



An
Bord
Pleanála

Inspector's Report

ABP-313465-22

Development

Development at this site (a protected structure) which consists of the removal of part of a railing and low wall on the Newtown Road Boundary, and the relocation of part of the railing and low wall within the site, to accommodate off-street parking for 2 no. cars and all associated site works

Location

Fairview (House), 19 Newtown Road, Waterford

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

22104

Applicant(s)

Sinead and Guy Palmer

Type of Application

Retention Permission

Planning Authority Decision

Refuse Retention Permission

Type of Appeal

First Party

Appellant(s)

Sinead and Guy Palmer

Observer(s)

None on file

Date of Site Inspection

29th September 2023

Inspector

Sarah Moran

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1.0 Site Location and Description

- 1.1. The development site is an existing three storey house at Newtown Road, Waterford City, known as Fairview House. The house is listed as a protected structure under the current development plan, ref. RPS no. WA730327. It is set back from the road frontage and only part of the original front boundary remains. There is an existing single storey structure to the front of the house, which has access to the road. There is a large garden to the rear of the house.
- 1.2. The house is listed on the National Inventory of Architectural Heritage (NIAH), ref. no. 22830012, which rates it as of regional importance. The NIAH provides the following description of the site:

Attached three-bay three-storey house, c.1830, originally detached retaining original fenestration with single-bay three-storey projecting entrance bay to centre, and originally with elliptical-headed carriageway to right ground floor. Renovated, c.1880, with carriageway remodelled. Pitched slate roof (hipped to entrance bay) with clay ridge tiles, rendered chimney stacks, and cast-iron rainwater goods on rendered eaves. Unpainted rendered, ruled and lined walls with rendered quoins. Square-headed window openings with stone sills. 3/6 and 6/6 timber sash windows. Round-headed door opening with rendered surround, timber doorcase having consoles, timber panelled door, and decorative fanlight with moulded rendered archivolt having keystone. Elliptical-headed carriageway remodelled, c.1880, with timber casement window inserted (in tripartite arrangement). Set back from line of road with forecourt having unpainted rendered boundary wall with sections of iron railings over having decorative finials, and rendered panelled piers with iron gate. (ii) Attached three-bay single-storey coach house with dormer attic, c.1880, to north-west (set perpendicular to house). Renovated, pre-1999. Lean-to slate roof (gabled to dormer attic windows) with clay ridge tiles, square rooflight, decorative timber bargeboards, and replacement uPVC rainwater goods, pre-1999. Unpainted replacement rendered walls, pre-1999. Square-headed window openings to dormer attic with timber casement windows having stained glass lights. Square-headed carriageway with timber boarded double doors.

The NIAH record also provides the following appraisal of the site:

A fine, well-proportioned late Georgian house that has been well maintained to present an early aspect, retaining its original form and massing, together with important salient features and materials. The house is distinguished in the streetscape by the projecting entrance bay incorporating an appealing doorcase, together with the window opening fashioned from a former carriageway. The survival of an attendant coach house to the grounds contributes significantly to the historic character of the site.

2.0 Proposed Development

- 2.1. Permission is sought to retain works to the front of the house comprising the removal of part of the railing and low wall at the site frontage to Newtown Road, to accommodate off-street parking for two no. cars and all associated site works. The application is accompanied by two letters from neighbouring residents in support of the works it is proposed to retain.

