



An
Bord
Pleanála

Inspector's Report

ABP-313482-22

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| Development | Outline permission for the construction of 3 detached dwellings. |
| Location | Middle Road, Dysert, Ardmore, Co Waterford. |
| Planning Authority | Waterford City and County Council |
| Planning Authority Reg. Ref. | 21333 |
| Applicant(s) | Jeremy and Alice Buckley |
| Type of Application | Outline Planning Permission |
| Planning Authority Decision | Grant permission |
| Type of Appeal | Third Party |
| Appellant(s) | Desmond and Anne Connery |
| Observer(s) | None |
| Date of Site Inspection | 28 th April 2023 |
| Inspector | Emer Doyle |

1.0 Site Location and Description

- 1.1.1. The site of the proposed development is located on Middle Road, Dysert, Ardmore Co. Waterford. Ardmore is a rural coastal village and the site is an elevated site with steep slopes overlooking the sea and Ardmore Bay. The site has a stated area of 0.27 hectares.
- 1.1.2. A single storey dwelling is located to the west of the site. The property located behind this labelled as garage on the site layout is also a detached single storey dwelling which has recently been extended and renovated. A two storey dwelling is located to the east of the site. Construction works are ongoing for a new dwelling further east of this which is accessed from New Line Road.
- 1.1.3. The site is located on elevated lands above the village and slopes downwards from the rear boundary towards the road. Mature conifer trees form the rear boundary. Levels rise from c. 21.3m OD from Middle Road to 32.5m OD at the rear of the site.
- 1.1.4. The general area is characterised by detached houses of varying designs on sites of various sizes.
- 1.1.5. I refer the Board to the aerial photograph included in the application which gives a very good overview of the site and location. I also refer the Board to the photographs taken on the site inspection. I note that there is construction works ongoing for a new dwelling accessed from New Line Road shown in photograph 6 which commenced construction after the aerial photograph was taken.

2.0 Proposed Development

- 2.1. Outline permission is sought for 3 No. dwelling served by a shared access.
- 2.2. Information in relation to the proposed development is as follows:
 - Dwelling Unit 1- three levels, proposed area 200m²- Level G 22.30m, Level 1 25.1m, Level 2 27.90m.
 - Dwelling Unit 2- three levels, proposed area 200m² – Level G 22.30m, Level 1 25.1m, Level 2 27.9m.
 - Dwelling Unit 3 - two levels, proposed area 250m²- Level G 24.00m, Level 1 27.20m.

- The site is served by mains water and sewerage.

2.2.1. Further Information was submitted to the Planning Authority dated the 4th of March 2022. The main revisions include the following:

- Note that units 1 and 3 have been renamed on site layout and the dwelling house to the west originally labelled as a garage has now been correctly labelled as a house.
- Dwelling Unit 1 (originally unit 3) – orientated towards the road, two levels, proposed area 139.4m², Level G 24.00m, Level 1 27.00m.
- Dwelling Unit 2, two levels, proposed area 134m², Level G 23.8m, Level 1 26.8m.
- Dwelling Unit 3 (originally unit 1), two levels, proposed area 139.4m², Level G 23.5m, Level 1 26.5m.
- Revised access location together with proposals for 1.2m footpath.
- Details of pre connection enquiry with Irish Water.
- Ground Investigation Report.

2.3. Planning Authority Decision

2.3.1. Permission granted subject to 21 No. Conditions. Noteworthy conditions include the following:

- Condition 1 required that the location of the 3 No. dwellings, proposed offsets to boundaries at ground floor and first floor level, finished floor levels and maximum heights shall be in accordance with the plans and particulars lodged with the Planning Authority on 21st April 2021 as amended by the Further Information received on the 4th March 2022.
- Condition 2 required an application for planning permission consequent on grant of outline permission to be made and approved by the Planning Authority not later than 3 years beginning on the date of the grant of outline permission.
- Condition 3 (f) required sightlines of 45m from a point 2.4m back from the nearside edge of the road.

- Condition 20 required that the boundary treatment shall be agreed at permission consequent stage.
- Condition 21 required that finished floor levels shall accord with the submitted details as per the site layout drawing submitted on the 4th March 2022 and a conveniently located temporary bench mark shall be provided to facilitate checking of floor levels.

