



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312716-22

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<b>Development</b>	Renovate and extend existing house over two floors.
<b>Location</b>	Kismet, Church Lane, Stradbally, Co. Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	211068
<b>Applicant(s)</b>	James E. Thompson
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	James E. Thompson
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> of October 2022
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The application site is within a line of houses on the south side of Church Lane, to the west of the crossroads. It is within the village of Stradbally and is to the south east of the old Church and graveyard. There are residential properties on either side and greenfield agricultural land to the south of the site.
- 1.2. The site (stated area 0.112ha) contains an existing detached single storey house. The house does not appear to have any special character and is not a Protected Structure. There is existing vehicular and separate pedestrian access to Church Lane and on-site parking. There is a hedgerow along the site frontage and along the site boundaries. The main garden area which includes a few trees and hedgerows is to the front of the house, with a very small rear garden area. The house, which is on an elevated site is visible from the local road 'Glenamarc' to Stradbally village centre. It is noted that Stradbally cove is to the southeast.
- 1.3. While the houses in the immediate area are predominantly single storey, there is a thatched cottage to the north-east, on a lower level which links to a large two storey extension, that is visible in the landscape. There is a mix of dwelling types in the wider area from the older more traditional to more modern detached bungalows and some two storey houses.

## 2.0 Proposed Development

- 2.1. Planning permission is sought to Renovate and Extend the Existing Dwelling House over two floors and all ancillary site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 18<sup>th</sup> of January 2022, the Planning Authority refused permission for the proposed development for the following reason:

*The subject is located within an area of Stradbally which has been identified as a 'Streetscape of Distinctive Character' in the Waterford County Development Plan 2011-2017 (as extended and varied). Having regard to the*

*objectives of the current Development Plan for the area and as expressed on Policy AH10 it is the policy of the Planning Authority to 'Ensure that the design of new buildings within such a streetscape respects the established character of the area in height, scale and massing'. It is considered, by reason of the height, bulk and scale of the proposed development that the proposed house extension design does not respect the context of the site and, if permitted, would detract from the character and setting of the streetscape at this location and would, if permitted, have a significant impact on the streetscape and on the general and residential amenities of the existing adjacent properties, 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.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner had regard to the locational context of the site, planning history and policy. Their Assessment included the following:

- They had regard to the Waterford CDP 2011-2017 (as extended) and noted that the site is located in the settlement of Stradbally, zoned residential and in a 'Streetscape of Distinctive Character'.
- They considered that there is a lack of detail submitted with the application and a contiguous street elevation indicating the proposed development and adjoining east and west developments with site section drawings should have been submitted.
- A Habitats Directive Screening Assessment is attached. They concluded no significant impacts and that no further assessment is required.
- An EIAR is not required.
- They considered the proposed extension to be excessive in scale and not in character with the streetscape and contrary to Policy AH10 and Section 7.8

(design of extensions) of the said Plan. That the proposed development would be contrary to the proper planning and sustainable development of the area.

### 3.3. **Other Technical Reports**

None noted on file.

### 3.4. **Prescribed Bodies**

No referrals noted on file.

### 3.5. **Third Party Observations**

None noted on file.

## 4.0 **Planning History**

The Planner's Report notes that there is no recent relevant planning history. The permissions below are referred to in the First Party Grounds of Appeal.

#### *Other Relevant History:*

- Reg.Ref. PD09/150 – Planning permission granted subject to conditions to Moya K Cahill for the conversion of the existing domestic garage and the construction of a single storey extension to the front of the existing dwelling at 'Kismet' Church Lane, Stradbally,

This extension appears to have been constructed to the subject dwelling.

- Reg.Ref.10/34 – Permission granted subject to conditions to John Roche and Ingrid McKeever for the demolition of extension with thatched roof to the rear of existing thatched house, demolition of existing outbuildings and refurbishment of existing thatched house including re-thatching together with new two storey dormer type extension with natural slate roof to rear of the existing thatched house, new detached garage and all associated ancillary site works (P.S RPS 191).

This concerns the thatched extended dwelling to the northeast of the subject site.

- Reg.Ref.19/827 – Permission granted subject to condition to James Kett, for a dwellinghouse on two floors, entrance, connection to mains sewer and water and all ancillary site works.

This site is further to the northeast along Church Lane.

## 5.0 Policy Context

### 5.1. Waterford City and County Development Plan 2022 - 2028

This Plan was adopted on the 7<sup>th</sup> of June 2022 and came into effect on the 19<sup>th</sup> of July 2022 and replaces the previous City and County Development Plans.