3.0 Planning Authority Decision

3.1. Decision to Refuse Permission

- 3.1.1. The planning authority issued a notification of a decision to refuse permission on 7th April 2022, for the following stated reasons:
- 1. It is the policy of the Planning Authority as expressed in POL10.2.3 of the Waterford City Development Plan 2013-2019 (as extended and varied) 'To protect the structure included in the Record of Protected Structures their curtilage and setting from any works that would result in the loss or damage of their special character'. Having regard to the sites location within the curtilage of a Protected Structure and the nature of the development to be retained it is the opinion of the Planning Authority that the development detracts from the setting of the Protected Structure, sets an unwelcome precedent for similar type of inappropriate development and would be contrary to the built heritage policies and objectives of the Waterford City Development Plan 2013-2019 (as extended and varied) and would therefore be contrary to the proper planning and development of the area.*

2. *The development proposed for retention would endanger public safety by reason of traffic hazard due to the inadequate space for turning movements within the site which may result in vehicles reversing onto the Newtown Road (Regional Road R683). Thus the proposed development would be contrary to the proper planning and sustainable development of the area.*

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- Report of Executive Planner, 5th April 2022. Recommends refusal of retention.
- Habitats Directive Screening Assessment (appendix to planning report). No likelihood of significant effects on Natura Sites.

3.2.2. Other Technical Reports

None on file.

3.3. **Prescribed Bodies**

- 3.3.1. None on file.

3.4. **Third Party Observations**

- 3.4.1. There is one third party submission on file, which objects to the development on grounds relating to adverse impacts on the character of the building as part of the built heritage of Waterford and seeks the reinstatement of the original front wall and railings.

4.0 **Planning History**

4.1. **Ref. Ref. 19/474 ABP-305834-19**

- 4.1.1. Permission sought by the current applicants/appellants for development consisting of change of use of an existing domestic garage and utility room to a yoga studio and meeting area, alterations to facades, internal modifications, and all associated ancillary works. Permission was granted by the planning authority and by the Board on appeal. The Board granted permission on 19th February 2020 on foot of a third

party appeal, subject to six no. conditions, none of which involved any significant changes to the proposed development.

5.0 Policy Context

5.1. Waterford City Development Plan 2013-2019 (as extended)

5.1.1. The previous Waterford City Development Plan was in effect when the subject application was lodged with WCCC on 15th February 2022 and when the subject decision was issued by WCCC on 7th April 2022.

5.1.2. The development site has the zoning objective 'developed residential' under the 2013 development plan.

5.1.3. No. 19 Newtown Road is listed as no. 327 on the development plan Record of Protected Structures. Development plan Chapter 10 provides policy on heritage, including the following:

To promote the protection of the architectural heritage of the City through the identification of structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, by the inclusion of such structures on the RPS and by taking such steps as are necessary to ensure the protection of those structures. (POL 10.2.1)

To protect the structures included on the Record of Protected Structures their curtilage and setting from any works that would result in the loss or damage to their special character. (POL 10.2.3)

In considering development which may have a significant impact on the architectural heritage to require the preparation and submission of an architectural heritage impact assessment detailing the potential impact of the development on the architectural heritage. The report shall be compiled generally in accordance with the details set out in Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities, Department of the Environment, Heritage & Local Government, 2004. (OBJ 10.2.5)

5.1.4. The development management standards provided in development plan Chapter 13 provide general guidance on the design and layout of car parking areas but do not

specifically refer to the creation of off street parking within the curtilage of a dwelling or a protected structure.

5.2. Waterford City and County Development Plan 2022-2028

- 5.2.1. The new Waterford City and County Development 2022-2028, which replaces the previous City Development Plan, was adopted by the Elected Members of Waterford City and County Council on 7th June 2022 and came into effect on 19th July 2022.
- 5.2.2. The development site is zoned Existing Residential under the new plan with the stated objective to provide for residential development and protect and improve residential amenity.
- 5.2.3. No 19 Newtown Road is listed on the new Record of Protected Structures, ref. no. WA730327. Development plan section 11.2 provides general policy objectives on protected structures. The following policy applies:

BH 02 Supporting our Built Heritage Assets

It is the policy of the Council:

