



An
Bord
Pleanála

Inspector's Report

ABP-309886-21

Development	(A) Alterations to the elevations of existing dwelling, (B) Permission is also sought for the subdivision of existing site in order to accommodate construction of 2 no. 4 bed/detached/dormer dwellings.
Location	Hill View, 21 Summerville Avenue, Waterford City.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	20/859
Applicant(s)	Patricio Harte Design
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Sean Healy and Others
Observer(s)	None
Date of Site Inspection	19 th October 2021
Inspector	Phillippa Joyce

1.0 Site Location and Description

- 1.1. The appeal site is located at Hillview, 21 Summerville Avenue in the southeast of Waterford City. Summerville Avenue is an established residential street measuring c. 0.5km long off which extend a number of cul de sacs. The topography and pattern of development of the street are notable. The ground levels rise as the street extends in a southerly direction, and the properties are relatively uniform in typology, comprising detached, two storey, gable-fronted dwellings on sizeable plots with front and rear gardens areas.
- 1.2. The site is a corner site located at the end of Sumerville Avenue, adjacent to the entrance gate/ boundary fence of an Irish Water reservoir, tower and pump house. To the north and west of the site, on the opposite side of the public road, are the residential properties 18-20 and 34 Summerville Avenue, respectively. Directly adjacent to the south of the site is 22 Summerville Avenue, while adjacent to the east is an open space area at Asgard Mews serving that wider housing estate.
- 1.3. The site is rectangular in configuration with a stated area of 0.1357 ha. The site comprises a detached dwelling house with a large garden area to the side and rear, and a vehicular entrance on the western boundary. The ground levels rise in an easterly direction across the site. The site boundaries comprise low boundary walls and/ or vegetation along the northern and western street frontages, while the eastern and southern boundaries comprise higher walls with more extensive hedge and tree cover.
- 1.4. A letter of consent from the landowner to the applicant (the agent) to make the application accompanies the application documentation.

2.0 Proposed Development

- 2.1. The proposed development comprises two elements: firstly, alterations to the existing dwelling, and secondly, the subdivision of the site and the development of two detached dwellings with new entrances and site services.
- 2.2. In respect of the existing dwelling, the alterations involve the removal and blocking up of the first floor window in the eastern side gable and the insertion of two new rooflights in the roof plane of the northern elevation serving a bedroom space. The

overall floorspace (indicated as 190 sqm) and internal configuration (indicated as four bedrooms) of the existing dwelling remains. The existing dwelling retains an area of private open space measuring 135 sqm to the side of the dwelling and circulation space around the dwelling within the property.

- 2.3. In respect of the two proposed dwellings, these are of a similar design being gable-fronted two storey, four bedroom detached dwellings with floorspaces of 160 sqm. The dwellings are sited along north-south alignments within the newly divided plots, with vehicular entrances, car parking spaces, and garden areas to the front (north) of the properties, and circulation space and garden areas measuring 125 sqm to the sides/ rear. The properties are delineated with new boundary walls and landscaping. The proposed dwellings will connect to existing public water services infrastructure. The existing public footpath on Summerville Avenue is indicated as being extended to the end of the cul de sac/ extent of the site to serve the new dwellings.
- 2.4. The planning authority requested Further Information (FI) in respect of water services infrastructure, pre-connection agreement with Irish Water, and access arrangements for the existing property. The proposed development initially comprised the continued use of the existing entrance on the western boundary and an additional entrance on the northern boundary. In the FI response, received by the planning authority on 12th February 2021, the vehicular access arrangement for the host property was amended through the decommissioning of the existing entrance.

3.0 Planning Authority Decision

3.1. Summary of the Decision

- 3.1.1. On the 9th March 2021, the planning authority issued a notification to grant permission for the proposed development subject to nine conditions. The conditions are standard in nature, including the following:

Condition 2: Prior to commencement agreement with the planning authority on items such as footpath, entrances, gradient, road levels.

