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**Planning and Development Act 2000, as amended**

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

**Planning Register Reference Number: 2560791**

**Appeal** by Harry O'Rahilly against the decision made on the 8<sup>th</sup> day of January, 2026 by Waterford City and County Council to grant subject to conditions a permission to Adriano Cavaliere for the proposed development.

**Proposed Development:** Construction of two number glazed structures to enclose the existing outdoor dining areas located to the front and side facades of the existing restaurant building with alterations to the existing ground floor windows on both front (southern) and side (eastern) facades with a new entrance to the existing restaurant on the eastern façade and installation of solar panels to the roof of the building and all associated site works, a Protected Structure at Azzurro Restaurant, Dock Road, Dunmore East, County 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 Built Heritage Objectives and Policies as set out in the Waterford City and County Development Plan 2022-2028, to the nature of the subject site which is a protected structure located in a residential zoning, in a visually sensitive and prominent location within the designated Dunmore East Architectural Conservation Area (ACA), and having regard to the pattern of development in the vicinity of the site, and to the nature of the glazed design of the proposal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to a negative visual impact on the subject protected structure and would comply with policy objective BH 05, by preserving the special character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. The Commission noted and acknowledged the significant interventions proposed to the fabric of the protected structure but considered that, by virtue of condition 2 below, the removal of these elements of the proposal would preserve the fabric of the building which would remain as currently exists.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission, having considered the proposal in detail, did not share the opinion of the Inspector that the proposed external terrace areas would have a negative impact on the character and the form of the protected structure, and on the streetscape. The Commission was in agreement with the planning authority that the proposed interventions to the original facades of the structure should be omitted and considered that, with the removal of those interventions, the remaining proposed development of the new glazed covered terrace areas would be acceptable, and noted that the contemporary design would provide for a suitable contrast with the main building. The Commission accepted that the use of a lightweight glazing material would provide transparency in form and massing and considered that this would preserve the visibility of the protected structure, and that the development would not visually detract from the visual composition of the streetscape.

The Commission noted the comments of the Inspector regarding the intensification of use which would result from the proposed external terrace areas and the potential impacts of noise and disturbance on the adjacent residential properties within the curtilage of the site. Having regard, however, to the long established restaurant use of the property at this location, the Commission considered that the proposed external terrace areas would not, by themselves, create a negative impact, having regard to condition 9 of the permission, which limits the hours of use of the terrace areas, and prohibits the use at any time, of amplified music or other entertainment noise emissions within those areas. The Commission also noted the Inspector's opinion that, arising from the intensification of use resulting from the proposed external terrace areas, the proposed development would give rise to a risk to public health by reason of the constraints of the site and its capacity to safely segregate and store kitchen waste and contain odour emissions emanating from the premises. The Commission considered, however, that management of the operational requirements of the property including the proposed external terrace areas, could be properly addressed by way of condition, in the interest of public health, and to ensure the protection of the surrounding environment and the residential amenities within the vicinity.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 alterations to the southern and eastern elevations and to the roof of the building, specifically the proposed additional doors, alterations to windows and the solar panels, are all expressly omitted by virtue of this permission. The external terrace area permitted to the southern side of the building shall be accessed by way of a door to be located to the eastern side of the terrace area. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, revised plans to indicate the omission of alterations to the southern and eastern elevations and to the roof of the building, specifically the additional doors, alterations to windows and the solar panels, with the external terrace area permitted to the southern side of the building being accessed by way of a door to be located to the eastern side of the terrace area.

**Reason:** In the interest of clarity and the conservation of the protected structure.

3. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, revised plans indicating the eastern roadside boundary wall, running along the eastern side of the site at the public road R684 Dunmore Road, setback by 500 millimetres.

**Reason:** In the interest of road safety and for the proper planning and sustainable development of the area.

4. Prior to the commencement of development full details of the materials, colours and textures of all external finishes of the enclosed terrace areas permitted herein, and details of the maintenance strategy for those structures, shall be submitted to, and agreed in writing with, the planning authority.

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

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, signs, symbols, emblems, nameplates or other advertising devices other than those agreed in writing with the planning authority shall not be erected or displayed externally on the residential units, structures or site boundaries, save with a prior grant of planning permission.

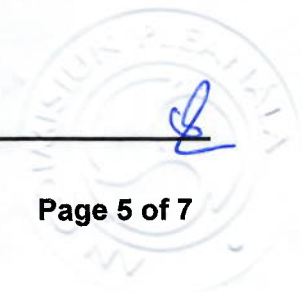
**Reason:** In the interests of visual amenity and the proper planning and sustainable development of the area.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, and shall include details of onsite storage arrangements, measures for the management of construction traffic, noise and dust, and off-site disposal of construction and demolition waste.

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

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.



8. Prior to the commencement of the development, the developer shall submit, for the written approval of the planning authority:
- (a) an operational waste management plan setting out details of the quantities and types of waste generated (including food/ biodegradable waste, mixed dry recyclable waste, glass waste and residual waste) the frequency of collection of the waste, and the location of secure storage area for the bins.
  - (b) a regular maintenance contract for the kitchen extraction system, including details of the odour abatement system, to ensure odour nuisance does not occur, and details of a noise abatement system to ensure that noise from the development does not exceed the following levels:
    - (i) Daytime Noise Criterion, db LAr, 30 mins (0700 to 1900) 55db
    - (ii) Evening Noise Criterion, db LAr, 30 mins (1900 to 2300) 50db
    - (iii) Night-time Noise Criterion, db LAr, 30 mins (2300 to 0700) 45db

**Reason:** In the interests of public health, the protection of the residential amenities in the vicinity, and the environment.

9. Use of the external terrace areas permitted herein shall not be permitted after 2200 hours and no amplified music or other specific entertainment noise emissions shall be permitted at any time, within the external terraced areas permitted herein.

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

10. 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 Coimisiún 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.

  
MaryRose McGovern

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

Dated this 22<sup>nd</sup> day of May 2026