#### Chapter 2: Spatial Vision and Core Strategy

Table 2.2 provides the Settlement Hierarchy and Typology. This includes Stradbally as a Class 4A Rural Town, and notes that these towns while rural in scale provide a range of employment along with commercial, cultural and community services.

#### Chapter 7: Housing & Sustainable Communities

Policy H02 includes to ensure that new residential development:

*Is appropriate in terms of type, character, scale, form and density to that location.*

Section 7.12 has regard to Refurbishment, Extension and Replacement of Existing Structures in Rural Areas.

#### Chapter 11: Heritage

Policy BH05 seeks to achieve the preservation of special character of places, areas, groups of structure setting out ACAs.

Policy BH07 seeks to Promote Architectural Heritage i.e:

*It is the policy of the Council to identify and implement measures for promoting the character of the historic cores of the city, towns and villages, their unique identity and their architectural, archaeological, historical and cultural, social interest and diversity.*

Policy BH11 seeks to Maintain and Enhance the Special Character of ACAs.

Policy BH12 seeks to Protect Settings and Vistas from any works that would result in the loss or damage to their special character.

Policy BH29 refers to Extensions and Alterations to a vernacular house/building.

Policies AH01 – AH04 relate to Archaeological Impact Considerations

### Volume 2- Development Management Standards

Section 4.9 relates to House Extensions. Policy DM11 refers:

*Extensions should:*

- *Respect and follow the pattern of the existing building as much as possible.*
- *Where contemporary designs are proposed, proposals should not detract from the visual amenities of the main dwelling or neighbouring properties.*
- *Extension works should not encroach, overhang or otherwise physically impinge third party properties.*
- *Proposals should be designed in such a way as to eliminate overshadowing or overlooking of adjoining property.*
- *Avoid additional surface water runoff arising from the site.*

Table 10.1 provides the ACA Building Guide and outlines specific planning guidance for buildings within ACAs. This includes reference to Stradbally and provides guidance relative to new build and extensions.

Reference is also had to compliance with the 'Architectural Heritage Protection Guidelines' (Dept. of Arts, Heritage, Gaeltacht and the Islands, 2011)

### Volume 3 – Appendices

Appendix 10: Architectural Conservation Areas – Stradbally.

This refers to the town of Stradbally as being in an ACA and includes reference to thatched cottages on Church Lane and the public realm around the Green, the area next to the stream that runs into the sea at Stradballycove and the Cove area.

The Location and Boundary of the Stradbally ACA includes that the boundary of the streetscape of distinctive character in the Waterford CDP 2011-2017 has been extended down towards Stradbally Cove to include the bridge and the limekiln.

It provides Development Management Standards, based on the assessment of the special character of Stradbally noting: *In conjunction with general development management guidelines, The Planning Authority will require development proposals*

*to retain these particular features of architectural merit and avoid interference or their removal; as such works would be deemed detrimental to the character of the ACA.*

Appendix 22: Archaeology - This provides a Table of Sites and Monuments Record (SMR), noting records are maintained by the National Monuments Service.

Reference is had to archaeological features in Stradbally. This includes the Church and graveyard in Church Lane.

#### Volume 4 – Book of Maps

##### Map 2 – Zoning and Flooding Maps

This shows the Settlement boundary of the Rural Village of Stradbally where Objective RV seeks to – *Protect and promote the character of the Rural Village and promote a vibrant community appropriate to available physical and community infrastructure.*

##### Map 4: Built Heritage

As shown the Site is within Stradbally ACA and Archaeological area.

The vernacular thatched cottage to the northeast of the site Reg.No: 22811003 is a P.S described on the NIAH as '*Detached three-bay single-storey direct entry thatched house, extant 1841, on a rectangular plan*'.

This is listed in Appendix 9 which includes the RPS as WA750191 -Thatch.

## 5.2. Natural Heritage Designations

A Habitats Directive Screening Assessment has been included by the Council with the application. It is noted that the site is c.385m north of the River Tay which is a tributary of the Sea. The following are noted as the nearest Natura 2000 sites:

- The site is c.0.51km north of the Mid-Waterford Coast SPA (Code:004193)
- It is c.8.34km east of the Glendine Wood SAC (Code:002324).
- It is c.12.17km south of the Clodlagh (Portlaw) Fresh Water Pearl Mussel Catchment Area.
- It is c.6.26km northeast of the Wet Grassland – G54 Wetland Area.

