



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313368-22

<b>Development</b>	Demolition of existing 2 storey dwelling and construction of 3 terraced dwellings.
<b>Location</b>	'The Stilt House', Ballymabin, Dunmore East, Co. Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	2252
<b>Applicant(s)</b>	Max Fezer
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Max Fezer
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> of June 2023
<b>Inspector</b>	Angela Brereton

## **1.0 Site Location and Description**

- 1.1. The application site (stated area 0.0814ha) is located on the western approach to Dunmore East to the southern side of the Waterford-Dunmore East (R684) within the 50kph speed limit. The house is accessed via a private shared access road off the R684 which also serves 5 other houses.
- 1.2. There is an existing 2 storey house (c.1960s) built on the site which it is sought to demolish to construct the proposed 3no. dwellings. The front garden area of the site is currently very overgrown.
- 1.3. There is an existing stream to the front of the site which is culverted in some locations along the road and open in others including at the application site.
- 1.4. There is a split-level house to the northwest and a two-storey extended house to the southeast. As noted on file, as shown on the Site Layout Plan, the latter is owned and occupied by the applicant.
- 1.5. There is a mix of houses in the area and there are houses at a significantly higher level to the rear of the site. This area is on the outskirts and a gateway to Dunmore East.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the following:
  - (a) The demolition of existing two storey dwelling,
  - (b) The subdivision of site and construction of 3no. terraced dwelling units consisting of 2no. split level two storey 3 bedroom units and 1no. two storey two bedroom unit and
  - (c) The forming of 1 no. new entrance together with all associated site works.
- 2.2. A Letter has been submitted from Halley Murphy & Associates Architects providing a description of the proposed development.
- 2.3. A Flood Risk Assessment by Frank Fox & Associates Civil & Structural Consulting Engineers has been submitted with the application.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On the 22<sup>nd</sup> of March 2022, Waterford City & County Council refused permission for the proposed development for 3no. reasons which in summary include the following:

- The proposal would result in an overdevelopment of the site, would be visually obtrusive and constitute an over-dominating/overbearing presence in relation to the adjoining residential property and would seriously injure the amenities of property in the vicinity.
- The site adjoins Flood Zones A and B as identified in the South Eastern CFRAM Study and includes culverting of a section of watercourse and the raising of levels along the bank of the water course. The flood risk has not been adequately assessed in accordance with 'The Planning System and Flood Risk Management, Guidelines' and would be contrary to Ministerial Guidelines.
- Having regard to the location adjoining the Regional Road on the approach to Dunmore East and owing to the restricted car parking area accessed directly from the Regional Road, it is the opinion of the Planning Authority that traffic movements arising from the proposed development would endanger public safety and constitute traffic hazard.

Note a copy of the Council's decision including the refusal reasons in full is on the planning file.

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

##### Planning Reports

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

- The principle of the proposed development would accord with the zoning objective for the area.

- The design and layout of the proposed development would constitute an over-dominant presence in relation to the adjoining residential property.
- It would fail to meet the private amenity standards as contained in the development plan.
- To accommodate the development, it is proposed to culvert a section of the watercourse to the roadside and raise levels along the watercourse bank.
- The Council's Road Section has reviewed the proposal and raised concern in relation to the culverting of the stream and access/parking.
- Having assessed the details provided with the application and having regard to the comments of the Roads Section of Waterford City & County Council they recommended refusal of planning permission for 3no. reasons.

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

#### Roads Section

They have concerns about the proposed location of new entrance onto the regional road and restricted internal parking area and flooding issues and these are noted in the Assessment below.

### 3.4. **Prescribed Bodies**

None noted.

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

The Planner's Report notes that no submissions were received.

## 4.0 **Planning History**

Reference is had to the Planner's Report which has regard to the Planning History and notes previous refusals (not recent) for dormer style dwellings on part of the subject site.

## 5.0 Policy Context

### 5.1. National and Regional Policy

- Project Ireland 2040: National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Southern Region, 2019
- Design Manual for Urban Roads and Streets, 2019 ('DMURS')
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009
- Urban Design Manual: A Best Practice Guide, 2009
- The Planning System and Flood Risk Management Guidelines 2009
- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007

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

The new Waterford City and County Development Plan was adopted on 7<sup>th</sup> June 2022 and took effect on 19<sup>th</sup> July 2022. The application was considered under the previous Waterford County Development Plan, which has now been superseded.