Condition 4: Prior to commencement agreement with the planning authority of a Construction Management Plan; and

Condition 7: Development works prohibited until a connection agreement with Irish Water has been obtained.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's reports are the basis for the planning authority decision. The key items from the planner's initial report and the subsequent FI report are summarised as follows:

- Accepted that the building line formed by the proposed dwellings is stepped forward of the existing corner dwelling within the site;
- Car parking and private amenity space provision are in accordance with the Development Plan standards;
- Existing dwelling retaining a sufficient amount of amenity space, comparable to that of a similarly sited property to the west (No. 34);
- Existing dwelling should be served by only one vehicular entrance which is accepted as being on the newly proposed entrance on the northern boundary;
- Traffic generated by two additional dwellings is not considered to be significant given the built environment location;
- Reference is made to requirements and/ or comments from the Water Services section;
- Reference is made to there being a valid Part V exemption certificate; and
- Requirements for Appropriate Assessment and Environmental Impact Assessment are screened out.

3.2.2. Other Technical Reports

No technical reports are included in the application documentation. The planner's reports make reference to verbal reports.

3.3. **Prescribed Bodies**

There are no reports from prescribed bodies.

3.4. **Third Party Observations**

- 3.4.1. Submissions from four third party observers were received by the planning authority during the processing of the application. The submissions were all in objection to the proposed development. The named appellants of this appeal case are the four third party observers that made submissions on the application.
- 3.4.2. The issues raised in the third party submissions form the basis of the grounds of appeal, which is outlined in detail in Section 6.0 below.

4.0 Planning History

Appeal Site

PA Ref. PD17/258 (not implemented)

Permission granted on the 26th July 2017 to R. Broderick for an extension and alterations to the existing house, a garage, and new entrance, and subdivision of the site and construction of a new dwelling with garage and entrance.

5.0 Policy Context

5.1. National Policy

- 5.1.1. The National Planning Framework, Project Ireland 2040, 2018 identifies Waterford as one of the country's five cities and a key location for future growth. Applicable national policy objectives include:

- NPO 2a: A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs;
- NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints;
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location; and
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill

development schemes, area or site-based regeneration and increased building heights.

- 5.1.2. The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009 recommend that increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill residential development or by sub-division of dwellings. In respect of the latter, the guidelines identify that many inner suburbs contain large houses on relatively extensive sites whose conversion to multiple dwellings without a dramatic alteration in the public character of the area is achievable.

5.2. Local Policy

Waterford City Development Plan 2013-2019 (as varied and extended)

- 5.2.1. The applicable development plan for the appeal is the Waterford City Development Plan 2013-2019, as varied and extended (CDP). Variation 1 deleted Chapter 13 Development Management from the CDP and replaced it with the variation document Development Management Standards dated September 2016.
- 5.2.2. The site is zoned as objective 'Developed Residential' as per the zoning map 'Map A – City Extent', which is also referred to as 'Existing Residential' in the CDP. In the interests of clarity, I will use the same reference as the written statement, the CDP. The 'Existing Residential' zoning objective seeks 'To protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible'. Residential is a permitted in principle use class.
- 5.2.3. In respect of development management standards, Section 4.0 Residential Development Design Standards of the CDP, as varied by Variation 1, outlines requirements for private open space, separation distances, and boundaries (Section 4.2 and Table 1). Section 6.0 Car Parking indicates requirements per use (Table 5). The CDP as varied does not contain any specific policy on infill developments/ subdivision of properties, or on building lines.
- 5.2.4. Of relevance to the appeal determination include the following standards which are applicable to detached dwellings in the City administrative area:

- An area of private open space measuring 120 sqm to the rear of the front building line;
- Separation distances between buildings' side gables of 2.3m and between directly opposing above-ground floor windows of 22m;
- Layouts with adequate private open space and screening so as to achieve freedom from observation;
- Screen walls of rendered blockwork and not post and wire, or timber panel fence;
- Two car parking spaces; and
- Works to be undertaken in accordance with a construction management plan.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or near the site.
- 5.3.2. The European Site designations in proximity to the appeal site include (measured at closest proximity):
- Lower River Suir SAC (002137) is c.510m to the northeast.

5.4. Environmental Impact Assessment Screening

- 5.4.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. 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

- 6.1.1. The third party appeal has been made jointly on behalf of the four observers that made submissions on the planning application: A. O'Neill of 17 Summerville Avenue, P. O'Byrne and A. O'Connell of 19 Summerville Avenue, R. Halley and B. Cummins of 22 Summerville Avenue, and S. Healy of 23 Summerville Avenue.