2.4. **Planning Authority Reports**

2.4.1. Planning Reports

- Planner's report considered that 3 storey development 'seems excessive and any revised proposal should provide for single storey, split level or potential some 2 storey elements where it can be demonstrated such revised proposals would not detract from the visual or residential amenities of the area.'
- The second planner's report following the further information response considered that the concerns raised in the further information had been adequately addressed and recommended permission subject to conditions.

2.4.2. Other Technical Reports

- None.

2.5. **Prescribed Bodies**

2.5.1. No reports.

2.6. **Third Party Observations**

2.6.1. Five submissions were made to the Planning Authority. The main issues raised reflect the issues in the appeal to the Board.

3.0 Planning History

On Site

PD 2021/15

Part 5 Exemption Certificate granted.

PD 09/365/ ABP PL24.236146

Permission sought for construction of 2 No. dwellings with basements, for widening existing entrance, new driveway and all associated site works. Permission granted for 1 No. dwelling only by PA and ABP upheld the decision to grant permission for 1 No. dwelling only.

PD 15/2

Permission granted for extension of duration of PD 09/365.

PD 18/195

Permission granted for one dwelling on the site.

Adjacent site:

PA 18/736

Permission granted for a single storey ground floor extension to the side of existing dwelling, internal alterations and all associated drainage, ground works and landscaping.

4.0 Policy Context

4.1. Development Plan

4.1.1. Waterford City and County Development Plan 2022-2028

Under the Settlement Strategy, Ardmore is designated as a Rural Town- 4A.

The site is located within the settlement boundary of Ardmore.

Relevant objectives include the following:

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

H02 In granting planning permission, we will ensure that new residential development:

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

Section 7.11 relates to Housing in Rural Villages and the Open Countryside.

H26 We will support the proportionate growth of appropriately designed development in rural towns and villages that will contribute to their regeneration and renewal.

4.1.2. A number of Development Objectives apply to Ardmore and the following are relevant:

ADD01 D01 In addition to D01 of the principal objectives, it is also an objective of the Council to promote the village as a tourist based destination based on its scenic coastal location and ecclesiastical heritage whilst protecting and enhancing these assets.

ADD04 D04 It is an objective of the Council to protect and preserve the setting of Ardmore Tower and its associated ecclesiastical monuments. The visual impact of development on views of the Tower shall be a consideration of any application for permission.

4.2. **Natural Heritage Designations**

4.2.1. None on site.

4.2.2. Ardmore Head SAC (Code 002123) is located 0.4 km to the east of the subject site. Helvick Head to Ballyquin SPA (code 004192) is located 4 km to the north east of the subject site.

4.3. EIA Screening

- 4.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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.

5.0 The Appeal

5.1. Grounds of Appeal

- 5.1.1. The main grounds of appeal can be summarised as follows:
- Concerns regarding impact on private amenity area/ garden associated with the dwelling to the north west.
 - Concern regarding overlooking.
 - Concern regarding impact of car parking and visitor car parking for Unit 1.
 - Section No. 4 Site Section D-D -Unit 1 (Drawing 787-PL-102) does not show the private amenity area, nor does it clearly illustrate the profile of this embankment.
 - Concerns regarding traffic safety.

5.2. Applicant Response

The response submitted on behalf of the applicant's can be summarised as follows:

- Previous decisions by the Local Authority or ABP do not set a precedent for the number of dwellings achievable on the site.
- At Further Information stage, the applicant reduced the scale and height of the dwellings proposed from 3 storeys with a floorspace of between 2000sqft-2500sqft to 2 storeys with a maximum floorspace of 1500sqft. The applicant also revised the finished floor levels to be more sympathetic to the adjoining properties.

- This is a serviced site in the village, close to services and amenities and the development is in line with national planning policy.
- The dwellings have been orientated to avoid any possibility of overlooking or loss of privacy of the neighbouring properties. The dwellings are orientated northeast so that they are facing away from the appellant's dwelling and the McDermott dwelling to the west.
- The level differences and the existing hedgerow means that there will be no overlooking of the appellant's private open space – see Figure 2 included in the appeal documentation in this regard. The private open space the appellant's are referring to is currently visible from the public road.
- The principal issue to be determined in this appeal is whether 3 No. dwellings are acceptable or not. All remaining items of detail can and will be addressed at permission consequent stage.
- Permission was previously granted on this site by ABP for sightlines of 30m with a 2.4m setback. It is proposed to increase the sightlines to 45m with a designated footpath which has been provided for along the entire frontage of the site to segregate pedestrian and vehicular traffic along the public road.

