



An
Bord
Pleanála

Inspector's Report

ABP-312816-22

Development

To subdivide existing site and construct a detached dwelling, works will include, demolition of a dilapidated domestic garage, widening the existing driveway entrance, enlarging the driveway to create a shared parking court, construction of 1.8m boundary wall to create the sub-division and construction of a two storey 3 bedroom detached dwelling on the subdivided site along with all associated site development works to facilitate the development.

Location

44 Marion Park , Waterford

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

21870

Applicant(s)

Declan Arthur

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal	First Party
Appellant(s)	Declan Arthur
Observer(s)	None
Date of Site Inspection	19 th of October 2022
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The subject property is a two-storey semi-detached house which fronts and is on the north side of Cleaboy Road to the west of Waterford City Centre. It is a corner site and is located to the east of the junction of Marion Park with Cleaboy Road. The site is triangular in shape with the frontage being the widest part. The north facing rear garden tapers northwards to a point. There is a garage to the east of the house which appears not to be in good repair and some sheds in the rear garden area. The entrance to the site is from Cleaboy Road.
- 1.2. The site is within the residential area and Marion Park estate. The houses adjacent to and in the vicinity of the subject property are two storey, primarily semi-detached. No. 45 Marian Park adjoins to the west and faces the junction with the Cleaboy Road, this has separate access from Marian Park. There is a c.1.8m wall along the western boundary with no.45. There is a high hedgerow along the eastern boundary with no.63 Marion Park. This property has a first-floor side window facing the site. It has vehicular entrance to the east of the site.
- 1.3. There is a narrow footpath along the road frontage. The Cleaboy Road is a busy distributor type road on a bus route with roundabouts etc, into Waterford City Centre. There are traffic lights further to the east. While Marian Park is residential, the area is mixed use and 'Heffernan Car Sales', is located on the opposite side of the road further to southwest of the estate junction with Cleaboy Road.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - To subdivide existing site and construct a detached dwelling;
 - Works to include the demolition of a dilapidated domestic garage;
 - Widening the existing driveway entrance, enlarging the driveway to create a shared parking court;
 - Construction of a 1.8m boundary wall to create the subdivision;

- Construction of a two storey 3 bedroom detached dwelling on the subdivided site along with all associated site development works to facilitate the development.

All at no. 44 Marian Park, Waterford.

2.2. Documentation submitted includes the following:

- Plans and Particulars, including drawings showing the proposed development as originally submitted, and revised plans as submitted in response to the Council's Further Information request.

3.0 Planning Authority Decision

3.1. Decision

On the 25th of January 2022, Waterford City and County Council decided to refuse permission for the proposed development for the following reason:

It is considered that traffic movements arising from the proposed development would endanger public safety by reason of traffic hazard due to the inadequate visibility available at the entrance onto the local road (Cleaboy Road L1508) to the junction with Marian Park (L90501). It is considered that the proposed development which has failed to demonstrate the required minimum sightline distances are achievable would give rise to a traffic hazard and would be prejudicial to road safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- They had concerns that the design and layout of the proposed dwelling would appear overly dominant and that the proposal would impact adversely on adjoining properties.
- They had concerns regarding the vehicular access and onsite parking.

- They noted that Irish Water and Waterford Services Section requested further information due to the location of the sewer.
- The Habitats Directive Project Screening Assessment as submitted by the Council concluded that the proposal either individually or in combination with other plans and projects would not be likely to have a significant effect on a Natura 2000 site.

Further Information request

The Council's F.I request in summary included the following:

- They requested that the applicant submit revised proposals which set back the proposed dwelling from the eastern boundary of the site and provide a uniform roof type.
- They were advised to submit surface water drainage details, including to show that the proposed dwelling will not be constructed within 3m minimum of the existing sewer line.
- To submit a revised layout which demonstrates that there is sufficient space for 4no. dwellings to enter and exit the site and that the entrance to the site be in accordance with DMURS.