#### Volume one - Housing Policies and Objectives

Chapter 7 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.

A number of additional points 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.

This supports 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). ...*

Criteria include regard to: The overall character and scale of the settlement, Infrastructure capacity such as water/wastewater and surface water disposal available, areas susceptible to floodings, car parking, traffic safety and pedestrian movements, the protection of residential amenity of existing adjacent dwellings in the area etc.

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 8.9 to Hedgerow Protection – Policy DM 48 refers.

Section 7.0 includes the Parking Standards – Table 7.1 refers.

### **5.3. Natural Heritage Designations**

There are none proximate, the following Natura 2000 sites are within c.5kms of the subject site:

- 000764 Hook Head SAC, Co. Wexford.
- 002162 Special Area of Conservation: River Barrow and River Nore SAC.
- 004027 Tramore Back Strand SPA

### **5.4. EIA Screening**

Having regard to the nature and relative small scale of the proposed development, which comprises the demolition of an existing house and construction of 3 no. terraced houses, the nature of the receiving environment, and 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 Thomson Planning Solutions has submitted a First Party Appeal on behalf of the Applicant to the Council's reasons for refusal. The Grounds of Appeal include the following:

#### Residential

##### *Overdevelopment - Density*

- The Waterford County Development Plan 2011-2017 (as extended) supports the provision of new residential development under the Existing Residential (Medium Density) Zoning.
- Having regard to the Ministerial Guidelines 'Sustainable Residential Developments in Urban Areas' (DoEHLG 2009) they consider the proposed density to be acceptable.

##### *Private Open Space Standards*

- They refer to planning policies and guidelines and consider that the proposal will comply with current standards for higher density residential developments on zoned lands. They note that this proposal provides for rear garden areas of between 58sq.m and 77sq.m and that the site location is within walking distance of the town centre.

##### *Development Pattern*

- The houses in the vicinity of the site are of a mix of scales and design, including height, and there is no fixed building line.
- The proposed houses will be set back from the road by 7m, which is not dissimilar to the setback of other houses in the area.

- The proposed design and layout will not lead to overlooking and they note the screen landscaping in the area. They also refer to the contiguous elevation submitted.
- They consider it important to highlight that there were no submissions opposing the proposed development.

#### Flooding

- The application was accompanied by a Flood Impact Assessment (FRA) and reflected in this were proposals to culvert a section of the open stream to the front of the site and to provide for the new vehicular access.
- While as indicated on the OPW flood events, they note some past event flooding has occurred in this area of Dunmore East, they provide that flooding is not an issue at this site and they consider that the proposed development will not cause flooding.
- They have regard to the Council's engineer's reference to future development upstream (Reg.Ref. 20/146) for 9 houses at Knockacurran to the northwest. In this location surface water flooding can occur on the R684 from the flow of water along streams to the north of the road.
- They provide that the pipe diameter under the proposed access can be increased if considered prudent from a precautionary perspective and this could be dealt with by condition and agreed with the Council's Roads engineer in advance.
- They consider that the information submitted with the application including the research and findings in the FRA, confirms that the proposals do not pose a flood risk and that there was no substance to the grounds of refusal in this regard.

#### Parking/access and public transport

- They provide details of the parking and access arrangements proposed, noting one of the proposed dwellings is to access via the existing access to the lane and two from a new access from the R684.

- The proposed parking layout provides sufficient space for the vehicles to enter and exit in forward gears.
- They note that onsite parking will be in accordance with Development Plan standards.
- The need for parking is further reduced by the proximity of the site to a bus route to Waterford City. There is a bus stop outside the site and 200m to the southeast.
- The majority of properties along this stretch of road within the speed limit have individual accesses directly into this regional road.
- The restriction of accesses onto the regional road relates to the formation of accesses outside of the urban area and the 50kph speed limit and is therefore not applicable to this development.

## **6.2. Planning Authority Response**

None noted on file.

## **6.3. Observations**

None noted on file.