6.1.2. The following is a summary of the main issues raised in the third party grounds of appeal:

- Gross overdevelopment of a restricted site;
- Amenity spaces for the proposed dwellings are narrow, will be overshadowed, representing a poor standard of residential amenity for new residences;
- House permitted under PA Ref. PD17/258 more suitable in terms of density, garden area and separation distances;
- Out of character with the area, of a density that does not exist in Summerville Avenue, sets an undesirable precedent to the severe detriment of the amenity of the area;
- Proposed dwellings come forward of the existing house by 3.5m, thereby off the established building line;
- Proposed dwellings are 5.6m from the road edge and the minimum set back from the road edge, stated as being 6.10m, is not achieved;
- Existing road and footpath conditions on Summerville Avenue are described as narrow, non existent, unsafe, dangerous, substandard and unsuitable for additional entrances and increased traffic;
- Proposed footpath will reduce the width of the roadway by 1.9m to 4.5m and will cause difficulty to vehicles turning at the end of the cul de sac;
- Proposed houses are out of scale and keeping with all other proximate housing in terms of design, height, siting within property, and separation distances;
- Proposed dwellings will have an overbearing visual impact on all surrounding properties;
- Modest infill on large sites may be appropriate but overdevelopment of such sites alters the character of the area; and
- Concern over intentions for the existing garage which is stated as being inaccessible due to the amended vehicular entrance arrangement.

6.2. Applicant Response

6.2.1. The applicant has responded to the third party appeal, the main points of the response can be summarised as follows:

- Reference made to national policy (National Planning Framework objectives) supporting compact growth such as infill residential developments in the Waterford City area;
- Reference made to national planning guidelines (Sustainable Residential Development in Urban Areas) supporting the subdivision of dwellings on large plots in inner suburban locations;
- Variety does exist in the design, scale, and siting of properties on Summerville Avenue such that the proposed development will be in keeping with some, will contribute to character of the area, and is of a high quality design;
- Proposed development complies with all development management standards included in the CDP as varied by Variation 1;
- Policy on building line requirement of 6.10m set back as stated by the appellant is flexible and allows for reduction in the standard;
- Building line analysis of Summerville Avenue to the west of the site (indicating proposal in general consistency) and on the northern side of the road (indicating instances of existing divergence from the building line);
- Proposed footpath addressing an existing traffic hazard (footpath ending, collisions into the existing boundary wall), improves pedestrian safety, and will not impact on service vehicles or turning movements;
- Great care taken in the design process to integrate the proposed dwellings generally into the area (typology, shape, form) and to avoid undue impacts (use of angled windows prevent overlooking);
- Concern over future potential use of the existing garage is vexatious and biased, and applicant aware new permission would be required;
- Documentation supporting the appeal response includes:
 - Appendix I: Precedent Cases (analysis of properties indicating variety of siting, layout, distances from boundaries on Summerville Avenue);

- Appendix II: Shadow Analysis (indicating quality of private open space areas and majority of windows and doors with favourable southeast orientation);
- Appendix III: 3D Illustrations (indicating amenities of/ within the sites);
- Appendix IV: Photomontages (indicating proposed development within the streetscape);
- Copy of Irish Water pre connection enquiry, dated 21st February 2021, indicating water services infrastructure capacity for the proposed dwellings; and
- Engineering consultant report outlining details of footpath construction and turning movements for services vehicles.

6.3. **Planning Authority Response**

No response was made by the planning authority on the third party appeal.

6.4. **Observations**

No observations have been made.

6.5. **Further Responses**

The appellant responded to the applicant's response, the main points of which can be summarised as follows:

- Disputes claim of damage to the wall by vehicles on-street parking;
- Turning movements indicated for service vehicles/ lorries constitute a traffic hazard;
- No allowance made for on-street car parking along this section of Summerville Avenue and the access by service vehicles into the adjacent Irish Water reservoir and pump house and telecommunications infrastructure;
- Refutes the claim that subdivision of the site is supported by national planning policy;
- Dissatisfaction with the proposed building line and distance from the road edge not meeting the requirement of 6.10m which results in the limited space for off-street car parking;

- 3D illustrations indicating the depth of the garden are grossly exaggerated; and
- Correspondence directly from the named appellants addressing each of the applicant's headed items, including refuting the language used by the applicant and claim that concern over the use of the garage is vexatious and biased.