Further Information response

Warren Flavin Architecture has in summary submitted the following F.I. on behalf of the applicant:

- Revised plans for the proposed dwelling with a 1m setback from the eastern boundary and a 3m setback from the main sewer traversing the site.
- The roof profile has been revised to a double gabled pitched roof to match the existing houses of Marian Park.
- They provide details of surface water drainage.
- A pre connection enquiry was submitted to Irish Water.
- A Site Layout Plan has been prepared to show the onsite carparking and adequate turning space to be provided. They provide there is ample space to park, reverse and exit the site.

- A drawing is attached indicating 49m sightlines from the entrance to Cleaboy Road as per DMURS.

Planner's Response

They have regard to the F.I submitted and the submissions made and their Assessment includes the following:

- They are satisfied that the revised house design addresses the F.I request.
- They consider that the applicant has addressed the issues raised regarding surface water drainage, pre-connection enquiry to Irish Water and showing the proposed located sited 3m away from the public sewer line.
- They note the revised plans regarding the online parking layout, access and egress, and that indicate sightlines of 49m in either direction. They note that the District Engineer still has concerns regarding vehicular movements and sightlines from the junction with Marion Park.
- They recommended that permission be refused in summary, having regard to traffic movements, sightlines and endangerment of public safety by reason of traffic hazard.

3.3. Other Technical Reports

Roads and Transportation Section

They have concerns about the level of car parking proposed and the entrance/exit to the site. They requested that car parking should be reduced unless turning circles and sightlines out of the property can be demonstrated.

Water Services

They recommend conditions including that the applicant consult with Irish Water and Waterford City & County Council Water Services Drainage and Water Engineers (Metro. Area) in regard to compliance with water network, water metering, storm and foul drainage measures to serve the development. That the surface water drainage network be in accordance with the drawings submitted to the Planning Authority.

3.4. Prescribed Bodies

Irish Water

- They refer to the pre-connection enquiry and advise that the proposed connection to the Irish Water network can be facilitated at this time.
- They include a map showing current Irish Water Infrastructure adjacent to the site.
- They provide details relative to the terms and conditions of a Connection Agreement.

3.5. Third Party Observations

Submissions from local residents include the following:

- The proposal will impact adversely on the residential amenities of adjacent residential properties, in particular no.63 and no.46 Marian Park.
- Concerns that much of the existing boundary hedgerows which provide screening will be removed, which will be detrimental to the environment. That the proposed 1.8m boundary wall will not provide sufficient screening.
- It will lead to overlooking, impact on light and privacy and lead to overshadowing, impact adversely on health and devalue adjoining properties.
- This includes overshadowing and loss of sunlight to the rear garden and patio area of no.63 Marion Park which is enjoyed by a resident with mobility issues.
- The proposal having regard to the access and the onsite carparking proposed entering/exiting the site to the busy Cleaboy Road close to the junction with Marion Park will lead to traffic hazard.
- Heffernan's Motors proposed new entrance/exit opposite this location for their business premises was refused by the planning authority due to traffic hazard along the Cleaboy Road.
- The site notice was not displayed for the requisite time period.

4.0 Planning History

The Planner's Report provides that there is no relevant recent planning history.

Other sites in the vicinity (referred to in Appeal)

- Reg.Ref: 04500178 – Permission granted by the Council subject to conditions for the development of a detached dwelling house and associated site works at 42 Marian Park Waterford.
- Reg.Ref.05500410 – Permission granted subject to conditions to erect a two storey dwelling and all associated site development works (permission consequent) at 59 Marian Park, Waterford.
- Reg.Ref.21/258 – Permission granted subject to conditions for a single storey extension to the side and rear of no.61 Marian Park, Waterford.

Note: RL93.307712 (D5/220/8) refers to a Referral where the Board decided that in summary renovation works and alterations to a dwelling at no.31 Marian Park is development and is exempted development.