## **7.0 Assessment**

7.1.1. This is a First -Party Appeal against the Council's decision to refuse permission for the proposed development. Having regard to the documentation submitted, to planning history and policy, the issues raised in the First Party Grounds of Appeal, and to my site visit, I would consider that the issues primarily centre on:

- Policy Considerations
- Design and Layout
- Impact on the Character and Amenities of the Area
- Access and Parking
- Drainage/Flood Risk issues

- Appropriate Assessment

7.1.2. It is noted that this proposal was considered by the Council, under the Waterford County Development Plan 2011-2017 and that their Assessment and that of the First Party Grounds of Appeal, includes reference to a number of policies and objectives under this plan. This has now been superseded by the policies and objectives of the current Waterford City and County Development Plan 2022-2028, and those of relevance have been noted in the Policy Section above and further in the Assessment below.

## 7.2. Policy Considerations

- 7.2.1. Regard is had to national and regional planning policy documents, including the National Planning Framework (2018) (NPF) and Regional Spatial and Economic Strategy for the Southern Region (2019) (RSES). Policies and Objectives include, to make better use of under-utilised land and buildings, including infill, brownfield, and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport. The NPF specifically targets a greater proportion of future housing development to be within and close to the existing 'footprint' of built-up areas.
- 7.2.2. Note is also, had of the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (DoEHLG 2009). Section 5.9 (d)(i) has regard to Infill residential development and includes: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*
- 7.2.3. As shown on the Land Use Zoning Map of the Waterford City and County Development Plan 2022-2028, the site is located within the settlement boundary of Dunmore East. The zoning objective for the site is 'Existing Residential' which is to *'Provide for residential development and protect and improve residential amenity'*. It allows for infill residential development that reflects the established character of the area in which it is located. In addition, I note that there are local policies and objectives with the current Development Plan which support more compact forms of

residential development, particularly where sites are within a short walking distance of an existing urban settlement and public transport links.

- 7.2.4. While the principle of a residential development is acceptable on this site, in accordance with the land use zoning, the issue in this case is whether the Council's reasons for refusal can be overcome so that the proposal could be considered, to be in accordance with the proper planning and sustainable development of the area. These issues are discussed further in this Assessment below.

### **7.3. Design and Layout**

- 7.3.1. It is noted that the Council's first reason for refusal is concerned that the proposal would be an overdevelopment of the site, failure to meet minimum private open space standards, would be over-dominating/ overbearing, visually obtrusive and would be out of character with the existing pattern of development and seriously injure the amenities of property in the vicinity and the visual amenities of the area.
- 7.3.2. This application proposes the demolition of the existing two storey house (c. 107sq.m), built in the 1960's on this site. The design of the house is not of any particular merit and it does not appear in good condition. I would have no objection to its demolition, and to the sustainable redevelopment of the site.
- 7.3.3. The First Party provides that the design proposes 3 contemporary terraced dwelling units carefully designed to navigate the sloping site and minimise visual impact. That the contiguous elevation submitted in support of the application demonstrates the scale and relationship of the proposals to neighbouring properties and confirms that the proposals will not be out of scale or character with the streetscape.
- 7.3.4. The application form provides that the area of the site, to which this development relates is 0.0814ha. As shown on the Site Layout Plan it is proposed to sub-divide the site to provide 3no. terraced houses. These are in the form of a terraced block and are shown as house types 'A' and 'B' and (as noted on the application form) are to provide a total floor area of 331.6sq.m within the overall terraced block. Regard is had on the drawings submitted to the design concept for these two storey units and noting the differences in roof heights and pitches, and to the palette of external finishes proposed. Note is had of the Contiguous Elevation which shows the front elevation of the block – Drawing No. PL07 illustrates the proposed within this

context, with the ridge heights of adjacent dwellings along the laneway to the North East indicated.

- 7.3.5. House Type A are to be 120.8sq.m (x 2). They are shown as 3 bedroom similar type adjoining units within the block. The proposed design is split level and shows a maximum ridge height of 9.34m - Drawing No. PL04 refers.
- 7.3.6. Type B is to be 2 bedroom and shown as 90sq.m. which is to be a smaller scale property adjoining to the north. The proposed design shows a lower ridge height – Drawing No. PL03 refers. As shown on section B-B (Drawing No. PL05) there is an element of cut and fill involved as this is a sloping site.
- 7.3.7. The Floor Plans provide the room dimensions, and it is noted that these comply with the 'Quality Housing for Sustainable Communities Guidelines' DCHLG (2007). Table 5.1 of these guidelines provide 'Space provision and room sizes for typical dwellings'.
- 7.3.8. It is proposed to use the existing access from the private road for house type 'B' and to provide a new access for the other two houses proposed onto the R684. Issues relating to the access and parking are discussed further below. It is proposed to connect to existing services.

