



Development

The change of use of the previously permitted residential dwelling (see ABP Ref PL.93.244051/ P.A. Ref 14/1600144) to guesthouse use to facilitate overnight accommodation. The development includes revisions to the permitted car parking layout to provide 6 spaces, the provision of a below ground plantroom and landscape and furniture store areas located in the underground void formed as part of the permitted development together with associated site works.

Location

Four Winds, Old Line Road, Dysert, Ardmore, County Waterford.

Planning Authority

Waterford City and County Council.

Planning Authority Reg. Ref.

18/50.

Applicant

Arkle Ltd.

Type of Application

Permission.

Planning Authority Decision

Permission with conditions.

Type of Appeal

Third Party

Appellants

Simon Blake and Allisa Connors.

Observer(s)

None.

Date of Site Inspection

12th July 2018.

Inspector

Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site is located in a rural coastal area to the east of Ardmore village on an elevated site with steep slopes overlooking the sea and Ardmore Bay.
- 1.2. The site is roughly L-shaped in configuration and falls in level approximately 11 metres from south to north and had a variable depth of between 20 metres and 28 metres.
- 1.3. The site has frontage onto two roads, New Line Road Lower which defines the northern boundary and New Line Road which defines the southern boundary and both roads run westwards out from the centre of the village along the hillside. There are houses located along the road network including immediately to the east and northwest (the third party appellants' property) and also to the north on the opposite side of the public road and to the south on the opposite side of the public road. The roads in the area are narrow in width. There is also a hotel in the area located to the northeast.
- 1.4. Current on the site is an existing building single storied with a basement level, which is undergoing a major renovation and extension. There is an existing vehicular access on the road on the southern boundary. The site also has a pedestrian access onto the northern boundary. The building on the site has a long axis adjoining the which has a pitched roof has a long east to west axis in close proximity to the southern boundary. The building under construction is single storied when viewed from the south but two storied incorporating a lower basement level when viewed from the south reflecting the use of the slope.
- 1.5. The site has a stated area of 0.17 hectares.

2.0 Proposed Development

- 2.1. The proposal as submitted to the planning authority on the 29th of January 2018 was for the following the change of use of the previously permitted residential dwelling (see ABP Ref PL.93.244051/ P.A. Ref 14/1600144) to guesthouse use to facilitate overnight accommodation and also for the carrying out of a number of amendments to the permitted layout.

2.2. The amendments include;

- Revisions to the permitted car parking layout to provide 6 spaces replacing a previous permitted proposal which provided for 2 spaces at surface level located to the east of the residential area and with access to the southern road,
- The provision of a below ground service plantroom with a stated floor area of 97m² located at basement level below the parking area located in the underground void formed as part of the permitted development.
- A landscape and furniture store area located with a stated floor area of 22m² located at basement level located to the west of residential area below a terrace in the underground void formed as part of the permitted development.
- A number of minor elevational changes which largely open up the courtyard areas on the upper ground level of the northern elevation simplifying this elevation.
- Associated site works.

2.3. The gross floor space of the permitted development on the site is stated as 579m².

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission for the development subject to eight conditions.

Conditions of note include condition no.3 requiring submission of a detailed hard and soft landscaping and condition no 5 regulates the use of the development.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning report refers to:

- The site history;
- submissions received including third party objections;

- an appraisal of the development in the context of the information submitted;
- The acceptance of the principle of the proposed development in the context of the zoning of the site.
- An AA screening
- Permission is recommended.

3.3. Other submissions.

A submission was received from a nearby landowner located in a dwelling to the northwest referring to the site's planning history, to the issue of impact to residential amenity arising from the development, traffic and parking and overall general disruption.