7.0 **Assessment**

7.1. Following a review of the application and appeal documentation, I consider the main issues in this appeal case to be as follows:

- Principle of Development;
- Design, Siting and Layout;
- Residential Amenity;
- Services: Traffic and Utilities;
- Other Issues; and
- Appropriate Assessment Screening.

I propose to address each item in turn.

7.2. **Principle of Development**

7.2.1. The applicable development plan is the Waterford City Development Plan 2013-2019 (as varied, as extended). In the planner's report, and subsequently in the appellant's grounds of appeal, it is stated that the appeal site is zoned as 'Existing Residential' with the objective 'To protect, provide and improve residential areas and their amenities'.

7.2.2. I have reviewed the CDP as varied and the accompanying zoning map. I identify that the site is zoned as Existing Residential with a more substantive objective 'To protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible'.

7.2.3. For assessment purposes, I consider the proposed development, comprising the subdivision of an existing residential property and the development of two dwellings

within the curtilage area, to be an infill residential development and, as such, is in compliance with the zoning objective and the use classes permitted therein. The proposal is also in compliance with national planning policy (NPF and planning guidelines) which supports increased residential density through infill/ subdivision type developments in existing urban settlements.

7.3. Design, Siting and Layout

Design

- 7.3.1. In respect of the design of the proposed development, there are two elements: firstly, of the fenestration alterations to the existing dwelling, comprising the omission of the first floor eastern gable window and the insertion of two rooflights in the northern roof plane, I consider these to be minimal in nature and scale, not affecting the character of the dwelling, and are therefore acceptable.
- 7.3.2. Secondly, of the proposed dwellings, these are detached, gable fronted, two storey, four bedroom dwellings of a similar design. Principal dimensions include height of 8.62m, width of 8.1m, and depth of 13.05m. The elevational treatment, fenestration arrangement, and external finishes are simple and streamlined. The appellant is critical of the design and height of the dwellings, stating that the proposal is out of character and not in keeping with the pattern of development in the area. The appellant states that the dwellings will have an overbearing visual impact on all surrounding properties.
- 7.3.3. I have visited the site, travelled along Summerville Avenue, and reviewed the applicant's appeal response, including the analysis of other properties, 3D illustrations, and photomontages. The majority of the existing dwellings in the vicinity of the site are of a uniform typology, that being, detached, gable fronted, two storey properties. Additionally however, some dwellings have been extended and/ or altered so that there now exists a notable degree of variation of the uniform typology. I consider that the design of the proposed dwellings is consistent with this pattern of development due to their being firstly, detached gable fronted structures and secondly, with elevational treatments and finishes that are modern architectural expressions of the uniform typology.
- 7.3.4. I note that the principal height of the dwellings is 8.62m and that the topography of the site rises in an easterly direction, however due to the gable fronted design of the

dwellings and their streamlined elevational features and finishes, I do not consider that the dwellings are excessively bulky or imposing and do not concur with the appellant that the proposed development would be overbearing.

- 7.3.5. In my opinion, the design approach taken for the scheme is balanced and logical. I concur with the applicant and consider that the proposed development represents an appropriate and reasoned design response for the site. In summary, I consider the proposed dwellings to be consistent with the established pattern of development, to be of a design and scale that would not be injurious to either the character or the visual amenity of the area.