#### Private Open Space

- 7.3.9. Section 3.4.2 of Volume 2 of the Waterford CDP 2022-2028 provides the 'General Residential Development Design Standards'. Table 3.1 includes regard to Private Open Space and includes: *All houses should have an area of private open space of a suitable gradient, exclusive of car parking, to the rear of the building line. The minimum area of private open space to be provided shall be in accordance with Table 2 for all new residential units.* Table 3.2 refers to minimum private open space and notes that for House Type/No. of bedrooms that for 1-2 bedrooms this should be 50sq.m and for 3 bedrooms this should be 60sq.m.
- 7.3.10. The rear garden areas are shown on the Site Layout Plan as 77sq.m, 60sq.m for the three bedroom type 'A' houses and 58sq.m. for the more northerly 2 bedroom house type 'B'. This would appear to comply with the minimum standards for private open space in the current CDP. However, it is noted that the site is elevated above the road, and the private open space, in the rear garden areas are within the more

elevated part of the site and would be at a higher level (noting those for house types 'A' will have decked and terraced areas to the rear and be accessed by steps). So, there may be issues for future occupants, regarding the gradient/usability of these garden areas, which would appear crammed into the rear of the site.

#### **7.4. Impact on the Character and Amenities of the Area**

- 7.4.1. As shown on the Site Layout Plan, the proposed block of terraced housing is shown to adjoin the southeastern site boundary. It is shown set further forward (c. 7m front the front boundary) than the siting of the existing house (to be demolished) which is also adjacent to the southern boundary. Therefore, while the concept of being adjacent to the boundary has been previously established, this proposal is forward sited. The Site Layout Plan also shows that the 'applicant's residence' is adjacent to the southern corner of the site.
- 7.4.2. However, I would consider that as this is now a new build that it should be an opportunity to enhance the character of the site and the proposed development, allow for boundary treatment and landscaping and should not adjoin the site boundary. Rather it should be set back a minimum of 2.2m in accordance with Table 3.1 'General Standards for New Residential Development in Urban Areas'. i.e: *A minimum of 2.2 meters shall be provided between the side walls of detached, semi-detached and end of terrace dwellings to ensure privacy and ease of access.* Such a separation distance would allow for ease of access and would prevent encroachment issues, along the boundary from the new build. It would also allow for the construction of a 1.8m block wall/landscaping along the southeastern site boundary.
- 7.4.3. Having regard to the plans showing the existing and proposed dwellings, I would have some concerns as the suitability of the proposed development for the subject site. It is noted that the height of the existing house as shown on the Site Sections is 6.5m. The height of the proposed side elevation of house type 'A' adjoining the boundary is shown as 9.34m which is almost 3m higher than that of the existing house, albeit the latter is set back on a higher level. While as shown on the elevations, including the contiguous elevation, there is some variation in the ridge heights of the proposed more contemporary terraced block, I would be concerned that in view of its height, scale and massing and the elevated nature of the site, that

the visual impact of the overall terraced block would appear overly dominant in the landscape and the streetscape.

