



An
Bord
Pleanála

Inspector's Report ABP-302284-18.

Development	Demolish existing chalet and construct two storey dwelling over basement, alterations to existing vehicular entrance to include a new pedestrian entrance and all ancillary site works.
Location	The Chalet, Lady's Cove, Dock Road, Dunmore East, Co. Waterford.
Planning Authority	Waterford City & County Council.
Planning Authority Reg. Ref.	17/781.
Applicant(s)	David & Helena Boyce.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Multiple Third Party.
Appellant(s)	Bernie Rothwell Margaret O'Farrell.
Observer(s)	None.
Date of Site Inspection	22 nd October, 2018.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. Dunmore East is a fishing port village in Waterford Harbour and is a significant tourism offer in the south eastern area of the Ireland. Development in the village has extended from the traditional village centre towards the north and west.
- 1.2. The subject site is located to the northern end of Dunmore East village, on Dock Road and across from the church and graveyard. The site is located on the sea side of the road and immediately adjacent to the laneway which provides access to the Castle and Lady's Cove. To the immediate south of the site is 'Sunnyside', a two storey period residential property and the laneway, which provides access to Ladys Cove is located to the north. Beyond the laneway, is Cove Cottage, another two storey property.
- 1.3. To the east of the site lies Dunmore East Castle, which is a National Monument being an Anglo-Norman masonry castle. The site is bound by a high masonry wall with vehicular access provided off Dock Road to the west. The site has a stated area of 0.027ha and is currently occupied by a small flat roofed, single storey timber clad building which has a stated floor area of 47.8m².

2.0 Proposed Development

- 2.1. Permission is sought to demolish the existing three bedroomed single storey chalet type dwelling and erect a three bedroomed two storey dwelling over basement level to include living accommodation, a roof garden and greenhouse, alterations to existing vehicular entrance to include a new pedestrian entrance and all ancillary site works all at The Chalet, Lady's Cove, Dock Road, Dunmore East, Co. Waterford.
- 2.2. The proposed development provides for accommodation over two floors with the ground floor comprising a living area, kitchen / diner, utility, WC and a den. Three double bedrooms are proposed on the first floor, all ensuite and an office. One of the bedrooms originally proposed a balcony facing west and overlooking Lady's Cove. The proposed design provides for a partial flat roof which will be used as a roof garden with two greenhouses proposed. The proposed development will provide for a house with a floor area of 194.1m² plus the 10m² balcony at first floor and green

house floor area of 13.7m². The roof garden will have a stated floor area of 50m². The basement area is to be occupied by a store room and services room.

2.3. Following a request for further information, the proposal excluded the basement element.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development, subject to 10 conditions. A number of conditions require compliance prior to the commencement of development on the site, including condition 1 which requires the omission of the balcony at first floor level and the external area at the second floor level. Condition 4 stipulates a specific finished floor level to minimise the obtrusion of the building on the landscape in the interests of preservation of the visual amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report considered that the proposed development would be acceptable in principle given the existing use of the site and the information submitted. A number of concerns were raised however, in terms of the planning history of the site, the design and scale of the development on the subject site and the potential overdevelopment of the site which resulted in a request for further information issuing.

Following receipt of the response to the FI, the applicant was requested to re-advertise the proposed development. The Board will note that a pre-planning meeting was held with the Planning Department following the request for further information.

The final planning report on file concluded that while there were a number of outstanding issues to be addressed, they could be dealt with by way of conditions. The recommendation recommends that permission be granted.

3.2.2. Other Technical Reports:

Water Services: No objection subject to compliance with conditions.

3.2.3. Prescribed Bodies;

Transport Infrastructure Ireland: No comments

DoCHG: Notes that the site is located within the confines of Recorded Monument WA027-034 *castle*. It is recommended that a programme of pre-development archaeological testing be carried out following supervised demolition and site clearance. Condition recommended.

3.2.4. Third Party Submissions:

There were 2 submissions from third parties in relation to the proposed development. The issues raised reflect those issues raised in the appeal and are summarised as follows:

- Overlooking issues arising from the proposed balcony and third floor roof garden / greenhouse
- The bulk and scale of the development on the restricted site will dominate the small site and the adjoining properties and constitutes overdevelopment of the site.
- The development if permitted, will result in the loss of light and privacy of adjoining houses.
- Having regard to the proximity of the site to old houses, and the proposed basement, concerns are raised in terms of the structural integrity of the existing houses.
- The development will result in injury to the residential amenity of adjacent period property.
- The development will have an impact on the visual amenity of the area and streetscape as well as the setting of a National Monument and protected structure.
- The development, which includes widening the gateway from 2.85m to 4m onto the Dock Road will lead to an intensification of development and to

substantial additional traffic turning movements which will endanger public safety.

