



An
Bord
Pleanála

Inspector's Report PL93.249210

Development	Subdivision of site for the erection of storey and a half detached house with associated works including modifying site entrance.
Location	1 The Terrace, Cannon Street, Waterford.
Planning Authority	Waterford City and County Council.
Planning Authority Reg. Ref.	17/135.
Applicants	John and Breda Coughlan.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant	Jarlath Whitty.
Observer(s)	None.
Date of Site Inspection	13 th December 2017.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The site is located in a residential area in the western inner suburbs of Waterford City. The site is on the Junction of Cannon Street and Presentation Row and currently on the site is a detached single storied building with a dwelling and also has a vacant commercial/shop use within the building. The area is predominantly residential with terraced dwellings of a wide range of design and height.
- 1.2. The site is irregular in configuration and the rear garden extends to the rear of properties fronting onto the western side of Presentation Row forming the northeastern boundary of the appeal site. The properties on Presentation Row are predominantly single storey or where originally single storied but a number had added second floor roof extensions. The property on Presentation Row immediately to the north of the appeal site, no. 1, is two storied. Owing to the configuration of the appeal site the rear gardens of the properties increase in depth in a northerly direction. There is a mature hedgerow along this boundary.
- 1.3. The site on its northwestern boundary adjoining the rear boundary of a terraced property on Slievekeale Road. The southwestern boundary along its northern section adjoins the grounds of a tennis club and the remainder of the boundary is a common boundary with 2, The Terrace, Cannon Road.

2.0 Proposed Development

- 2.1. The proposal as submitted to the planning authority on the 28th of February 2017 was for the subdivision of an existing site and to provide for the erection of storey and a half detached house with associated works including modifying site entrance.
- 2.2. The sub division of the site will result in a proposed site area for the proposed dwelling of a stated 482m² and site area for the existing dwelling of 448m².
- 2.3. The proposed dwelling which has a stated area of 104.8m² is a one and half storied dwelling of modern design and construction though in many respects although the upper floor is in the roof area the wall plate of the elevations are quite high allowing for flush windows on the elevations rather than cut into the roof area. The dwelling has a maximum height to the roof ridge of 5.80 metres. There is a small single storied annexe area on the northwestern elevation. There are windows on the upper

floors of three of the elevations the exception being the northeastern elevation facing to the rear of the dwellings on Presentation Row.

- 2.4. The dwelling is located at the northern end of the site. There is provision of private open space mainly to the south of the proposed dwelling. The proposed dwelling is between approximately 2000mm and 2600mm of the northeastern boundary, the common boundary with properties on Presentation Row. The dwelling is in excess of 10 metres of the northwestern boundary.
- 2.5. A new modified entrance is proposed between the existing dwelling on the site and the boundary of 1 Presentation Row to permit the provision of an entrance to the proposed dwelling.
- 2.6. It is proposed to connect to existing public piped services.
- 2.7. Further information was submitted on the 21st of July 2017 which included;
 - Details relating to land registry.
 - Revised layout for bin storage for the shop unit.
 - Compliance in relation fire safety.
 - Cross sections of the site and adjoining development on Presentation Row.
 - Clarification in relation to matters of overlooking.
 - Clarification in relation to a mature tree.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission for the development subject to 10 conditions. Conditions of note:

- Condition 1(b) requires amendment to the design in relation first floor windows on the eastern elevation.
- Condition 1(c) requires confirmation in relation to the protection of the of the mature trees to the east of the site.
- Condition 4 relates to finished floor levels.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning report dated the 19th of April 2017 refers to:

- relevant provisions of the current development plan;
- submissions received;
- an appraisal of the development;
- reference is made to the issue of potential overlooking of the adjoining properties from the windows of bedroom no. 1 on the upper floor;
- the need for clarity in relation to the proposed entrance to the site;
- recommends further information.

The planning report dated the 14th of August 2017 refers to the further information as submitted. The issue of the window on the first floor elevation relating to a bedroom is referred to but it is indicated it can be addressed by condition. Permission is recommended.

3.2.2. Other reports.

Water services report dated the 27th of April 2017 indicates no objections.

3.3. Third Party Observations

A submission received objecting to the development referring historical use of lands at the rear of Presentation Row; traffic and pedestrian safety; access for fire tenders; to impacts on the adjoining dwellings arising from the location, height and scale of the proposed dwelling; overshadowing and loss of privacy.

4.0 Planning History

No planning history.

5.0 Policy Context

5.1. Development Plan

The current plan is the Waterford City Development Plan 2013-2019.