- 7.4.4. Visually it would introduce a new concept for a more cramped form of development, and the block would appear prominent when seen from this regional route on the outskirts and entrance to Dunmore East. It would not be in character with the pattern of development for lower profile dwellings on larger sites in the area. The significantly smaller plot sizes for the 3no. terraced units, are more urban in scale and would not reflect the pattern of development in the area, where the houses are on more spacious sites with larger rear garden areas. In this respect it maybe that two houses could be accommodated more readily on this site. However, this is not the subject of the current application.
- 7.4.5. Reference is also had to Section 7.8 and Policy H20 of Volume 1 of the current CDP, which relates to 'Protection of Existing Residential Amenity Policy Objectives i.e:  
*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.*
- 7.4.6. The impact on sunlight and daylight has not been referred to as an issue, and it is noted that the proposed development is to the north of the neighbouring dwelling to the southeast, described in the Site Layout Plan as 'applicant's residence'. However, it will appear more dominant and overbearing for that property in view of its height, overall scale and massing, and forward siting adjoining the boundary.
- 7.4.7. As has been noted in the Policy Considerations Section above, Section 5.9 (d)(i) of the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (DoEHLG 2009) also has regard to the suitability of infill development on smaller sites, having regard to the amenities of adjoining property, the pattern of development and character of the area.
- 7.4.8. Having regard to all the issues, I would consider that the proposal would result in an overdevelopment of this site, would be visually obtrusive and would not be in accordance with Section 7.8 and Policy H20 of Volume One, of the Waterford City and County Development 2022-2028 or to the concept of infill development as noted



in Section 5.9 of the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (DoEHLG 2009).

## **7.5. Access and Roads issues**

- 7.5.1. It is noted that the Council's third reason for refusal relates to the proposed new entrance onto the Regional Road and to concerns regarding public safety and traffic hazard. Regard is had to these access and roads related issues, including planning policy and guidelines in this Assessment below.
- 7.5.2. Section 5.10 of the Waterford City and County Development Plan 2022-2028 refers to the functionality of Regional and Local roads and notes that they provide significant links between towns and villages as well as an important social and economic function for local economic activity. Regional roads are defined as Link Roads and Local Roads are defined as local streets in DMURS in urban areas. Table 5.6 refers to 'Strategic Regional Roads', which includes the R684 'Waterford to Dunmore East'. As shown on the Land Use Zoning Map the Transport Objectives provide for a 'Proposed Local Secondary Road' in this location. Therefore, this is considered a significant regional road. Objective Trans 45 seeks to: *Protect strategic regional roads listed in Table 5.6 against development where a maximum speed limit applies, except in exceptional circumstances, in order to protect the carrying capacity and safety of such roads.*
- 7.5.3. As noted in NGS Circular 1 of 2022: 'The Design Manual for Urban Roads and Streets (DMURS)' is the principal design manual for urban roads and streets and is mandatory when providing new or modifying existing urban roads and streets within the 60 km/h urban speed limit zone except for: - Motorways, In exceptional circumstances, on certain urban roads and streets where the written consent of the relevant Approving Authority has been obtained.'
- 7.5.4. The site is currently accessed via a private road, which services 5no. houses plus the existing house off the R684 Regional Road, where the 50km/h speed limit applies. As provided by the First Party, and shown on the Site Layout Plan, one of the 3no. proposed dwellings is to be accessed off the existing access road serving the existing house (house type 'B'). The two remaining houses i.e. house types 'A' are to be accessed via a new entrance directly into the R684. Two parking spaces

are proposed for each house and it is submitted that there is ample turning space to permit vehicles to enter and exit in forward gears. It is noted that the parking spaces are to be provided adjacent to the proposed entrance for house types 'A'.

- 7.5.5. Section 7.0 of the current CDP 2022-2028, provides the Parking Standards. Table 7.1 notes that for a 1-2 bedroom house 1 space and for a 3 bed + house, 2 spaces are required i.e a minimum of 5no. spaces. As on-street parking is not available on the access or regional road, I would recommend that as shown on the Site Layout Plan that 2no. spaces be provided for house type 'B', therefore 6no. spaces would be required, in lieu of 2no. spaces currently required to serve the single dwelling.
- 7.5.6. The Site Layout Plan shows the 2no. car parking spaces for each house type 'A' on either side of the drive over the culverted stream and in proximity to the road frontage of the public road. It is noted that there is an existing part culverted stream along the frontage of the site, which is to be retained. It is proposed as part of the site works to extend this culvert in order to facilitate the new vehicular entrance. In this regard, a Flood Risk Assessment has been prepared by Consulting Engineer's Frank Fox and Associates. It is submitted that all site works will be undertaken in consultation with and to the satisfaction of the District Engineer.
- 7.5.7. The Council's Roads Section have concerns about the proposed location of new entrance onto the regional road and restricted internal parking area. They note that there is no footpath on this side of the road, but that there is a new footpath on the opposite side of the road.
- 7.5.8. It is submitted that as shown on the Site Layout Plan that sightlines of 70m in each direction can be achieved. Regard is had to Table 8.1 of Section 8.6 of Volume 2 of the current CDP which provides minimum Sightline requirements – 70m for 50km/h built up areas. The information submitted also provides that the Applicant owns and resides at the adjoining property southeast of the application site at 'Fern Lodge' and is agreeable to undertake any setting back that maybe required to facilitate sightlines in this direction to the satisfaction of the District Engineer. I note the need to achieve adequate sightlines from the proposed new entrance to serve two no. additional houses, noting that there are some bends on this section of this approach road. This road serves the seaside town of Dunmore East and is despite the urban speed limit, a fast busy section of the R684. It is noted that there is a single white line along the