Following the submission of the response to the FI request, two further submissions were made by the original objectors. The issues raised are summarised as follows:

- The proposed ground, first and second floors are identical to the original proposal.
- The omission of the basement does nothing to address the concerns previously raised.
- The development remains out of scale with properties to the north.
- The proposed design retains the balcony and roof terrace.
- The proposal will overlook existing private open space.
- The submission does not address the issues raised in the further information request and omits requested details.

4.0 Planning History

PA ref TP.22/286: Permission granted, on the 6th of February, 1963, for the erection of chalet at Dunmore East.

5.0 Policy Context

5.1. Development Plan

The village of Dunmore East is included as a District Service Centre in the Waterford County Development Plan, 2011-2017 and is zoned G1 in the settlement plan, contained in Volume 2 of the Plan. It is the stated objective of this zoning 'to preserve and enhance open space areas and amenity areas for passive and active recreational uses, including the preservation of grass verges, hedgerows and tree stands'. The Board will note that all of the lands to the sea side of the road in this area is zoned Open Space and Amenity.

Appendix D of the LAP provides for the Waterford County Development Plan, 2011-2017 Chapter 10 Development Standards.

5.2. Natural Heritage Designations

The site is not located within any designated site. The site is located approximately 4km to the south of River Barrow and River Nore SAC, Site Code 002162.

In addition, the site is located approximately 6km to the east of Tramore Dunes & Backstrand SAC, Site Code 000671 and Tramore Back Strand SPA, Site Code 004027, and approximately 7km to the west of the Hook Head SAC, Site Code 000764.

The Dunmore East Cliffs pNHA, Site Code 000664, is located within 100m of the site to the east.

6.0 The Appeal

6.1. Grounds of Appeal

This is a multiple third party appeal against the decision of the Planning Authority to grant permission for the proposed development. The grounds of appeal are similar to those raised with the Planning Authority and are summarised as follows:

Ms. Margaret O'Farrell:

- The proposed development will result in overlooking of existing private gardens. While the grant of permission excludes the balcony and access to the roof garden, the height of the building and window placement significantly diminishes the amenities of the adjacent home.
- The development is substantial and when compared to the existing dwelling on the site is not suited to the site. It is not inkeeping with the streetscape or character of nearby buildings.
- The development risks overshadowing the adjacent property.
- While the basement has been omitted, concern remains regarding the structural integrity of the adjacent very old property. It is requested that the appellants home be surveyed and photographed so as to monitor any changes.

Frank O’Gallachoir on behalf of Ms. Bernie Rothwell:

- The submission provides a background and site description noting that the current appeal site once forms part of the curtilage of the adjacent Sunnyside, which was built in the mid-late 1800s.
- Concerns raised in relation to the amount of private consultations with the applicant when there was so many third party concerns.
- The development will result in significant overlooking of rooms in the appellants property and conflicts with the planning standard of 22m separation distance from opposing above ground floor windows. The development will be seriously injurious to the adjacent residential amenities and privacy.
- Concerns raised with the zoning objective for the site. Any replacement house should not have a height which overlooks properties.
- The proposed development represents an overdevelopment of the site and would have an overbearing impact on the adjacent house and its curtilage. It would visually dominate the public access to Lady’s Cove and Dunmore East Castle.
- The proposed elevations to the public road are not in character with surrounding development and given the proximity of the site to protected structures, the development should have regard to the Architectural Heritage Protection Guidelines, 2004.
- The protected setting of the National Monument, Dunmore East Castle, is a necessary planning consideration and the proposed development would intrude upon its historic setting.
- Condition 1 of the PAs grant of permission is welcomed and the omission of the balcony is essential to protect the residential amenity and privacy of the adjacent property. The omission of the roof garden does not ameliorate the proposed development, nor does it reduce the visual impact, scale or visual dominance of the proposed house. It is considered that access to the roof would occur. It is further considered that the green houses would be visually discordant.

It is requested that permission for the proposed development be refused.

6.2. Applicant Response

The applicant submitted a response to the third party appeal. The submission is summarised as follows:

- The house will not visually overlook Mrs. O'Farrells property as all windows on the north elevation will be of obscure glass on the first floor and corner window of the glass house at roof level.
- The proposed house is not a substantial house having a floor area of 197.7m². It is a village property and is designed to strengthen the streetscape and acknowledge the architecture of adjacent buildings.
- There will be no substantial loss of light to the property as the house will be 3-4m over the existing laneway stone wall with a pitched slate roof, a distance of 7m from the appellants boundary and 11.5m from the appellants house.
- The proposed development will not involve heavy excavation except for strip foundation concrete 900mm deep and the development will not cause structural damage.
- The proposed development will not injure the residential amenity of Sunnyside.
- The dwelling will add to the architectural amenity of the site and relates significantly to the adjoining residential properties in the conservation area. The high stone walls will obscure the ground floor on the south, west and north elevations.
- The development will not impact on protected structures and the existing boundary wall will be maintained and upgraded to the benefit of property. The proposal will result in the redevelopment of an under utilised site in the village centre and accords with the objectives of the Development Plan.
- The development will not no impact on the derelict castle which is 35m to the east of the proposed property. The development will frame the view of the castle and the third storey roof level and the northern elevation do not interfere or intrude upon the derelict castle.
- Adequate private open space is provided.