Siting

- 7.3.6. In respect of siting, the proposed dwellings are sited centrally within their respective plots, positioned along a north-south alignment. The dwellings are c. 5.64m/ 5.86m from the front boundary wall and 5.17m/ 5.31m from the rear boundary wall. The planning authority notes and accepts that the proposed dwellings are forward of the existing dwelling.
- 7.3.7. In the grounds of appeal, the appellant is critical of proposed dwellings being sited forward of the existing dwelling on the site, stating that the established building line is exceeded. The appellant references the building line policy in the CDP and the requirement for there to be a minimum of 6.10m at the front of a property. The appellant states that the proposed development does not achieve this standard. The applicant responds by highlighting the flexibility allowed for in the policy, and in the subsequent response, the appellant again highlights that the proposed building line results in a substandard area to the front of the dwellings which will lead to on-street car parking.
- 7.3.8. I have reviewed the building line policy referred to by the appellant and note that this is in Chapter 13 of the CDP. Through Variation 1 of the CDP, Chapter 13 was deleted and replaced by the Development Management Standards, dated September 2016. The Development Management Standards document does not contain any specific policy on or requirements for building lines. As such, I consider the requirement for a minimum 6.10m distance from the front building line to not be a relevant consideration in the appeal.

- 7.3.9. Instead, I consider the two substantive issues which arise from the siting of the proposed dwellings and the front building line position, to be the impact on streetscape and the provision of off-street car parking spaces. Of the former issue, I do not consider there to be a definitive building line established within the site by the existing dwelling that the appellant states is being breached. This is due to the site's corner configuration and the cul de sac nature at this location (i.e. there is no dwelling further to the east). Conversely, an argument could be made that it would be the proposed dwellings that establish a definitive building line.
- 7.3.10. In any event, I note the case put forward by the applicant in the appeal response whereby it is evident that the proposed dwellings maintain the building line formed by dwellings further to the west along Summerville Avenue. Of the latter issue, as is discussed further in the Services subsection below, the proposed dwellings are provided with space for two off-street car parking spaces achieving the requirements of the CDP. In summary, I consider the siting of the dwellings within the streetscape, the overall site, and the respective plots to be acceptable, and not injurious to the amenities of the area.

Layout

- 7.3.11. In respect of layout, the proposal comprises the subdivision of an existing residential property into three separate properties. The appellant describes the proposal as a gross overdevelopment of a restricted site. The site area is indicated as measuring 0.1357 ha, and it is apparent that the existing property benefits from a very sizeable amenity area, which is in excess of that of many of the adjacent properties. In this regard, I do not concur with the appellant's position that the site is restricted. Conversely, the site has a corner configuration with street frontage on two sides and lends itself to a greater efficiency of use.
- 7.3.12. The layout of the proposed development provides for three detached dwellings (existing and two proposed) with off-street car parking and garden spaces to the front of the properties, and private amenity spaces of between 125 sqm and 135 sqm to the sides and rear of the dwellings. These features comply with CDP requirements of two car parking spaces and 120 sqm of amenity space. The layout of the dwellings ensures there is sufficient circulation space within the properties,

and separation distances of 5.02m and 6.23m between the dwellings are in excess of the CDP standard of 2.3m.

7.3.13. While I accept the appellant's case that the proposed dwellings are on plots that are smaller than the existing properties and that the separation distances are less than other proximate dwellings, I do not agree that this is symptomatic of the site being developed at an excessive density. Having regard to the foregoing, I do not concur with the appellant that the proposed development is a gross overdevelopment of the site.

7.3.14. In my opinion, the proposal is a smallscale infill development and the site is of nature and size that can accommodate the scale and density of development as proposed without causing injury to the amenities of the area. The proposal is providing three detached dwellings which comply with the applicable CDP standards as outlined in Section 5.0 of this report above. In summary, I consider that the layout of the proposal and the resultant density of the development is appropriate to the location (i.e. zoned and serviced lands in an urban environment) and area (i.e. in close proximity to the city centre and associated amenities).

7.4. Residential Amenity

7.4.1. The quality of the residential amenity of future residents and the impact on the residential amenity of the adjacent properties are included in the grounds of appeal. Factors determining residential amenity include overlooking, overshadowing, overbearance (which I have addressed in the Design subsection above), and nuisance/ disturbance associated with traffic, noise, and construction activities (which are addressed in the Services subsection below).

Future Residential Amenity

7.4.2. For the existing dwelling, the proposed fenestration alterations will prevent overlooking of the proposed dwellings to the east and ensure that the first floor bedroom space continues to be served by windows for light and ventilation. The existing dwelling will have a reduced quantum of private open space due to the subdivision of the site, however the property remains provided with a sufficient quantum of amenity space and will be served by a new vehicular entrance with off-street car parking, both in compliance with the CDP requirements. I do not consider there to be any undue overlooking or overshadowing impacts on the existing

dwelling arising from the proposed development. In this regard, the existing dwelling will continue to enjoy an acceptable standard of residential amenity.

