant subject to conditions permission for the construction of an additional gated vehicle entrance together with all associated site works in accordance with plans and particulars lodged with the said Council).

## **Decision**

**GRANT permission for the above 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, the nature of the development proposed to be retained and proposed development, the documentation provided with the planning application, the policies of the Waterford City and County Development Plan 2022-2028, and guidance provided by the Design Manual for Urban Roads and Streets, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development, comprising an additional vehicle entrance, associated site works and retention of the timber boundary fence, would not detract from the character of the protected structure (Annaville House) or the local area, would not seriously injure the amenities of the area, or endanger public safety by reason of a traffic hazard, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation for a split decision to refuse permission for the retention of the 1,800-millimetre-high timber fence, the Board did not share the Inspector's view that the fence would negatively impact the amenity of the area or detract from its character, particularly with suitable landscaping treatment to replace plants/bushes to be removed to accommodate sightlines for the approved entrance way.

## Conditions

1. The development shall be retained, 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 19<sup>th</sup> day of June, 2024 and on the 15<sup>th</sup> day of July, 2024, 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, carried out and completed in accordance with the agreed particulars.

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

2. (a) The proposed entrance shall be in accordance with the details received by the planning authority on the 15<sup>th</sup> day of July, 2024. It shall be located such that clear and unobstructed sightlines are available from a point two metres back from the nearside edge of the roadway at the centre of the entrance to a point to the north of the entrances for a distance of 23 metres and to a point to the south of the entrance for a distance of 7.9 metres.
- (b) The location of the entrance gate shall be revised in accordance with the details received by the planning authority on the 15<sup>th</sup> day of July, 2024 to ensure that the 23-metre sightline to the north of the entrance and the area within the sightline triangle shall be maintained free from obstruction to ensure that sightlines are maintained.
- (c) Regardless of the gradient of the driveway, the area between the edge of the roadway and the gate piers shall be reasonably flat and level with the public road, with a gradient not exceeding 2½% or as otherwise agreed in writing with the planning authority.

- (d) The gated vehicular entrance to the public road shall have inward opening gates only.
- (e) The existing finished road levels shall not be raised or lowered to facilitate the proposed development without the prior consultation of the planning authority's roads department and the subsequent written agreement of the planning authority.
- (f) The existing stone wall on either side of the proposed entrance shall be made good.
- (g) Surface water from the entrance shall not be allowed to flow onto the public roadway and shall be disposed of to the satisfaction of the planning authority.

**Reason:** In the interest of public and traffic safety.

- 3. Prior to commencement of development, the developer shall agree in writing with the planning authority details of the proposed landscaping along the timber fence boundary.

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

  
Declan Moore

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



Dated this 11<sup>th</sup> day of December 2024.