5.0 Policy Context

5.1. National and Regional Planning Policy

- National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Southern Region, 2019
- Design Manual for Urban Roads and Streets, 2019
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009
- Urban Design Manual: A Best practice Guide, 2009
- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007

5.2. Waterford City & County Development Plan 2022-2028

The new Waterford City and County Development Plan was adopted on 7th June 2022 and took effect on 19th July 2022. The application was considered under the previous Waterford City Development Plan 2013-2019 (as amended), which has now been superseded.

Housing Policies and Objectives - include in summary:

H01 – To promote compact urban growth through the consolidation and development of new residential units on infill/ brownfield sites...

H02 - In granting planning permission, they seek to ensure new residential development:

- Is appropriate in terms of type, character, scale, form and density to that location.
- Is serviceable by appropriate supporting social, economic and physical infrastructure.
- Is serviceable by public transport and sustainable modes such as walking and cycling.
- Is integrated and connected to the surrounding area in which it is located; and,
- Is designed in accordance with the applicable guidance and standards of the time (these are listed).

H04 – This seeks to promote and facilitate sustainable and liveable compact urban growth through the thoughtful consolidation and of infill/ brownfield sites in a way which promotes appropriate levels of compactness while delivering healthier and greener urban spaces and residential amenities. This will be achieved by including:

- Facilitating and supporting a range of residential densities and building heights appropriate to the context and residential amenity of a proposed development location.

A number of additional points are mentioned to support integrated and sustainable residential development.

H17: This seeks to encourage the establishment of attractive, inclusive and sustainable residential communities in existing built-up areas and new emerging areas including by:

- Ensuring a suitable variety and mix of housing and apartment types, and sizes/tenures is provided in individual developments to meet the lifecycle adaptation of dwellings and the differing needs and requirements of people and families.

A number of additional points are mentioned to support housing mix and integrated and sustainable residential development.

- **H18 –** This requires that all new residential development incorporates measures to enhance climate change.

A number of measures are referred to and this includes regard to utilising SuDS.

- **H20:** Where new development is proposed, particularly on smaller suburban infill sites (< 1 ha in area) this seeks to ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected.

To support lower density type development at these locations. To require that new development in more established residential areas respect and retain, where possible, existing unique features which add to the residential amenity and character of the area....

Volume 2 contains development management standards for residential development.

Section 3 – Residential Development

The following policies are of note:

Development Management DM 04 includes:

Applications will be required to adhere to the guidance contained in the 'Urban Design Manual - A Best Practice Guide' (Department of the Environment, Community and Local Government, 2009). The design of schemes should promote best practice in architectural design, consistent with the aims of the 'Government Policy on Architecture 2009-2015' (Department of Environment, Community and Local Government, 2009) to support good architectural quality.

DM 05 – Supports increases in residential densities in appropriate sustainable locations.

DM 06 – Supports variety in house/dwelling types.

Section 3.4.2 refers to General Residential Development Design Standards –

Table 3.1 provides the criteria for New Residential Development in Urban Areas.

Regard to design and layout includes reference to the following:

- ‘Pedestrian and Vehicular Movement’ and to compliance with DMURS.
- Private Open Space Provision (Table 3.2 refers): *It should be noted that housing developments which provide private open space at the minimum standard throughout the scheme will be discouraged.*
- Privacy: *Privacy can be ensured by attention to the alignment of new residential buildings and their relationship to each other.*
- Minimum Separation distances of 22m between directly opposing above ground floor windows: *A reduction in this 22-metre separation distance may be considered appropriate where there is an innovative design approach to house and site layout design.*
- Screen walls – rendered blockwork capped and plastered – 1.8m in height.
- *A minimum of 2.2 meters shall be provided between the side walls of detached, semi-detached and end of terrace dwellings.*

Section 4.7 refers to Off-street Parking in Residential Areas. This includes regard to the need for permeable surfaces and notes: *Proposals for off street parking in existing front gardens in residential areas, therefore need to be balanced against loss of amenity (visual and physical) and communal spaces.*

Development Management Policy DM 10 refers to the criteria for drive-ins/front garden parking.