- *To promote the sustainable reuse of protected structures for any such purpose compatible with the character of the structure. The Planning Authority may, where considered appropriate, relax use zoning and other site development restrictions and may grant exemption from or reduce the amounts of development contributions payable in order to secure the protection and conservation of protected structures or historic structures within ACAs and by way of reduction of development levies for improvements to Protected Structures. These restrictions may be relaxed and development contributions reduced or exempted where the protected structure will be rehabilitated to a high standard, where the special interest, character and setting of the building is protected and where the proposed use and development is consistent with conservation policies and the proper planning and sustainable development of the area. In such cases the proposed development shall be open for consideration notwithstanding the current zoning objective for the site and therefore shall be considered as not materially contravening the Development Plan.*

- *To administer incentives for the protection of the architectural heritage of the City and County through administration of the Built Heritage funding schemes or similar Department of Housing Local Government and Heritage funding schemes.*
- *To advise with regard to best conservation practice as per Architectural Heritage Protection Guidelines for Planning Authorities 2011 available on the Councils Website and Department of Housing Local Government and Heritage Advice Series.*

5.2.4. Section 4.7 of development plan Volume 2 Development Management Standards provides specific guidance on off-street parking in residential areas and states:

The cumulative effect of removal of front garden walls and railings can damage the appearance of suburban streets and roads, and contribute to an overall reduction in permeable surfaces vital to flood relief, and the introduction of multiple vehicular accesses reduces the level of communal on street parking. 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.

The removal of front garden walls, pillars, gates, piers, and railings will not generally be permitted where such removal will have a negative visual impact on the character of the streetscape, or reduce the level of communal parking to an unacceptable degree. In particular, these works will generally not be permitted in Architectural Conservation Areas, areas of architectural, historic character, within the curtilage of a protected structure and well-established housing estates.

Development plan Objective DM 10 applies:

Where permitted, drive-ins/ front garden parking provision should generally:

- *Not have outward opening gates;*
- *Have a vehicular entrance not wider than 3 metres, or 50% of the width of the front boundary, whichever is the lesser;*
- *Have an area of hard standing (parking space of 2.5 m x 5 m) and be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public footpath or road;*
- *Retain the balance as garden;*

- *In the case of established housing developments any replacement of front walls should match the existing material and design elements of neighbouring or adjacent properties within that particular housing development, such as piers, railing, stone/brick/render detailing etc.;*
- *Have gates, walls, pillars and railings made good, and;*
- *Permeable paving should be used in the interests of sustainable drainage.*

5.3. **Waterford Metropolitan Area Transport Strategy (WMATS)**

- 5.3.1. Newtown Road is identified as a primary route on the proposed Waterford Cycling Network and is also to be used by multiple bus routes under the WMATS.

5.4. **Natural Heritage Designations**

- 5.4.1. The following distances to designated sites are noted, having regard to the WCCC Habitats Directive Screening Assessment on file:

- 0.19 km southwest of the Lower River Suir SAC (002137)
- 9.27 km north of the Tramore Back Strand SPA (004027)
- 13.27 km east of the Clodagh (Portlaw) Fresh Water Pearl Mussel Catchment Area
- 4.05 km north west of the Hedgerows – W1 Wetlands Area

5.5. **EIA Screening**

- 5.5.1. Having regard to the nature of the development, works within the curtilage of an existing house in a built up area, it is considered that there is no real likelihood of significant effects on the environment arising from the development it is proposed to retain. The need for an environmental impact assessment can, therefore be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of First Party Appeal