centre of the R684 in front of the site. In addition, it appears that the achievement of sightlines, will involve some roadside hedge removal including along the road frontage of the adjoining property to the southeast.

- 7.5.9. Rather than create a new access for this site onto the R684, to serve the proposed additional residential units on this site, I would consider that it would be preferable to use the existing access onto the private road. However, this would have to be improved and upgraded. I would be concerned that the traffic resultant for the current proposal (3no. units) would along with other residential currently using this lane, result in congestion on this narrow steep gradient access road. I would consider that it has not been demonstrated that traffic movements arising from the proposed development would not endanger public safety and as such would constitute a traffic hazard.

#### **7.6. Drainage and Flooding issues**

- 7.6.1. Details submitted with the application provide that there are existing mains foul and water connections in place serving the site. That all surface water will be dealt with on site by suitably sized soakaways. The location of proposed soakpits in permeable driveways is indicated on the Site Layout Plan.

##### Flood Risk Assessment

- 7.6.2. It is submitted that a Flood Risk Assessment has been prepared by Consulting Engineer's Frank Fox and Associates to demonstrate that there is no flood risk at the applicant's site and that it is suitable for development. That regard has been had to compliance with 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DEHLG, 2009).
- 7.6.3. The FRA refers to the site context (it includes figures and photographs) and notes that the development is to be constructed >2.0m above the adjacent street. The site is located adjacent to the R684 (along the site frontage to the north) and is an elevated site rising above the level of the road, bound by a stream to the north and an access lane to the south and west. The stream is currently culverted in part above the development and it is proposed to extend the culvert under the proposed carpark adjacent to the proposed dwellings.

- 7.6.4. Regard is had to Flood Risk Identification and to Past Flood Events. They note that the OPW host a national flood hazard mapping database which highlights areas at risk of flooding though none are within the site boundary. That none of the flooding locations found would have impacted on the proposed site.
- 7.6.5. That the CFRAM mapping are detailed hydraulic flood maps for the 10%, 1% and 0.1% fluvial-tidal flood events. The modelled flood extents for the site and surrounding area are shown in Figure 2.2.1. No flood levels either for the fluvial or tidal events are provided in the CFRAM outputs in the vicinity of the site. That no flooding is indicated for a High Probability flood event. That the CRAM output indicated a Medium Probability flood events have approx. a 1-in-a 100 year chance of occurring or being exceeded in any given year. This is also referred to as an Annual Exceedance Probability (AEP) of 1%. They note that the current 1% Fluvial AEP Flood Map shows a possible 0 – 0.25m flood risk highlighted outside of the northern site boundary.
- 7.6.6. The FRA provides that the site is accessed from the public road at a level of approx. 18.8mOD, with the proposed lowest finish floor level (FFL) for the house of 18.5.0mOD. The adjacent stream over the length of the house varies from approx. 16.6 – 16.0mOD, a typical section through the proposed dwelling is indicated on Figure 3.1.
- 7.6.7. The FRA concludes that from reviewing the available sources of flooding information outlined in Section 2, there is no identified fluvial and tidal flooding across the site. That this is based on predictive mapping and historical flood information. That therefore specific mitigation measures are not required to minimise the possibility of flood risk to the proposed development and that the house proposed is suitable for development at the proposed level.

#### Other issues - Watercourse

- 7.6.8. The Council's Road Section have commented that the piping of the stream may restrict the flow and on the proximity of R684 which is prone to flooding. That future development upstream will put extra pressure on the stream and that inland fisheries may need to be made aware of this. That it does not appear that the latter have been consulted.