Section 8.6 provides Sightline Requirements in accordance with DMURS. Table 8.1 refers. This gives a requirement bases on category D – 50km/h Built Up Areas -70m.

Section 8.7 refers to Sightline Provisions for clear unobstructed sightlines.

Section 8.8 refers to DMURS

In urban areas inside the 60km/h urban speed limit, developers should also have regard to the best practice standards set out in the Design Manual for Urban Roads & Streets (DMURS) 2020.

Policy DM 47 refers.

Section 7.0 includes the Parking Standards – Table 7.1 refers.

5.3. Natural Heritage Designations

The Council have included a Habitats Directive Screening Assessment Report. This includes note of the following Natura 2000 sites:

- This site is 0.89km south of the Lower River Suir SAC (Site Code:002137 Version: 1.08);
- The site is 9.36km north of the Tramore Back Strand SPA (Code:004027 Version:1.02).

They also have regard to Fresh Water Pearl Mussel Catchment Area, Wetland areas and the tributary of the River Suir, all of which are located some distance from the subject site.

5.4. EIA Screening

Having regard to the nature and small scale of the proposed development, which consists of a single dwelling located in a fully serviced, urban area, and its proximity to the nearest sensitive location, 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

Peter Thompson Planning Solutions have submitted a First Party Appeal on behalf of the Applicant. They have regard to the Site Context, to Planning Policy, to the

Planning Authority Assessment and Decision to refuse. Their Grounds of Appeal include the following:

- The Council's F.I request sought sightlines at the entrance of the site in accordance with DMURS. They provide details of sightlines relative to the 49m visibility and include diagrams and aerial photo to demonstrate that this is available. They submit that is also relevant to the junction of the Cleaboy Road with Marian Park to the west of the site.
- They consider that the Council's Roads Section response from their Engineer is unclear in what it means. They provide that 'vehicle tracking software' was not requested and is not a standard means of demonstrating sufficient turning space within parking areas. The Tracking is more commonly used to demonstrate the manoeuvrability of service vehicles.
- They note Waterford City Development Plan Design Criteria for Parking and provide details of the parking bays and access to them, noting that this is a shared space to provide 4 parking spaces for the two houses, and will be an improvement on the existing arrangement.
- They submit that the proposed parking arrangement, complies with Development Plan Design criteria for parking.
- The proposed parking layout allows for manoeuvring into parking spaces and is safer than all but one parking arrangement that currently exists within the Marian Park houses fronting onto the Cleaboy Road.
- The exception is the parking layout associated with the detached house permitted under Reg.Ref.05500410 at no. 59A Marian Park, which is for one house only.
- They provide details of other such houses in proximity fronting onto Cleaboy Road and note that in many cases, including nos. 63 immediately adjacent they have to drive in and reverse out onto the Cleaboy Road.
- They contend that the proposed parking arrangement will improve road safety and create a safer off-street parking arrangement than exists at most other houses along this stretch of road.

- They have regard to Car Parking Standards and it is noted that the newly adopted Waterford City and County Development Plan was not then in place.

Conclusion

- They note that the P.A has no objection to the principle of a dwelling on the site and is of the view that the proposed two storey house in the proposed location is appropriate in design and will not adversely impact on the amenity of neighbouring property.
- The proposed access and parking comply with the DP Design Criteria for parking and the parking guidance provided in DMURS. They represent a net improvement in road safety at the site and the area generally.
- There is a precedent for this type of infill residential development on larger sites in the area and the proposal makes positive use of valuable development land within an inner-city residential area.
- If the Board considered one space per dwelling would be acceptable, in accordance with the Waterford City & County DP 2022-2028, a planning condition requiring a revised layout to be agreed with the P.A would be acceptable. They request the Board to grant permission.

7.0 Assessment

7.1. The main planning considerations relevant to this appeal case are:

- Residential Amenity
- Traffic and Car Parking
- Drainage Issues
- Appropriate Assessment

7.2. Residential Amenity

7.2.1. This proposal is for subdivision of the existing site (stated area as per the application form 0.0588m²) and the construction of a detached dwelling (112m²) in the side garden of no.44 Marian Pak, Waterford. This will necessitate the demolition of the

existing dilapidated detached garage (46m²) to the east side of the existing two storey semi-detached house (102m²).

