



An
Coimisiún
Pleanála

**Commission Order
ABP-321343-24**

Planning and Development Act 2000, as amended

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 24193

Appeal by Mark Jenkins of 5 Saint Mary's Street, Dungarvan, County Waterford against the decision made on the 25th day of October 2024, by Waterford City and County Council Council to refuse a licence.

Licence Application: Section 254 Licence for outdoor seating area to be used within screen already in place at number 5 Saint Mary Street, Dungarvan, County Waterford.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Coimisiún Pleanála, directs the planning authority to **REFUSE TO GRANT** a licence, based on the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the provisions of Section 254(5) of the Planning and Development Act 2000, as amended, to the haphazard and piecemeal nature of the proposal and to policies BH11 and BH12 of the Waterford City and County Development Plan 2022-2028, which seek to protect the character and streetscapes of the Architectural Conservation Area (ACA), it is considered that, in the absence of an Architectural Heritage Impact Assessment, the applicant has failed to demonstrate that the proposed development, located forward of a number of Protected Structures in an Architectural Conservation Area (ACA), would not detract from the setting of the protected structures and the character and vistas of the ACA. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development by reason of its location relative to vehicular traffic lanes, on a busy thoroughfare and parking bays, could result in a risk to public and traffic safety and constitutes a disorderly form of development which is not in accordance with the proper planning and sustainable development of the area.



Mary Gurrie
Mary Gurrie

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 01 day of October 2025.