4.0 Planning History

4.1. ABP Reg. No. PL.24.241201/ P.A. Reg. No. PD 12/121

Permission refused for a development providing for 4 duplex holiday apartments, hotel storage facilities and a total of 13 car parking spaces on the appeal site. The reasons for refusal refer to the site's zoning in an area designated as visually vulnerable and within a streetscape of distinctive character and that the design as submitted by reason of the monolithic and unbroken nature of its roof profile viewed from the north, by reason of its projection in a northerly direction considerably beyond the existing building line on site and by reason of the prominent gable elements at east and west end, would constitute an incongruous and visually obtrusive form of development which would be incompatible with the aims of the development plan and which would intrude into the scenic views across Ardmore Bay; the development represent an excessive development of the site and that the projecting terraces on the northern elevations would an incongruous feature which would seriously injure the amenities of the area and of property in the vicinity.

The block of 4 apartments had a width of 45.815 metres and a general depth of 13.065 metres with a height of 4.666 metres to the top of the gables. The design of the block had a strong horizontal emphasis when viewed from the north with a more or less uniform eaves line roof ridge line.

4.2. **ABP. Ref. PL93.244051/P.A. Ref. 14/600144**

The Board granted planning permission on the appeal site for a development which provided for the demolition of house and garage, construction of house over two levels, garage, landscaping and associated site works subject to nine conditions.

Condition no 7 of the grant of permission limited the use of the dwelling and that it could not be subdivided into separate dwelling units or used for overnight guest accommodation or any commercial use without a prior grant of planning permission.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The current operative plan is the Waterford County Development Plan 2011-2017 and the site is zoned Residential with the objective “*to protect the amenity of existing residential development and to provide for new residential development at medium density*” and in relation to development management standards a guesthouse is open for consideration within this zoning.
- 5.1.2. The site is within the development boundary of the village of Ardmore and in an area zoned residential. The site is within an area defined as Streetscape of Distinctive Character on the map relating to Ardmore.
- 5.1.3. Appendix A9 of the plan relates to Scenic Landscape Evaluation. Coastlines in section 6.1(b) are among the landscapes considered visually vulnerable and there is a policy to preserving the character and distinctiveness of such landscapes and that new development should not impinge in any significant way on this character. The site would appear to be within the designation visually vulnerable and also to adjoin an area designated normal in the Scenic Evaluation Map in volume 3 appendix 9 of the plan.
- 5.1.4. Development management standards require provision of one parking space per bedroom for guesthouse accommodation.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant in a submission dated the 18th of April 2018 refers to:

- The appellants consider that the development is in effect an extension to the Cliff House Hotel.
- The application is invalid and a lack of detail is provided.
- Works have commenced and the application as submitted does not refer to retention.
- Reference is made to the appeal site and the context of the site in particular in relation to the appellants' dwelling.
- Reference is made to the planning history and condition no 7 of the decision to grant planning permission limiting the use.
- Reference is made to the issue of ownership and the company stated as the applicant.
- The cumulative impact of the development has not been assessed in terms of the overall development of the area and in part other tourism uses.
- The proposal represents a covert process to overcome the previous planning history.
- There is a failure to assess impacts arising from the development in particular impacts on amenity and also impacts arising from traffic.
- Reference is made to the issue of parking in the area arising from the hotel and the adequacy of the road network.
- The issue of location of site notices is raised.
- Concerns are raised in relation to the stability of the cliff and consequent impact on the appellants' property.
- Concerns are raised in relation to surface water arising from the development.

6.2. Response to the Grounds of appeal

The Applicant Response.