- 7.2.2. The existing house is on a corner site and along with the adjoining semi no.45 is angled to face towards the corner at the junction with Marian Park and Cleaboy Road. There is a wide sweeping frontage to the site but the north facing rear garden of this plot tapers to a point. There is currently an entrance and drive with parking for 1 no. car and the garage onsite.
- 7.2.3. The design and layout of the dwelling as originally proposed was shown on the plans submitted. The outline of the east elevation shows the proposed 3 bed detached dwelling with a height up to 8m which would appear incongruous as half of a semi-detached pair and would provide a dominant side elevation to no. 63 Marian Park to the east. There is currently a high hedgerow along this boundary. The proposed dwelling would follow the building line setback of no. 63 Marian Park and face Cleaboy Road. It is proposed to share the vehicular entrance with that of the existing house no 44 Marian Park.
- 7.2.4. I would consider that the design of the dwelling as originally proposed would be out of character with the existing dwellings in the area and the streetscape and would impact adversely particularly on no.63 Marian Park. It would be overbearing for that property and would set an undesirable precedent and be contrary to the proper planning and sustainable development of the area.
- 7.2.5. It is noted that the Council's F.I request considered this dwelling abutting the shared boundary with no.63 Marian Park to the east would constitute an over-dominating presence in relation to the adjoining residential property which would seriously injure the amenities of property in the vicinity and the wider area. They requested that revised plans be submitted which setback the dwelling from the eastern boundary of the site (minimum 1m) and which provided a more uniform roof type. They also referred to the need to set the dwelling further back to allow for a minimum 3m distance to the public sewer line which runs to the rear of the site.
- 7.2.6. As part of the F.I response revised plans were submitted showing a revised house type and locating the proposed dwelling further back on the site. The Site Layout Plan shows that the proposed dwelling has been set back 1m off the eastern site boundary and setback to give a 3m separation distance to the existing sewer line in

the front garden area. This serves to move the proposed dwelling so it will be offset from the boundary with no. 63 Marian Park and less dominant for that property.

- 7.2.7. As shown on the elevations the roof profile has been revised to a double gabled pitched roof to match the existing houses of Marion Park. The elevations show the difference to the roof design outlined from that originally submitted and the reduction to 7m ridge height. The proposed 3 bed detached house (112m²) is shown more rectangular in shape. I would consider that the proposed redesign and set back to match the building line of no.63 Marian Park and houses to the east would not detract from the character of the streetscape.
- 7.2.8. The Private open space for Site A -Existing House and Site B – Proposed House is shown on the Plans as 90m² per house. This would comply with private open space requirements for houses in Volume 2 of the Waterford City and County Development Plan 2022-2028 which provides Development Management Standards. Table 3.2 – Minimum Private Open Space Requirements for Dwelling Units (60m² for a 3 bedroomed house).
- 7.2.9. I note that the existing dense hedgerow along the eastern site boundary will have to be removed to facilitate the proposed dwelling. However, the 1m separation distance and the redesign will be an improvement on that originally submitted and it is proposed to construct a 1.8m block wall along the eastern site boundary. As shown on the plans the first-floor windows are to be obscure glazed so overlooking will not be an issue. In addition, the proposed house will be set back 6m from the side elevation of no. 63 Marian Park. It is noted that no.63 Marian Park has a shed adjacent to the boundary. In view of the revised house type and set back from the boundary it is considered that the proposed new dwelling will not adversely impact on no.63 Marian Park.
- 7.2.10. It is noted that there is also a submission from no. 46 Marian Park, which is located to the northwest (rear) of the subject site, with access from Marian Park. The proposed revised house type will site the house closer to their rear boundary, however it is off set from this property and will be in excess of the 22m separation distance for first floor rear windows, which are not facing.
- 7.2.11. Having regard to the issues as outlined above, if the Board decides to permit, I would consider that the design and layout of the revised house type would be preferable

and have less of an impact on the character and amenities of the area and on adjoining properties than that originally submitted. I would recommend that it be conditioned that the first-floor side windows be obscure glazed and that 1.8m boundary walls be provided around the rear garden area.

