



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308765-20

---

<b>Development</b>	Indefinite retention of the single storey house, extension and site development works
<b>Location</b>	80 Monksfield, Clonea Road, Dungarvan, Co Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	20654
<b>Applicant(s)</b>	S & K Carey Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John McGrath and Lucia Quealy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> of February 2021
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The site is a detached single storey residential unit at the end of a short cul de sac within a residential estate called **Monksfield**. Monksfield estate is off the Clonea Road in Dungarvan town, approximately 1.5KM from the town centre. It includes a mix of housing types, two storey and single storey units, detached and semi-detached.
- 1.2. No. 80 Monksfield, is a single storey detached unit with a single storey flat roof extension to the rear. The structure is used as a care facility.
- 1.3. The existing residential unit is single storey with a total floor area 179sq.m..

## 2.0 Development

- 2.1. Permission is sought for the retention of the single storey house, extension and site development works at 80 Monksfield, Clonea Road, Dungarvan.

## 3.0 Planning Authority Decision

### 3.1. Decision

Waterford City and County Council granted permission for the retention of the development subject to 3No. standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The dwelling and extension are not out of character with the neighbouring houses, and the flat roof of the extension is not obvious from outside of the site.
- The development is connected to existing services.

#### 3.2.2. Other Technical Reports

None

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

**John McGrath and Lucia Queally** submitted the following concerns:

- The development is contrary to the legal agreement between the developer and the observer/ objector.
- Extension was suppose to be exempt and yet they applied for planning permission
- The development is unauthorised
- There are 3 residents and a carer
- The development is out of character with the area
- The development does not comply with Building regs

#### ***Carriglea Cairde Services***

Fully supports the planning application.

## 4.0 Planning History

### **Planning registration No. : 06/510076**

Messers Sean and Kieran Casey sought permission to construct 150No. dwellings on Clonea Road. Permission granted.

### **Planning Registration No. 07/510092**

Messers Sean and Kieran Casey were granted planning permission for alterations to original approved scheme, including changes of house types and the introductions of bungalows into the scheme.

*The subject site has a Planning Enforcement File regarding noncompliance with planning permission. Change of Use Class 14 Development consisting of a change of use from a use as a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such permissions.*

*(The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.)*

## **5.0 Policy Context**

### **5.1. Development Plan**

Dungarvan Town Development Plan 2012 as varied and extended, the subject site is zoned Residential – Medium Density. This objective is to protect the amenity of existing residential development and to provide for new residential development at medium density.

### **5.2. Natural Heritage Designations**

Dungarvan SPA – 0.5Km west of site

Glendine Woods SAC is 2.7Km west of site

Helvic to Ballyquinn SPA is 6.4km to the north west

Helvic Head SAC is 6.5km to the north west.

### **5.3. EIA Screening**

Having regard to the planning history of the site, the brownfield nature of the subject site, together with the 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

John McGrath and Lucia Quealy have made a third party appeal against the decision to grant retention for the development on the following grounds:-

- The planning authority ignored their concerns at the planning application stage
- The 3No. soft conditions are not commensurate with the scale of deviation from the original grant of permission.
- The developer built a four bedroom care home without consulting neighbours, and it is a semi-public building. It has no Fire Certificate or a DAC certificate, and the bedroom and main room sizes do not meet with the TDG for such a building.
- The basis for granting the permission appears to be a pre-planning meeting held in 2014, where the Senior Planner is alleged to agree a deviation from the original plans. The minutes of the meeting do not exist. The applicant took form that meeting they could proceed with an unauthorised extension.
- There are no dimensions on the site plan.
- The Planner's Report on file is factually incorrect. The flat roof of the extension can be seen from outside of the site, and this flat roof is totally out of character with the area. The extension was built after the dwelling was constructed and not at the same time. The dwelling is 118sq/m/., therefore the extension is 62sq.m., over 50% of the original house size.
- In October 2007, the developer entered into a legal agreement to construct a 118.7sq.m. bungalow on the site, and this is the subject of a separate legal proceedings.
- The structure on the site is unacceptable given its scale and use relative to the adjoining buildings. It should be reinstated back into a dwelling house, and the extension be removed.

## 6.2. Applicant Response

None

## 6.3. Planning Authority Response

None

## 7.0 Assessment

- 7.1. The structure is a residential care home for three persons and one carer located within a residential estate, Monksfield, Dungarvan. The relevant development plan is the ***Dungarvan Town Development Plan 2012*** (as varied and extended). The subject site is zoned Residential – Medium Density. The Residential objective is to protect the amenity of existing residential development and to provide for new residential development at medium density. I consider the development is in keeping zoning objective for the area.
- 7.2. In the grounds of the appeal the appellants refer to non-compliance with the Building Regulations, non-compliance with the original parent planning permission, non-compliance TDG and DAC Certificate. All of these issues are beyond the remit of this appeal. In addition, the legal proceedings between the applicant and the objector are a civil matter and not relevant to the current appeal.
- 7.3. The subject site is a small residential care home within a large residential estate, Monksfield, in Dungarvan, Co. Waterford. It is a single storey structure located at the end of a short cul de sac of dwellings. From the streetscape, the subject site blends in with the existing houses in terms of design and specification. The front elevation is in keeping with the visual amenities of the area.
- 7.4. An extension was constructed to the rear of the structure (western elevation), and it is a flat roof extension. The total floor area of the unit is 179sq.m. The flat roof is not in keeping with the pitched roof of the main structure on site or the adjoining neighbouring houses. However, it does not detract from the visual amenities of the area because it is located at the rear of the structure, and although it is visible from a number of adjoining residential houses, it is small in scale and not offensive in appearance. In addition, it is not injurious to the residential amenities in terms of loss of privacy or overshadowing. It is a modest extension, and not obtrusive when viewed from adjoining properties. The subject site is 702sq.m. and there is satisfactory separation distance between the residential unit and site boundaries and adjoining dwellings. There is ample curtilage to accommodate the rear extension without unduly impacting on the neighbouring dwellings.

## 7.5. Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

## 8.0 Recommendation

I recommend the planning authority's decision to grant planning permission be upheld by the Board.

## 9.0 Reasons and Considerations

Having regard to the nature of the development, the residential zoning provisions governing the area, the small scale and layout of the development and separation distances from adjoining residential properties, it is considered subject to compliance with conditions set out below, the development would not be injurious to the amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
----	---

2.	<p>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.</p> <p><b>Reason:</b> 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.</p>
----	---

---

Caryn Coogan  
Planning Inspector

8<sup>th</sup> of February 2021