### 5.3. EIA Screening

Having regard to the modest scale of the development, and the separation from any environmentally sensitive sites, there is no real likelihood of significant effects on the environment arising from the 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

Liam Buck, Registered Building Engineer and Chartered Architectural Technologist has submitted a First Party Appeal on behalf of the Applicant James E. Thompson. This is against the Council's reason for refusal and their Grounds of Appeal include the following:

- They provide details of the Planning History pertaining to the subject site.
- The current dwelling house is in need of renovation, repair and upgrade.
- The existing dwelling does not have historic or architectural significance.
- The proposed finishes to the dwelling will match existing and surrounding buildings – details are provided of these.
- The proposal will bring the dwelling in line with current Building Regulations and will be more energy efficient and improve the BER rating of the existing house which has poor insulative qualities.
- The reason for refusal applies to new buildings, not renovated and extended buildings. Policy AH10 refers to new build as opposed to redesign and extension.
- Further Information could have been submitted relative to design. They attach an extract from the Waterford County Development Plan 2011 – 2017 which provides policy for Streetscapes of Distinctive Character.
- The footprint of the dwelling is virtually unchanged in the re-design.



- The Planning Authority could have requested Further information regarding contiguous elevations.
- They have raised the issue of precedent particularly in view of the permission obtained in Reg.Ref. 10/34 to the northeast and noted some other two storey properties permitted in the vicinity.
- Nature of the Development. They refer to the proposed redesign and more spacious layout.
- Impact on the Character of the Area. They refer to the site location and screening provided in views from the road due to existing landscaping. The revisions in the design will not have a negative impact on the surroundings and any landscape proposals will only further enhance the visual amenity of the area.
- Impact on Residential Amenity. The design of the proposed extension works is such that there will not be any loss of amenity of neighbouring properties.
- The proposed works to the subject dwelling house will only improve the use of the property and have a positive knock-on effect for the neighbouring properties and their residential amenities.

## 6.2. **Planning Authority Response**

There is no response from the Planning Authority on file.

## 6.3. **Observations**

There are no Observations on file.

## 7.0 **Assessment**

### 7.1. **Planning Policy Considerations**

- 7.1.1. The application site is within the boundaries of the village of Stradbally, Co. Waterford. It is within a residential area and concerns extension and renovation to an existing single storey dwellinghouse. It is noted that the Council's reason for refusal

relates to the proposal being in an area identified as a 'Streetscape of Distinctive Character' and contrary to Policy AH10 of the Waterford County Development Plan 2011-2017. As noted in the Policy Section above this Plan has now been superseded by the Waterford City and County Development Plan 2022-2028 so regard is had to the relevant policies therein.

- 7.1.2. The Maps attached to the current Plan in Volume 4 show that the site is within an Architectural Conservation Area (ACA) and within the zone of Archaeological Potential for Stradbally. It is also adjacent to a Protected Structure – i.e the extended thatched cottage to the northeast of the site. This is an elevated site so the proposed development will be visible from the surrounding area/landscape. Therefore, while the subject single storey house is not of particular architectural merit, a vernacular building nor a Protected Structure, it is nevertheless located on a sensitive site within the ACA and it is considered important to ascertain that any extension or renovation to the existing house not detract from the character and amenities of the area. In addition, as quoted in the Policy Section above Policy DM11 (Section 4.9 Volume 2) relates to the criteria in Development Management to ensure that house extensions, including where contemporary, are sensitively designed to respect the pattern of the existing building and not detract from the visual amenities of the main dwelling or neighbouring properties.
- 7.1.3. Chapter 11 of the Waterford CCDP 2022-2028 refers to Heritage and refers to ACAs and to the Record of Protected Structures. This includes: *Unless a structure is also included on the Record of Protected Structures, the protected status afforded from inclusion in an ACA only applies to the exteriors and streetscape.* Appendix 10 of Volume 3 of the said Plan relates to Stradbally ACA, which includes Church Lane and provides a Table relative Development Management Standards and to the retention of particular features of architectural merit and seeks to avoid interference or their removal. This includes regard to Walls, Roofs, Doors/Windows.
- 7.1.4. Reference is had to the 'Architectural Heritage Protection Guidelines for Planning Authorities' 2011. These include guidelines under S.52(1) for the protection of structures, or parts of structures, and the preservation of the character of architectural conservation areas. Section 3.4.1 notes the influence of the setting of groups of structures on the character of the group on the wider area should be

considered when identifying character. That the contribution of setting to the character of the architectural heritage should not be underestimated.

- 7.1.5. Section 6.8.7 relates to Extensions and includes where they would be detrimental to the character of an ACA. In this case, it must be noted that this proposal is for extensive renovations and extension, to an existing relatively modest low-profile dwelling. Having note of all these issues, regard is had to issues of Design and Layout of the proposed development in this Assessment below.