The applicant in a response dated the 21st of May 2018 refers to;

- There is no substantive objection other than the appellants to this proposal.
- Reference is made to the appellants' property as a second or holiday home which is another form of tourism accommodation.
- It is refuted that the development will impact on residential amenity.
- The proposed use is for a guesthouse and not an extension to a hotel and will contribute to the area.
- The proposal does not propose hotel related storage.
- The previous refusal on the site did not relate to the use for tourism or impact on residential amenities.
- No unauthorised works have occurred on the site.
- The applicant is fully entitled to make the application for permission which has been submitted.
- In relation to ownership this matter is clarified but the current application should be considered on its own merits and is not reliant in any way on the existing hotel use.
- In relation to traffic there is no increase in the level of traffic to be assessed.
- In relation to the car parking the level of parking complies with parking standards.
- The issue of overlooking does not arise and the current proposal does not change the position from the permitted development.
- The proposed development will be well managed and not give rise to noise or nuisance.
- There will be no cumulative impacts arising from the development.
- There are no substantive changes as to impact in cliff stability or to run off and this is addressed in a report submitted.

- The proposed development complies with the provisions of the development plan.

6.3. **Response of Appellants to the First Party Response.**

The appellants in a response dated the 28th of June 2018 refer to;

- The appellants outlined their concerns to the applicants in relation to the development.
- The development has links to the Cliff House Hotel and the contention remains that the proposal is not a standalone guesthouse.
- There remains doubts in relation to the issue of compliance with the previous application and to matters therefore of retention and reference is made to the compliance with landscaping in this regard.
- There has never been a permission granted for a commercial use on the site and the assessment of impact form a commercial use and for cumulative impact is necessary.
- Concerns remain in relation to traffic and parking as do concerns in relation to overlooking and also noise and nuisance impacts.
- The development was designed with commercial use in mind and this is indicated in the comments made in the report on cliff stability and surface water.

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 development as proposed and also considerations specific to the site itself in particular impact on the adjoining properties and area.

7.2. The proposal as submitted to the planning authority on the 29th of January 2018 was for the following the change of use of the previously permitted residential dwelling (see ABP Ref PL.93.244051/ P.A. Ref 14/1600144). The changes provide for a change of use to guesthouse use to facilitate overnight accommodation. In addition

to the issue of change of use the current proposal also includes for the carrying out of a number of amendments to the permitted layout.

The amendments include;

- Revisions to the permitted car parking layout to provide 6 spaces replacing a previous permitted proposal which provided for 2 spaces at surface level located to the east of the residential area and with access to the southern road,
- The provision of a below ground service plantroom with a stated floor area of 97m² located at basement level below the parking area located in the underground void formed as part of the permitted development.
- A landscape and furniture store area located with a stated floor area of 22m² located at basement level located to the west of residential area below a terrace in the underground void formed as part of the permitted development.
- A number of minor elevational changes which largely open up the courtyard areas on the upper ground level of the northern elevation simplifying this elevation.
- Associated site works.

7.3. Much of the content received in the appeal submission relates to concerns in relation to the change of use and in particular that the site has ties / links to a nearby hotel property and that the current proposal must consider the development not solely on its merits but also cumulative impacts. Issues are also raised in relation to the validity of the application; to aspects of design in particular overlooking and other aspects of impact on residential amenity and also impacts arising in relation to traffic.

7.4. In relation to the change of use this was necessitated by a condition of the previous permission which defines and regulated the use as residential and that any change to another use would require an application for another use.

7.4.1. In applying this condition this not necessarily infer that another use was not permitted but regulated the use and provided for the assessment on any proposed use.