7.3. Traffic and Car Parking

- 7.3.1. The vehicular entrance for no.44 Marian Park is from the Cleaboy Road and there is a short driveway to the garage, which is in poor condition. One car was parked on the driveway on the day of the site visit. The proposed onsite parking area for both properties will take up a considerable section of the front garden area. There is concern that the angle of the parking spaces proposed will result in difficult manoeuvring for both the existing and proposed dwelling when accessing the site from the single driveway to and from the Cleaboy Road. The entrance for no. 63 Marian Park is alongside to the east. The entrance to the adjoining no.45 is from Marian Park. Of issue is that this proposal would create an intensification of the existing albeit widened entrance to allow for further parking and manoeuvres to and from the subject site. It is noted that there is no on-street parking available and there are yellow lines parallel to the narrow footpath along this side of the Cleaboy Road. There are traffic lights to the east on Cleaboy Road.
- 7.3.2. The Council's reason for refusal is based on the issue of traffic hazard and has been noted above. As shown on the Site Layout Plan it is proposed to provide 4no. carparking spaces in the front garden area. The two on the western side of the drive are to serve the existing house and the two on the eastern side to serve the proposed dwelling. It is proposed to widen the existing driveway and to set back the carparking, which will result in a loss of the front garden area.
- 7.3.3. It is noted that the Council's Roads and Transportation Section comments to the original application were concerned that the carparking looked very intensive and they had concerns that 4 cars could take the corners in and out of the spaces allowing for the gates. They advised that internal car parking be reduced unless turning circles can be demonstrated. They also advised that sightlines be demonstrated.

- 7.3.4. While the First Party suggest that they would be willing to provide a reduction in onsite parking, it is of note that the site frontage is onto the busy Cleaboy Road which in this location has yellow lines, is a bus route and there is no scope for on street parking in front of the site. Table 7.1 of the current Waterford CCDP 2022-2028 provides the Car Parking Standards. This provides - 2 spaces for a 3 bed house. It includes: *Parking areas should be designed in accordance with Section 4.4.9 of the DMURS Guidelines. A mix of on-street and in-curtilage parking is encouraged in residential settings.*
- 7.3.5. The Council are concerned that the proposal would endanger public safety by reason of traffic hazard. They are concerned that there is inadequate visibility being available at the entrance onto the local road (Cleaboy Road L1508) to the junction with Marian Park (L90501). That the proposed development has failed to demonstrate that the required minimum sightline distances are achievable and that the proposal would be prejudicial to road safety.
- 7.3.6. As part of their F.I request the Council requested that a revised layout plan be submitted to demonstrate that there is sufficient space for 4no. cars to safely enter and exit the site and adequate space within the site for cars to turn within the site prior to exiting. They also advised that the revised site layout plan demonstrate sightlines at the entrance to the site in accordance with the Design Manual for Urban Roads and Streets (DMURS) based on the operating speed of the public road fronting the site (49m sightlines based on 50km/h operating speed of the road and on a bus route).
- 7.3.7. It is noted that the Planner's Report in response to the F.I submission, note that the District Roads Engineers concerns about traffic hazard regarding vehicular movements to and from the site and insufficient sightlines and the Council's reason for refusal is based on these issues.
- 7.3.8. The requirement of 49m visibility comes from Table 4.2 of DMURS which provides the SSD Standards. This allows for 'Forward Visibility on Bus Routes'. Regard is had to DMURS 2019 Paragraph 4.4.5 of DMURS refers to sightlines. This includes: *Visibility splays are included at junctions to provide sight lines along the intersected street to ensure that drivers have sufficient reaction time should a vehicle enter their path. Visibility splays are applied to priority junctions where drivers must use their*

own judgement as to when it is safe to enter the junction. Also referred to is Section 4.4.9 of DMURS 'On Street Parking and Loading'. This also seeks to support sustainable transport. In this case it is of note that on-street parking is neither available nor proposed.