6.1.1. The grounds of appeal may be summarised as follows:

- The decision to refuse permission was made without formal input from the WCCC Conservation Officer or Heritage Officer, both of whom were consulted.
- The planning report refers to the Council greenway at the site road frontage. There is a conflict between cyclists and on-street parking at the route. The development to be retained removes this conflict.
- The previous arrangement of the site provided off-street parking for one car within the existing coach house, with no space for turning movements within the site. This is the case for the new access also, and for parking bays at many locations within the city. The on-street space at the site is rarely used due to the availability of off-street parking. It provides safe drop-off space for visitors/ services and therefore prevents traffic congestion on the main carriageway and parking congestion for neighbours.
- The applicants require a charging point for their electric car, which cannot safely be facilitated with on-street parking. They have no objection to a temporary planning permission pending the future provision of charging stations on the street, e.g. a five year permission, subject to future review.
- There are six large schools within 300m, which generates a high volume of traffic in the area. It is unsafe for the applicants' young children to enter/exit cars on the road due to this traffic.
- The room to the right of the hall door was used as a stable prior to 1940 and the horse trap was kept in the garage to the left of the building. To the applicants' knowledge, the front wall and railing date to the 1940s and are not an original feature.
- It would be possible to erect an electric sliding gate similar to no. 21 Johns Hill (photograph of same submitted) in order to preserve the character of the site.

- The appeal includes photographs of various historic buildings in Waterford city, which have installed parking to the front. It is submitted that these demonstrate precedence for the type of parking arrangement to be retained.

6.2. **Planning Authority Response**

6.2.1. None on file.

6.3. **Observations**

6.3.1. None on file.

6.4. **Further Responses**

6.4.1. None on file.

7.0 **Assessment**

7.1. I have read through the file documentation and the relevant provisions of both the Waterford City Development Plan 2013-2019 (as extended), which was in force when the subject application was lodged with Waterford City and County Council (WCCC) on 15th February 2022 and when the subject decision was issued by WCCC on 7th April 2022 and the new Waterford City and County Development Plan 2022-2028, which came into effect on 19th July 2022. I have also carried out a site inspection. I consider that the main issues are those raised in the grounds of appeal. Overall, I am satisfied that no other substantive issues arise. The relevant issues can be dealt with under the following headings:

- Impacts on the Setting of the Protected Structure
- Roads and Traffic Issues
- Appropriate Assessment

These issues may be considered separately as follows.

7.2. **Impacts on the Setting of the Protected Structure**

7.2.1. The development is listed as a protected structure under both the current and previous development plans, ref. no. WA730327. The following assessment has had

regard to current development plan policy on protected structures, in particular Policy BH02 and guidance on off-street parking in urban areas as per section 4.7 of development plan Volume 2, also national planning policy on protected structure as per the section 28 Architectural Heritage Protection Guidelines for Planning Authorities, as well as the documentation on file and the site inspection.

- 7.2.2. The works carried out at the protected structure involve the removal of the area of low wall and railing to the south of the pedestrian gate at the front of the site, the subdivision of the front garden with the insertion of a new wall and railing and the creation of a gravelled area to provide two no. car parking spaces. The application on file does not include any details of the methodology used or of the history of the protected structure. The development site is not in an Architectural Conservation Area but is situated in a historic part of Waterford City and is within a row of protected structures. I noted at site inspection that the adjacent protected structures along Newtown Road generally have retained their front curtilages intact and therefore include front walls and railings, which form an important element of both their individual curtilages and the historic streetscape at this location.
- 7.2.3. The documentation on file does not include any technical report from the WCCC Conservation Officer or Heritage Officer. However, the WCCC planning report on file, dated 5th April 2022, states that the planner discussed the development with the WCCC Conservation Officer, who recommends refusal due to the nature and location of the development and as it is considered that the development would detract from the setting of the protected structure and would set an undesirable precedent for similar type development.
- 7.2.4. I note the following from section 13.7 of the Architectural Heritage Protection Guidelines, in addition to the relevant development plan policies BH02 and DM 10 as cited above:
- 13.7.7 The loss of garden may seriously affect the setting and character of a protected structure or of an ACA. Careful consideration should be given to the location of the car park to avoid damage to the character of the structure or its attendant grounds. The demolition of garden walls and the combining of two or more areas of garden to provide carparking within an urban area should generally be avoided.*

13.7.8 Where it is necessary to provide car parking, efforts should be made to minimise its impact by careful design and use of materials. The associated alteration of boundary features should not be permitted unless the changes are considered not to be damaging to the character of a protected structure or of an ACA and would not result in inappropriate cumulative changes.