5.3. Planning Authority Response

- No response.

5.4. Observations

- None submitted.

6.0 Assessment

- 6.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Impact on Residential Amenity
- Traffic Safety
- Appropriate Assessment

6.2. Principle of Development

- 6.2.1. The subject proposal is for the development of the existing serviced site within the village of Ardmore to provide for outline permission for 3 No. dwellings. The appeal considers that the principle of development at this location is acceptable but considers that '1 to 2 appropriately designed dwellings' would be more suitable having regard to the history of the site.
- 6.2.2. The site is well located, close to the village centre, and within the development boundary of Ardmore. National Planning Framework, (NPF), contains targets for the delivery of new housing within existing settlements. I note that permission was previously only granted for one dwelling at this location, however having regard to the serviced location of the land and the proximity to the village and the infill nature of the site, I have no objection to 3 No. dwellings at this location subject to appropriate design considerations. As such, I am satisfied that the principle of development at this location is acceptable.

6.3. Impact on Residential Amenities

- 6.3.1. A number of concerns are raised in relation to the impact on residential amenity. The main focus relates to the proposed finished floor levels, potential impact of external staircases and terrace, overlooking of adjoining property and the location of car parking associated with the dwelling closest to the appellants. I note that this dwelling was labelled on the original drawings as unit 3 but was relabelled as unit 1 on the drawings submitted in response to the Further Information Request.
- 6.3.2. I note that considerable changes were made to the proposed development in the Further Information Response. In terms of the impact on the residential and visual amenities of the area, the most significant change was a reduction of house sizes

from 2 No. 3 storey with overall sizes of 200m², together with 1 No. 2 storey with overall floor area of 250m² to 3 No. 2 storey with overall floor areas of 139.4m². There is no change to the FFL in the case of the dwelling closest to the appellant's dwelling and the FFL of the other 2 units have increased by c. 1.2 to 1.5m.

6.3.3. I refer the Board to the aerial photographs submitted with both the original drawings and resubmitted with a number of ridge levels of surrounding houses at the Further Information stage. Having regard to the context of the site, the backdrop and scale of existing development including the variety in both ridge heights, scale, and finished floor levels in the immediate vicinity of the site, I am satisfied that the area has the capacity to absorb the development and the applicant has had regard to the topography of the site and the surrounding context.

6.3.4. Specifically, in relation to overlooking, any design submitted at permission consequent stage can be designed appropriately and sympathetically to avoid overlooking of adjacent properties with particular regard to windows and balconies. I note that the appellant has expressed concern in relation to the parking area and external steps. I refer the Board to Figure 2 included in the appeal response. The response considered that there is no overlooking from this location having regard to the level differences and the existing hedgerow. I concur with this and also note that the dwelling was re-orientated away from the appellant's dwelling and prospective views are towards Ardmore Bay rather than towards the appellant's dwelling. The response also notes that the private amenity area referred to adjoins and is visible from the public road. I would concur with this and do not consider that the proposed development would result in any additional overlooking over and above the present situation. I would accept however that there is 'perceived overlooking' from the external steps and parking area and this needs to be carefully considered at the permission consequent stage.

6.3.5. The planner's report considers that 'the revised configuration of the 3 No. houses can be accommodated on the site subject to agreement of final details of boundary treatments and location of first floor fenestration to ensure adverse overlooking. The dwelling locations, subject to the final design agreement will not result in any negative overbearing or overshadowing impacts. It is considered that contemporary designed dwellings can be accommodated on site subject to the proposed offsets at

ground and first floor level, finished floor levels and maximum heights being complied with at permission consequent stage.'

- 6.3.6. I concur with the planner's report and consider that design is critical for this site both in terms of visual impact and impact on residential amenities. I am of the view that there is no direct overlooking between the proposed development and existing properties due to the orientation and the considerable distance from adjoining properties. As such, I am satisfied that the proposed development would not have an undue impact on the residential amenities of adjoining properties.