- 7.4.3. Of the proposed dwellings, the appellant states these will have a poor standard of residential amenity, focusing on the quality of the private amenity spaces which are described as narrow and overshadowed, and stating that there will be overlooking of the eastern property by the central property from the first floor window. In response, the applicant has provided a shadow analysis indicating the existing and proposed dwellings and the curtilages of adjacent properties. I have reviewed the shadow analysis, and I note the site's orientation and the positioning of the proposed dwellings therein on an advantageous north-south alignment. The shadow analysis indicates that for the majority of times within the equinox and solstice days, the three dwellings cast shadows mainly within the site boundaries, across the dwellings themselves and/ or the front garden spaces. I do not consider the extent of overshadowing indicated for the side and rear garden areas to be unduly excessive or detrimental. Additionally, I note that the windows, particularly those serving living spaces have southeasterly aspects.
- 7.4.4. With regard to overlooking, I note that the design solution for the first floor rear windows is the use of angled windows. While I note that there will be an outlook from the central dwelling towards the dwelling to the east, I consider the impact to be acceptable having regard to there being only one window at first floor level, which is relatively narrow and serving a bedroom space. The extent of overlooking is no greater than that from first floor windows of any conventional two storey housing towards adjacent properties.
- 7.4.5. A further consideration for the residential amenity of the proposed dwellings is the nature of the proposed boundary treatments. These include supplementing the existing site perimeter boundaries (walls and vegetation), new 2m high concrete block or brick walls along the new outer perimeters of the plots, a 1.8m high concrete post and timber fence between the proposed dwellings, and 0.6m-1.2m high brick walls along the newly formed front boundary walls. These will ensure a satisfactory degree of privacy for the properties and are in compliance with the CDP standards.

Existing Residential Amenity

- 7.4.6. In respect of the proposed development's impact on the residential amenity of existing properties, the properties that will experience a change from existing conditions include 18-20 Summerville Avenue, opposite the site to the north, and 22 Summerville Avenue, adjacent to the south of the site. The properties to the north will experience a change of outlook and an increase in traffic movements, while the property to the south will experience a change in outlook.
- 7.4.7. Of the changed outlook, while there will unavoidably be a visual impact associated with the development of the site given its residential/ amenity area use at present, as I have outlined above, I do not consider the proposal to be overbearing or injurious to the residential amenity of these adjacent properties. Of the traffic generation, as is discussed further in the following subsection, while there will be a temporary disruption from construction activities and a permanent increase in traffic activity once the dwellings are occupied, the extent of the traffic movements associated with two additional dwellings is not considered to be significant and can be absorbed into the local road network. In the event of a grant of permission, I recommend a condition be attached requiring the provision of a construction management plan to safeguard the residential amenity of the adjacent properties.
- 7.4.8. With regard to potential overlooking and overshadowing of the adjacent properties, the properties to the north will not be impacted upon due to the notable separation distances, the orientation of the site and the siting of the proposed dwellings therein. 22 Summerville Avenue is adjacent to the south of the site and the proposed dwellings will be opposite the rear garden area of that property. However, as is demonstrated in the shadow analysis due to the site being to the north of 22 Summerville and the separation distances provided, the proposed development will not cause undue overshadowing of the adjacent property. Similarly with regard to potential overlooking, due to the use of the angled windows at first floor level with a southeasterly aspect, their being relatively narrow and serving bedroom spaces, there will be no direct overlooking of the adjacent property. The extent of oblique overlooking of 22 Summerville Avenue will be no more than would occur from the adjacent property to the south, 23 Summerville Avenue. I also positively note the additional measures to safeguard the privacy and amenity of the adjacent property by the proposed boundary wall (2m high concrete block wall) and supplemented screening along the shared boundary.

7.4.9. In summary, I consider the future residents of the proposed development will enjoy acceptable standards of residential amenity in properties that comply with all relevant CDP requirements, and that the proposed development will not negatively impact on the residential amenity of the adjacent properties by reason of overlooking, overshadowing, overbearance, and/ or disturbance.