- There is no danger to public safety on the main road. A vehicular entrance gate has existed since 1964.
- It is the applicants intention to live in the proposed house as their permanent family home.

6.3. Planning Authority Response

The Planning Authority has not responded to this third party appeal.

6.4. Further Responses

The first party response to the third party appeal has not addressed the concerns raised.

7.0 Assessment

I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual & Residential Amenity issues
3. Roads & Traffic
4. Appropriate Assessment
5. Environmental Impact Assessment

7.1. Principle of the development:

7.1.1. The subject site is located in the northern area of Dunmore East village, Co. Waterford and on lands zoned G1 in the settlement plan, contained in Volume 2 of the Plan. It is the stated objective of this zoning 'to preserve and enhance open space areas and amenity areas for passive and active recreational uses, including the preservation of grass verges, hedgerows and tree stands'. The Board will note that all of the lands to the sea side of the road in this area is zoned Open Space and Amenity. As such, the principle of development at this location might reasonably be considered as unacceptable. However, given that the site has a long history of

residential use, I am satisfied that the proposed redevelopment of the site is acceptable in principle.

7.1.2. The subject site is located within a streetscape of distinctive character and in this regard, the development of the site is required to comply with the requirements of DO₁₇ of the Dunmore East Plan which states that 'any development which is proposed in a Streetscape of Distinctive Character shall have regard to the planning guidance set out in Section 10.46 of the Development Standards Chapter'. The full text of Section 10.46 is provided in the appendices to this report and this part of the County Development Plan provides guidance for building in such streetscapes. In this context, the Plan requires that replacement dwellings should 'take into account existing plots, where possible, in order to retain the existing grain, character and setting of the streetscape'. In addition, it is stated that 'all new buildings should contribute to the visual enhancement of the area while respecting its visual character'. I propose to deal with matters of visual amenity, which include the potential impact of the proposed design further below.

7.2. Visual & Residential Amenity Issues

7.2.1. The Board will note the third party objections to the proposed development at this site. It is clear that if permitted, the development will result in a visual impact on the existing streetscape. There is an existing three bed chalet on the site, which has a floor area of 47.8m² and an overall height of 3.07m. This flat roofed structure has been on the site since the 1960s and appears to be very well maintained and is in good condition. There is an existing vehicular access to the site from Dock Road, which has an opening of 2.853m in the high stone wall which bounds the site along the north and western sides. High gates preclude direct views over the site from Dock Road. The gates were locked on the date of my inspection. The eastern elevation of the chalet includes a covered porch which offers uninterrupted views over Lady's Cove.

7.2.2. In terms of the proposed development, it is proposed to replace the small chalet with a substantial house over four floors on the site. The original proposal provided for a house with a floor area of 277.1m² with storage and services to be located in the basement area, a living area, kitchen / diner, utility WC and large den to be located at ground floor area, three double en-suite rooms and an office at first

floor level and a large roof garden with two green houses at the roof level. The Board will note that the response to the further information request resulted in an amendment to the proposed house to replace the chalet on the site, primarily the omission of the originally proposed basement. As such, I would conclude that the amendments to the proposed development are insignificant in terms of the potential visual impacts arising from the surrounding public roads and laneway.

7.2.1. While I have no objection in principle to the proposed house design, I have reservations regarding the impacts of the design on both the visual amenities of the area as well as the existing residential amenities of the adjacent residential properties. My concerns are compounded by the size of the subject development site and its context as it relates to the existing residential dwellings adjacent. In particular, I consider that the proposed roof design and scale is excessive and over complicated in the vicinity of properties which reflect simple, traditional and scaled features and design elements.

7.2.2. In particular, I do not consider that the height, bulk and scale of the development proposed on this small plot, respects the context of the site and if permitted, would not retain the existing grain, character or setting of the streetscape at this location. Having regard to the site levels, together with the site levels of the adjacent properties, I consider that the scale of the house proposed, notwithstanding the submission of the first party that it is not a substantial house, on the subject site, would have a significant impact on the streetscape and on the general amenities of the existing residences adjacent.