- 7.6.9. The Planner's Report, notes that there is an existing watercourse to the north of the site bounding the regional road. A section of the site is identified within Flood Zones A and B as per the 2013 OPW mapping and the lands bounding the site to the north are identified within zones A and B as per the CFRAM Study. They are concerned that the FRA submitted does not address the culverting of the stream and the raising of levels along the banks of the watercourse. The water course is culverting to the west (upstream), details are not provided in relation to the sizing relative to the existing or the infill in lands and loss of capacity in the event there is a blockage downstream and the watercourse backs up.
- 7.6.10. The First Party Appeal notes the comments of the Council's Road Design Section and provide that the FRA took into account the culverting under the access and there are no proposals to raise the banks of the existing stream. That the stream has no history of flooding and there are no identified capacity issues. It is noted that Drawing No. PL06 shows the section to culvert the stream. They propose that the pipe diameter under the proposed access can be increased if considered prudent from a precautionary principle. They provide that the FRA concludes that from reviewing the available sources of flooding information, including predictive mapping and historic flood information, there is no identified fluvial or tidal flooding across the site, that mitigation is not required to minimise the possibility of flood risk and the housing is at a suitable level.

#### Conclusion

- 7.6.11. While the information submitted has been noted, having regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DEHLG, 2009)', I would consider that there is a lack of detail submitted in the FRA. Note is had of the proximity of the site frontage/stream to flood zones A and B, and the lack of a Justification Test carried out relative to a highly vulnerable development, as per Table 3.2 and Box 5.1 of the said Guidelines. This would also relate to any potential impact from the proposed development on flooding on the public road in front of the site, which as shown on the Zoning and Flood Mapping in Volume 4 of the Waterford City and County DP 2022-2028, is within Flood Zone A. I am not convinced that it has been demonstrated that the proposed development and in particular the culverting of the stream which is proximate to the site frontage and the R684, would not result in flooding either relative to the site frontage or in the local area. Therefore,

I would not consider that the Council's reason for refusal relative to the flooding issue, has been overcome.

## **7.7. Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of the proposed development located within an existing serviced urban area, and the distance from the nearest European site, no Appropriate Assessment issues arise, and 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 permission for the proposed development be refused for the Reasons and Considerations below.

## **9.0 Reasons and Considerations**

1. The design, height and massing of the proposed development on this elevated site and proximity to the southeastern site boundary, would result in an overly dominant development, that would appear crammed into the site and visually prominent in the landscape, and would not be in character with the pattern of development in the area, and as seen from this approach road to Dunmore East. As such it would be contrary to Section 7.8 and Objective H20 (Protection of Existing Residential Amenity) of Volume one of the Waterford City and County Development Plan 2022-2028 and Section 5.9(d)(i) relative to infill development, of the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (DoEHLG 2009).
2. The proposed development would result in an increase in traffic movements to and from the site and provide for a new separate entrance onto the regional road. It has not been demonstrated in the documentation submitted to the satisfaction of the Board, that the existing entrance from the private access road could not be upgraded and utilised to provide a more suitable entrance

for the redevelopment of the site. Also, that the additional traffic and turning movements generated by the proposed entrance at this location on the Regional Road – R684 on the outskirts of the town of Dunmore East would not constitute a traffic hazard. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site, and to the section of the stream to be culverted to facilitate access and parking for the proposed development, inside the front boundary and the proximity to Flood Zones A and B along the frontage to the R684 (Regional Road), the Board is not satisfied that it has been demonstrated that the proposal would be in accordance with the provisions of The Planning System and Flood Risk Management Guidelines issued by the Department of Environment, Heritage and Local Government/Office of Public Works in 2009. On the basis of the submissions made in connection with the planning application and the appeal and despite the Site Specific Flood Risk Assessment, the Board concluded that in the absence of a Justification Test as set out in Box 5.1 of the said Guidelines, that it cannot be concluded that the proposed development would not constitute an unacceptable risk of flooding, that it would conflict with the Ministerial Guidelines and would therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Angela Brereton  
Planning Inspector

4<sup>th</sup> of July 2023