## **7.2. Design and Layout Impact on the Character and Amenities of the Area**

- 7.2.1. This proposal seeks permission to renovate and extend the existing dwelling over two floors and all ancillary site works. The application form provides that the floor area of the existing house is 173.76m<sup>2</sup> and of the proposed extension is 198.76m<sup>2</sup> on this site of 0.112ha. As shown on the drawings submitted the total floor area now proposed is 372.52m<sup>2</sup> Therefore, the proposed extension is substantial and will more than double that of the existing house.
- 7.2.2. The existing house is a single storey detached dwelling and as noted in the Planning History above has had some relatively minor previous extensions. It is noted that floor plans, sections and elevations showing the existing house in comparison to that now proposed have not been submitted. The ridge height of that proposed is shown as 7.6m, which is considerably higher than that existing. The proposed fenestration is mixed, with some of the windows particularly on the rear and side elevations not having a more traditional vertical emphasis. It is proposed to provide living accommodation and 4no. ensuite bedrooms and a sitting room area at first floor level. The sitting room area is to include a two-storey height glazed conservatory type structure on the rear elevation which will have views to the southeast towards Stradbally Cove.
- 7.2.3. It is provided that the proposed development is to be on a similar footprint to the existing single storey dwelling. However the scale and bulk of this dwelling will be considerably enlarged by the increase in height and the extensions and renovations proposed. Regard is also had to the very narrow rear garden area, which, as shown on the Site Layout Plan, the footprint of the dwelling is within 5.5m of the rear

(southern site boundary). This is adjacent to and will be more visible from the large green area to the rear, which is landscaped and adds to the character of the village.

- 7.2.4. It is difficult to assess the impact of the proposal from the plans submitted and it is noted that contiguous elevations showing the site context both in the context of adjacent dwellings in Church Lane and from Glenamarc Road to the east and southeast have not been submitted. This is an elevated site and is more elevated than that of the extended thatched cottage to the northeast. The house is also further set back and so will be more visible in the landscape, especially from the green area to south and from Glenamarc Road to the southeast. The latter provides the link from the village of Stradbally (ACA) to Stradbally Cove, to the southeast.
- 7.2.5. I would consider that the overall scale, height and bulk of the proposed extensions and renovations to the dwelling will appear overly dominant in the landscape and will not enhance the character and amenities of the ACA. Also, that the proposed design and layout will not enhance the character of the streetscape or Settings and Vistas in Stradbally ACA and will be contrary to Policy BH07 and BH12 of the Waterford CCDP 2022-2028. In addition, I would consider that it will not comply with Policy DM11 relative to extensions.

### 7.3. Precedent

- 7.3.1. The First Party provides that it was considered that the existing building footprint was sufficient when a previous extension on the eastern side of the house would be replaced. That given the allowed ridge height on other planning permissions mentioned (including Reg.Ref. 10/34 to the northeast), it was thought that there would be no obstacles in obtaining planning permission for this proposal. This relates to the two-storey extension that was then permitted to the thatched cottage (protected structure) and to another application Reg.Ref.19/827 where permission was granted more recently for a two-storey dwelling further to the east along Church Lane. Both, of these permissions are noted in the Planning History Section above.
- 7.3.2. It must be noted that the current application is being considered on its merits, this is having regard to the more elevated nature and set-back on the subject site, which will make the scale and bulk of the extensions and renovations to what will be a two-storey house appear more dominant in the landscape. While, an extension to the

existing house, or indeed a replacement house more in keeping with the character of the site within the ACA, maybe more appropriate this would have to be by way of a new application. The design and layout as currently proposed will have an adverse impact on the character of Stradbally ACA. In addition, as has been noted above, it is being considered under the policies of the Waterford City and County Development Plan 2022-2028.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the development 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 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**

- 8.1. I recommend that permission be refused for the reasons and considerations below.

#### **9.0 Reasons and Considerations**

1. Having regard to the elevated nature of the site, and to the scale, height and bulk of the proposed extensions and renovations to the existing single storey dwelling, the resultant two storey development, would appear overly dominant in the landscape and streetscape and would seriously affect the visual amenity and detract from the character of Stradbally Architectural Conservation Area. It would not comply with policies in the Waterford City and County Development 2022, including Policy DM11(extensions). Also, the proposed design would not enhance the character of the streetscape or settings and vistas in Stradbally Architectural Conservation Area and would be contrary to heritage policies including BH05, BH07 and BH12 of the said plan. It would also be contrary to Sections 3.4.1 and Section 6.8.7 of the 'Architectural Heritage Protection Guidelines for Planning Authorities' 2011 which are made under Section 28 Guidelines (Planning and Development Act 2000 (as amended), which seek to preserve the character and setting of

Architectural Conservation Areas. The proposed development would set an undesirable precedent for similar type developments and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

18<sup>th</sup> of November 2022