7.2.3. The Board will note the conditions attached to the planning authority's grant of permission, which seek to exclude the roof garden area. Should the Board be minded to grant permission in this instance, I consider that the proposed roof should be wholly redesigned to preclude a second floor in the house and to simplify the design in order to reduce the bulk and scale of the building and to respect the character of the streetscape. I would consider this necessary to protect the visual amenity of the streetscape of distinctive character, as well as residential amenities of the adjacent properties.

7.2.4. The Board will note the concerns of third party objectors in terms of the potential for impacts on the existing residential amenity arising from the proposed

development. I have addressed the issue of the roof garden above, and would certainly agree that if permitted, this area would result in overlooking of adjacent residential properties. Given the elevated nature of the proposed first floor balcony, I would also consider that if permitted, overlooking would arise. Therefore, should the Board be minded to grant permission in this instance, both these features should be omitted. I would refer to my concerns in terms of the roof design raised previously in this report also in this context.

7.2.5. In terms of other third party issues, I would note that the windows on the first floor of the southern elevation of the proposed development, which have been raised a concern in terms of overlooking, are high level windows proposed to serve two en-suite bathrooms. In this regard, I am satisfied that the potential for overlooking of rooms in the adjacent property is limited. The proposed first floor windows to the northern elevation include a high level window serving a bedroom, an en-suite, office and landing. The Board will note that the patio area proposed at ground floor level is similar to that which already exists at the site. Therefore, I am satisfied that additional overlooking will not arise in the event of a permission being granted, subject to the omission of the roof garden and green houses at roof level, as well as the first floor balcony as discussed above.

7.2.6. In terms of potential overshadowing, I refer the Board to my concerns in relation to the height bulk and scale of the development proposed at this small site. The proposed house will rise to a height of 8.7m, 2m above that of the existing house to the north given the finished floor level. The two properties are separated by the laneway and having regard to the position of the existing house within its site, I am generally satisfied that the proposed development, if permitted, would not result in significant overshadowing the existing property. That said, I restate my concerns in terms of the height, bulk and scale of the proposed development and the impact of same on the character of this streetscape as well as the potential impacts on existing visual and residential amenity of the area by reason of the roof plan, roof garden, green houses and east facing balcony.

7.3. Roads & Traffic:

7.3.1. The development proposes the widening of the existing vehicular access to the site onto the Dock Road from 2.853m to 4m and the inclusion of a second

pedestrian entrance onto the Dock Road. There is an existing pedestrian access located on the laneway to the north of the site. The existing boundary wall identifies that the subject site was once part of the Sunnyside site in that the wall, which is in the most part a rubble stone wall, extends along the site boundary with the Dock Road along both properties, as well as along the laneway to the north.

7.3.2. I consider that the proposal to widen the vehicular entrance, as well as providing for an additional pedestrian access would significantly impact on the character of this streetscape, contrary to the requirements of the Co. Development Plan. Should the Board be minded to grant permission in this instance, I would recommend that no permission be granted for the second pedestrian access to the site from Dock Road, and that the width of the vehicular access should not exceed 3.5m in total, in the interests of protecting the visual amenity of the streetscape.

7.4. Appropriate Assessment

The site is not located within any designated site. The site is located approximately 4km to the south of River Barrow and River Nore SAC, Site Code 002162. In addition, the site is located approximately 6km to the east of Tramore Dunes & Backstrand SAC, Site Code 000671 and Tramore Back Strand SPA, Site Code 004027, and approximately 7km to the west of the Hook Head SAC, Site Code 000764. The Dunmore East Cliffs pNHA, Site Code 000664, is located within 100m of the site to the east.

Having regard to the location and nature of the subject site, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

7.5. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

It is recommended that planning permission be refused for the proposed development for the following reasons.

9.0 Reasons and Considerations

1. The subject site is located within an area of Dunmore East which has been identified as a 'Streetscape of Distinctive Character'. Having regard to the objectives of the current development plan for the area, Objective DO₁₇ of the Dunmore East Plan requires developments to have regard to the planning guidance set out in Section 10.46 of the Development Standards Chapter, and that replacement dwellings should 'take into account existing plots, where possible, in order to retain the existing grain, character and setting of the streetscape'. In addition, it is stated that 'all new buildings should contribute to the visual enhancement of the area while respecting its visual character'.

It is considered, by reason of the height, bulk, scale and roof of the development proposed on this small plot, that the proposed house design does not respect the context of the site and if permitted, would not retain the existing grain, character or setting of the streetscape at this location and would, if permitted, would have a significant impact on the streetscape and on the general and residential amenities of the existing properties adjacent, contrary to the development plan requirements and would seriously injure the visual and general amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
4th November, 2018