- 7.3.9. The First Party refer to the guidance on parking provided in DMURS. The response on behalf of the Applicant notes that the revised Site Layout Plan has been prepared indicating adequate turning space for cars approaching from the east entering the site and cars approaching from the west and entering the site. They provide that all cars will have ample space to park, reverse within the site and exit the site forward facing for safest exit on to Cleaboy Road. They also include a 'Sightlines and Access' drawing indicating 49m sightlines from the entrance to the Cleaboy Road which they provide is as per DMURS. They provide this proposal represents an improvement in that the vehicles will be able to turn/manoeuvre on site, rather than reverse out onto the Cleaboy Road. That the proposed widened access to the parking area is safe and the visibility lines demonstrated are in compliance with DMURS in respect of entrances onto public roads which are on bus routes.
- 7.3.10. Having regard to all the issues raised, I note that the proposal is within an area where urban speed limits of 50 km/h apply. I would consider that as per the information provided in the F.I response and the First Party Appeal, it appears that the proposal would comply with current standards and with those referred to in DMURS 2019. I would therefore not consider that the proposal which provides sufficient onsite parking and a widened entrance to serve both the existing and proposed infill house should be refused on traffic and parking grounds.

7.4. Drainage issues

- 7.4.1. It is of note that Irish Water provided that their records indicate the presence of an existing wastewater sewer network traversing to the south of the proposed site. They advised that a minimum separation distance of 3m apply between any existing wastewater sewer network and the proposed development.
- 7.4.2. It is noted that in response to the Council's F.I request the revised Site Layout Plan shows a 3m wayleave for the main sewer is available to the front of the proposed dwelling in the carparking area at the site frontage. The First Party note that a raft

foundation is to be used for the dwelling, thus the front face of the dwelling will match the foundation edge. In addition, they provide that surface water soakaways will be used for roof water runoff from the dwelling. Permeable paving will be used for the parking court. A continuous linear drain is to be employed at the vehicular entrance to restrict storm water exiting the site to the public footpath. They note that a pre-connection enquiry was submitted to Irish Water and a confirmation of feasibility was received from them.

- 7.4.3. It is noted that the Planner's Report provides that they have consulted the Council's Water Services Section, who have indicated that they have no objection subject to conditions being attached to any grant of permission. If the Board decides to permit, I would recommend that appropriate drainage conditions be attached.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and small scale of the proposed development, which is for a single infill dwelling in an urban and serviced area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that this proposal be permitted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the provisions of the Waterford City and County Development Plan 2022 – 2028, and the zoning objective of the site (Existing Residential), which seeks to protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, or the amenities of property in the vicinity, and would provide an acceptable standard of amenity for future

residents. 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 16th day of December 2021 and by the further plans and particulars received by An Bord Pleanála on the 18th day of February, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The approved house shall not be occupied prior to completion of works associated with this permission, including the widening of the site access and driveway, provision of 4no. onsite parking spaces to be marked out, boundary treatments and underground services including surface water drainage. These works shall be carried out and completed to the written agreement of the planning authority.

Reason: In the interests of proper planning and sustainable development

3. (a) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) First floor windows in the eastern and western (side) elevations shall be obscure glass only.

Reason: In the interest of residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3

of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house hereby permitted, without a prior grant of planning permission.

Reason: In the interests of the residential amenities of the area.

5. Prior to the commencement of development, details of boundary treatment to include for the provision of a 1.8m capped and rendered block wall along the eastern, western and northern site boundaries shall be submitted for the written agreement of the planning authority.

Reason: In the interest of residential amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interests of orderly development and the visual amenities of the area.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. 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, traffic management and noise reduction measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Angela Brereton
Planning Inspector

29th of November 2022