7.5. Services: Traffic and Utilities

7.5.1. In relation to services for the proposed development, the key issues are traffic related services and connections to water services infrastructure.

Traffic: Access and Parking

7.5.2. The grounds of appeal include strong objections to traffic related services citing concerns on access, the number of new entrances, provision of the extended footpath, turning movements for service and/ or larger vehicles, and insufficient off-street car parking spaces.

7.5.3. The proposed development involves the creation of three new entrances along the northern boundary of the site to serve each property. The vehicular access arrangement for the existing dwelling involves the decommissioning of the existing entrance in the western boundary. The proposal includes the extension of the existing footpath for c. 31m to serve the proposed dwellings.

7.5.4. The appellant submits that the existing road and footpath conditions on Summerville Avenue are unsafe, substandard, and unsuitable for additional entrances and increased traffic, and that the provision of the footpath will make turning movements more difficult. In response, the applicant outlines the improvements to traffic safety through extending the footpath, and turning movement options for larger vehicles (using another cul de sac of Summerville Avenue).

7.5.5. Having visited the site and considered the traffic conditions at this location, it is my opinion that this is a low speed, low trafficked publicly maintained road with footpaths. The plans and particulars submitted by the applicant indicate sufficient space for two off-street car parking spaces for each dwelling, and to allow turning movements on the public road. The additional traffic generation that will arise from two new dwellings will not be significant and having regard to urban and serviced nature of the location, the minimal increase in traffic (pedestrian and vehicular)

generation can be absorbed in the local road network. While there will be an impact on the adjacent properties due to the change from the residential/ private amenity use of the site at present, I consider that the proposed entrances and extended footpath can be provided safely at this location without creating a traffic hazard or causing a loss of amenity to the adjacent properties.

- 7.5.6. I note the planner's report in respect of traffic impacts finds that the additional traffic movements are not significant and given the site's location in the built environment. I have reviewed Condition 2(a)-(j) which relates to public and traffic safety, and consider it to be comprehensive in its scope of regularising traffic/ access arrangements. In the event of a grant of permission, I recommend conditions be attached in respect of agreement with the planning authority of final design and construction details, and a construction traffic management plan.

Utilities

- 7.5.7. The proposed development is connecting into the existing public water services infrastructure. Requirements for details of same and pre connection agreements with Irish Water arose during the assessment of the application. The applicant submitted favourable correspondence regarding the latter in the appeal response. No other capacity issues for public infrastructure utilities have been raised, and flooding is not an issue for consideration.

7.6. Other Issues

- 7.6.1. The grounds of appeal raise concern in relation to the potential use of the garage of existing dwelling and the part implementation of a previous grant of permission for same. This appeal case relates only to the description of development as contained in the public notices and indicated in the plans and particulars.
- 7.6.2. As the site is zoned for residential purposes and the proposal is for residential development, consideration is required in respect of compliance with Part V requirements. The planner's report refers to a Part V exemption certificate being in place.

7.7. Appropriate Assessment Screening

- 7.7.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances

to European Sites, and the absence of ecological and/ or hydrological connections, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

8.1. I recommend that permission be granted based on the following reasons and considerations, and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the zoning objective of the site in the Waterford City Development Plan 2013-2019 (as varied and extended), to the design and scale of the proposed development, to the infill nature of the site, and to the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would be acceptable in terms of traffic safety and convenience, and would comply with the relevant provisions of the Waterford City Development Plan 2013-2019 (as varied and extended), the National Planning Framework, and the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of 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 12 th February 2021, 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.
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	Reason: In the interest of clarity.
2.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The final design, siting, and construction details of the three vehicular entrances, the extended footpath and kerb along the northern site boundary shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. These roadway works shall be completed to the satisfaction of the planning authority at the developer's expense. The vehicular entrance in the western site boundary serving the existing dwelling shall be permanently decommissioned on completion of the alternate entrance.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
6.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
7.	<p>Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of urban legibility.</p>

8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/ demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<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>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.</p>

Phillippa Joyce

Senior Planning Inspector

4th November 2021