The site is located within an area zoned R1 Existing Residential with the objective to protect, provide and improve residential amenities

Chapter 13 relates to Development Management and outlines guidance and standards in relation to development.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant who resides in 6 Presentation Row in a submission dated the 11th of September 2017 refers to:

- The appellant is aware of the likely effect of overshadowing arising from the proposed development owing to the previous presence of trees of a similar height which caused overshadowing.
- There are objections in relation to the massing of the proposed development and loss of privacy.
- The addressing of the matter of the mature tree is also unsatisfactory.
- The development will have an overbearing impact on the appellant's property.
- Reference is made to the submission made to the planning authority in advance of the planning authority's decision.

7.0 Assessment

7.1. Having regard to the submissions received and the documentation submitted the primary issue in relation to this appeal relates to the acceptability of the nature of the works as proposed in particular in the context of impact on residential amenity.

7.2. The principle of constructing a dwelling given the zoning of the site is acceptable.

- 7.3. Impact on residential amenities.
- 7.3.1. Reference is made in the grounds of appeal to the impact of the proposed development in relation to overshadowing and the loss of privacy.
- 7.3.2. The proposed dwelling is a subdivision of an existing plot and is located to the rear of existing dwellings including the existing house, 1 The Terrace, dwellings on the western side of Presentation Row and to the rear of dwellings on the southern side of Slievekeale Road.
- 7.3.3. In terms of the existing dwelling on the site and the dwellings on Slievekeale Road the proposed dwelling does not, I consider, present issues in relation to impact on residential amenity given the separation distances.
- 7.3.4. The primary issue in relation to residential amenity arises in relation to the properties on Presentation Row.
- 7.3.5. There is a level of confusion arising from the drawings as submitted. The site plan indicates the overall layout of the development with the single storey ground floor annexe located facing northwest. This elevation is indicated as the west elevation in the submitted drawings and directly faces towards Slievekeale Road. In relation to the properties on Presentation Row the north elevation as indicated on the submitted drawings had only a skylight window on this elevation. This elevation faces north eastwards.
- 7.3.6. The floor plans as submitted, however, are handed in the context of the position of the annexe as indicated on the site layout map.
- 7.3.7. There is no window, therefore, at first floor level facing directly the rear of the properties on Presentation Row. There is an angled oblique view towards properties 5 and 6 Presentation Row which could give rise to potential overlooking from the indicated west elevation from two windows at first floor level and a similar oblique and angled view towards the remaining properties on Presentation Row from the stated east elevation at first floor level from a single window which projects from the elevation.
- 7.3.8. This potential overlooking can be addressed by a condition as stated in condition 1(b). I would however note that condition 1 (b) refers to the eastern elevation and to windows at first floor level. There is a single window on the east elevation.

- 7.3.9. To address this to address potential overlooking condition 1(b) should refer to the upper windows on both the east and west elevations.
- 7.3.10. In relation to overshadowing loss of light will arise given the orientation of the proposed dwelling and existing dwellings. The mature tree and the existing high boundary hedgerow currently impair light into the rear gardens of the properties on Presentation Row. The impact is more likely to be on garden area rather than windows of properties given the distance between properties. In this context there will be an impact arising from overshadowing but not I consider a significant impact on the lighting of the properties.
- 7.4. In relation to the proposed development itself the overall height and scale is I consider reasonable in the context of the site and the design addresses its surroundings to minimise impacts. The level of open space in the context of an urban site is reasonable with spaces to the northwest and southeast of the dwelling.
- 7.5. In relation to traffic the site is located on a corner site in a built up area if the site. It is proposed to use an existing entrance to access the site and which serves the current house on the site. In this context I have no objection. I would note that this may necessitate a future potential alternative vehicular access for the existing dwelling.

8.0 Recommendation

- 8.1. It is recommended that permission for the development be granted for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity and the nature and scale of the proposed development appeal site, it is considered that the development would not be contrary to the proper planning sustainable development or injurious to the residential amenities of properties in the area.

10.0 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 submitted on the 18th of April 2017 and the 31st of July 2017, 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 interests 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 Prior to the commencement of any development works on the site the applicant shall submit to and agree with the planning authority revised proposals providing for the reduction and or elimination of potential overlooking arising from the first floor bedroom windows on the east and west elevations. The revision may take the form of an external louvre system, angled windows or other design proposal agreed with the planning authority.

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

- 4 The existing mature hedgerow on the northeastern boundary of the site shall be retained.

Reason: In the interests of visual and residential amenity.

- .5 Drainage arrangements, shall comply with the requirements of the planning authority for such works and services. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health

- .6 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 7 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.

- 8 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

- 9 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.

Derek Daly
Planning Inspector

9th January 2018