- 7.4.2. The change of use to guesthouse is open for consideration and not precluded under the current zoning and subject to compliance with other development management standards the change of use is I consider reasonable.
- 7.4.3. I note that the appellants have made reference to links with the hotel and there would appear to be no dispute that there are links. This does not preclude however consideration of the subject site as a standalone guesthouse.
- 7.4.4. It equally does not preclude consideration that the proposed guesthouse would not receive guests which could not avail of accommodation in the hotel or indeed any other tourism accommodation in the area.
- 7.4.5. There is no doubt that additional guest bedroom accommodation will increase traffic demands and although there are six bedrooms permitted in the existing dwelling this cannot necessarily be considered the same as six bedrooms in a guesthouse and this is recognised I consider by the need to provide additional on-site parking.
- 7.4.6. The issue is whether the road network is adequate to serve the proposed development. I would accept that the road network in the area is narrow and there are sharp bends and the area is subject to pressure in particular in the peak tourism season but during my inspection traffic was able to move freely with caution, was slow moving and there was no obstruction arising from parking.
- 7.4.7. The additional cumulative impact of additional tourism accommodation can I consider be accommodated by the existing road network and infrastructure. The principle of the use is acceptable.
- 7.5. In relation to the carrying out of a number of amendments to the permitted layout.
- 7.5.1. The amendments include revisions to the permitted car parking layout to provide 6 spaces replacing a previous permitted proposal which provided for 2 spaces at surface level located to the east of the residential area and with access to the southern road. The need for additional parking arises from the need to provide a parking space for each guest bedroom and increases the footprint of the parking area. The proposal will increase the built foot print on the site and lengthen the axis of the built area. I do not however consider that visually this gives rise to a significant impact I would have no objection to this amendment which provides for a single access off the public road.

- 7.5.2. It is also proposed to provide a below ground service plantroom with a stated floor area of 97m² located at basement level below the parking area and this will be located in the underground void formed as part of the permitted development which would be are parking area above it. The proposal will increase the lower floor footprint but also avails of a void created as part of the overall development. I have no objections to the proposal.
- 7.5.3. A landscape and furniture store area located with a stated floor area of 22m² located at basement level located to the west of residential area below a terrace in the underground void formed as part of the permitted development namely the terrace above it. Similar to the works at the other end of building the proposal will increase the lower floor footprint but also avails of a void created as part of the overall development. I have no objections to the proposal.
- 7.5.4. A number of minor elevational changes which largely open up the courtyard areas on the upper ground level of the northern elevation simplifying this elevation. The proposal as submitted will not alter the position in relation to any potential overlooking. I have no objections to the amendments proposed.
- 7.6. In relation to increase overlooking and loss of amenity arising from the proposed use I do not consider additional overlooking arises and I would note that a large area of the appellants site is visible from the public road. I would accept that guests and an increase in the number of people on the appeal site may give rise to issues of noise on the terrace and grounds but this could equally apply in some measure under the permitted development and use.
- It is more likely to increase with a guesthouse but given the scale of likely increase and the relative locations of the properties I do not consider that the impact would be significant in terms of loss of residential amenity.
- 7.7. The issues of instability of the cliff face and issues of impacts arising from surface water are raised. These matters were address in the permitted development and notwithstanding the additional footprint area and the additional works arising I do not consider that the amendments works will give rise to adverse impacts
- 7.8. Issues in relation to unauthorised development are matters to be addressed by the planning authority and works were ongoing on the site at time of inspection but outstanding matters remained to be completed in relation to the permitted

development and enforcement as already indicated is a matter for the planning authority.

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

- 9.1. Having regard to the pattern of development in the vicinity, the planning history of the site and the nature and scale of the proposed development, 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 the 29th of January, 2018, 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 The planning permission granted is supplemental to planning permission granted under An Bord Pleanála Ref. No. PL.93,244051 / Planning Authority Ref. No 14/1600144 save as modified by this permission.

Reason: In the interest of clarity.

- 3 The use of the structures on the site shall be ancillary to the use of a

guesthouse on the site and no other commercial use.

Reason: In the interest of clarity.

- 3 The external finishes of the proposed amendments shall be the same as those of the existing development in respect of colour and texture.

Reason: In the interest of visual amenity.

- 4 The entrance to the site shall be located in accordance with the detailed requirements of the planning authority. Surface water arising from the site shall not be permitted to drain onto the adjoining road.

Reason: In the interests of traffic safety.

- .5 . A landscaping scheme incorporating hard and soft landscaping shall be submitted to and agreed with the planning authority within three months of the date of this order addressing the modifications to the site arising from this development. The scheme shall include a timescale of implementation.

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

- .6 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

17th July 2018