6.4. **Traffic Safety**

- 6.4.1. The appeal considers that 'as this is a shared entrance for 3 No. dwellings, a set back of 2.4m is not applicable and 4.5m should be applied. It is also considered that, since the site is located in a 50km/h speed limit zone, the applicable sightline requirement is 90m.
- 6.4.2. The sightline requirements set out in Section 8.6 of Volume 2 of the Development Plan is 70m in both directions in 50km/h speed limit zones with Section 8.7 requiring a set back of 4.5m for housing estates and 2.4m for single dwellings.
- 6.4.3. The original drawings submitted with the application provided for sightlines of 30m in both directions with a 2.4m setback. The revised drawings submitted to the Planning Authority dated the 4th of March 2022 provided for a revised access location together with the provision of a 1.2m footpath and increased sightlines of 45m in both directions.
- 6.4.4. I note that Table 4.2 of the Design Manual for Urban Roads and Streets requires 45m sightlines in 50km/h speed limit zones but there is flexibility for reduced sightlines in difficult circumstances where vehicle speeds are low.
- 6.4.5. The appeal notes that the previous decision by the Board for one dwelling required sightlines of 30m 2.4m back from the entrance in condition 7(c). The appeal makes the case that 'whilst our client is happy to provide 45m sightlines, there is a strong case for reduced sightlines in accordance with DMURS'.
- 6.4.6. The site is located on a narrow road in a village setting where there is a steep gradient and no footpaths. Whilst I inspected the site outside of the peak Summer

period, the site is close to the Cliff walk in Ardmore and to the village and I would imagine that there would be a considerable number of pedestrians using the road during the Summer months.

6.5. I noted that there were a number of 'slow' signs on the road and I do not consider that traffic would be able to safely travel at speed. I consider that there is a planning gain to the area with the proposed footpath. Having regard to the characteristics of the area and the nature of the proposed development, I am satisfied that the proposed set back of 2.4m and sightlines of 45m together with the proposed footpath is a reasonable approach at this location.

6.6. Appropriate Assessment

6.6.1. Having regard to the nature and scale of the proposed development and the location of the site in an established urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

7.0 Recommendation

7.1. I recommend that outline permission for the proposed development be granted subject to the reasons and considerations and conditions as outlined below.

8.0 Reasons and Considerations

Having regard to the objectives of the Waterford City and County Development Plan 2022-2028, the location of the development within the designated settlement boundary of Ardmore, the small scale and infill nature of the proposed development site and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

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| 1. | <p>This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4th day of March 2022, except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of approval consequent on this outline permission is received.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>At the permission consequent stage, the proposed dwellings shall be designed to accord with the following requirements:</p> <p>(i) The proposed dwellings shall be two storey only or part single storey/ part two storey and shall not provide for a basement area.</p> <p>(ii) The finished floor levels and the floor areas shall be in accordance with the details submitted to the Planning Authority on the 4th day of March 2022.</p> <p>Reason: In the Interest of visual amenity.</p> |
| 3. | <p>This outline permission relates solely to the principle of the development on this site. The plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following:</p> <p>(i) Full design details of the proposed development including all proposed dwellings.</p> <p>(ii) Contiguous elevations to demonstrate the proposed dwellings and how they will relate to adjoining properties.</p> <p>(iii) Details of the materials, colours and textures of all the external finishes.</p> <p>(iv) A landscape plan prepared by a suitably qualified landscape professional shall be provided to include high quality boundary treatments and landscape finishes including trees planting on private open space, details of boundary treatments including details of the retaining wall to the</p> |

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| | <p>front of the site and details of boundary treatment between the three proposed dwellings and between the site and adjoining properties.</p> <p>Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage for the proposed dwellings.</p> |
| 4. | <p>At the permission consequent stage, drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p> |
| 5. | <p>At the permission consequent stage, the design of the vehicular access, parking areas, shared surfaces and footpaths and kerbs shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p> |
| 6. | <p>The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health.</p> |
| 7. | <p>At the permission consequent stage, a full and detailed construction management plan shall be submitted to the Planning Authority, which shall include, inter alia, a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures and details of construction lighting.</p> <p>Reason: In the interest of residential amenity, traffic/ pedestrian safety and proper planning and sustainable development.</p> |
| 8. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 9. | <p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the</p> |

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| | <p>planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p> |
| 10. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer at permission consequent stage or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p> |
| 11. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 at permission consequent stage or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p> |

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| | Development Contribution Scheme made under section 48 of the Act be applied to the permission. |
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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.

Emer Doyle
Planning Inspector

05 May 2023