The above guidance and the development plan policies do not preclude the provision of a car parking area to the front of a protected structure. I note the photographic examples submitted by the applicant, which indicate the provision of car parking areas to the front of historic houses at various locations in Waterford city, and I accept that this has been successfully achieved at many protected structures and ACAs in Irish urban areas. While the development site is within a row of protected structures, it has a standalone character as a three storey house set back from the street frontage, rather than, for example, within a row of terraced houses. I therefore consider that the sensitive insertion of a car parking area would not set an undesirable precedent at this location.

I note also the statement of the applicants that the arched window to the front of the existing house would originally have been an opening to a stable and that there would have been access to the stable from the street. However, this statement has not been substantiated by any other information on file, e.g. historic mapping or an Architectural Heritage Impact Assessment. While I accept that the existing boundary at the site frontage to Newtown Road may not be original, I consider that the front boundary and pedestrian gate are an important part of the overall character of the structure as they form a composition in views of the structure from the street. I am not satisfied on the basis of the information available that the works for which retention permission is sought have been carried out with due sensitivity to the character of the protected structure. While I also note the proposal of the applicants to provide an electric gate to the front of the house, I consider that such a proposal should only be considered in the context of a comprehensive rationale and justification, including methodology, details of materials and landscaping, for same with regard to the overall impacts on the setting of the protected structure and adjacent protected structures. I am therefore not satisfied, on the basis of the information on file, that the development would not have an adverse impact on the character and setting of the protected structure.

7.3. Roads and Traffic Issues

- 7.3.1. Newtown Road is the R683 road between Waterford City and Dunmore East, within the 50 kph zone. There is a footpath, on street parking and a cycle lane at the road frontage of the site. Newtown Road is identified as a primary route on the proposed Waterford Cycling Network and is also to be used by multiple bus routes under the Waterford Metropolitan Area Transport Strategy (WMATS). This is a busy route between Waterford city centre and suburban areas and there are several schools in the vicinity.
- 7.3.2. The applicants submit that the development provides additional off-street parking and that it is necessary to allow for car charging and safe access for children. There is no report on file from WCCC Roads Department. The planning report on file states that the development was discussed with the Roads Section and is considered to give rise to a traffic hazard due to insufficient area within the curtilage of the site for cars to turn as vehicles will potentially be required to reverse onto the public road. I note that, as submitted by the applicants, there was originally a garage at the site, which allowed direct access to the road. I also note that there are vehicular accesses at other locations in the vicinity which do not provide space for turning movements. Given that the site is located within the 50 kph zone, I generally do not consider that the lack of space for turning movements should preclude permission for a vehicular access. However, the applicant has not submitted any detailed design for the vehicular access or rationale with regard to the requirements of development plan Objective DM 10 as set out above, e.g. sightlines, consistency with DMURS, details of materials. Given that the site is located on a heavily trafficked pedestrian and cycle route and several bus routes, I therefore am not satisfied that the development would not result in a traffic hazard.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development being extensions and alterations to an existing house in a built up area, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the construction or operational phases of development, with regard to their conservation objectives. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider 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. The WCCC Habitats Directive Screening Assessment on file is also noted in this regard.

8.0 Recommendation

8.1. Having regard to the above assessment, I recommend refusal for the reasons and considerations stated below.

9.0 Reasons and Considerations

9.1. On the basis of the information provided with the application for retention and first party appeal, the Board is not satisfied that the development to be retained would not have significant adverse impacts on the setting of the protected structure at no. 19 Newtown Road (RPS no. WA730327), or that the development would not result in a traffic hazard. The development is therefore considered to contravene Policy BH 02 Supporting our Built Heritage Assets and Objective DM 10 of the Waterford City and County Development Plan 2022-2028. The development is therefore 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.

Sarah Moran
Senior Planning Inspector
3rd October 2023