



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314375-22

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<b>Development</b>	Partial demolition and a proposed, two storey extension to the side and rear of existing dwelling.
<b>Location</b>	1 Curraghmore Terrace, Dunmore East, Co. Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	21775
<b>Applicant(s)</b>	L and M Ronan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tom O'Regan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> of June 2023
<b>Inspector</b>	Angela Brereton

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## 1.0 Site Location and Description

- 1.1. The application concerns proposed extensions to an existing end of terrace two storey dwelling, at no.1 Curraghmore Terrace, Dunmore East. This is a terrace of similar type period houses built in the mid-19<sup>th</sup> century. The existing house has a small rear extension. While habitable, it appears not to be occupied and the site is overgrown.
- 1.2. There are some thatched cottages, holiday homes accessed via Dock Road on a higher level to the southeast and a public toilet block to the east.
- 1.3. The site is in a prominent corner location in the centre of Dunmore East and within the ACA. The site is proximate to Lawlors Beach and the sea and The Strand Inn Hotel. It is close to the sea front and the dwelling is visible in the wider area.
- 1.4. The site is accessed via a pedestrian gate and there is no onsite parking. Parking is along the road frontage.

## 2.0 Proposed Development

- 2.1. This is to consist of partial demolition and a proposed two storey extension to the side and rear of an existing end of terrace dwelling, new vehicular access and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 21<sup>st</sup> of July 2022, Waterford City and County Council granted permission for the proposed development subject to 6no. conditions. These include the following:

- Condition no.2 – Method Statement to be submitted.
- Condition no.3 - Setback and roadside boundary treatment.

### 3.2. Planning Authority Reports

Planning Reports

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

- The site is located within the settlement limits of Dunmore East on lands zoned residential as designated in the Waterford County DP 2011-2017 (as extended and varied).
- They have regard to the scale and massing of the proposed extensions and to issues of design and layout and to the Conservation Officer's concerns.
- Also, noting that the Water Services and Roads Sections of the Council have reviewed the proposed development and have requested further information.
- In view of the issues raised they recommended that F.I be sought.

#### Further Information request

The Council's F.I request includes for the submission of the following:

- A design statement and justification of the proposed design that acknowledges the historic nature of the building, which is on the NIAH and in its context within a terrace of similar dwellings. Such design justification to include contiguous elevations of the whole terrace and photomontages of the proposal viewed from the area to the north and east.
- A revised site layout which indicates all existing boundary treatment to the western boundary of the site and to clearly demonstrate how the proposed development will impact on same. To include retention of the western boundary hedge.
- Revised section drawings indicating the existing and proposed levels and the eastern boundary of the site where it is proposed to reduce ground levels.
- A revised site layout to include the front boundary set back 2m to allow for footpath at this location, to demonstrate sightlines in accordance with DMURS, to show that a car can turn onsite rather than reversing out onto the public road.

- The Council note concerns regarding the proposal to construct over the existing common drainage scheme. In summary to provide a site layout plan to show service details.
- A revised layout plan and section drawing which identifies the roof light to the adjoining west property (2 Curraghmore Terrace) and provides an assessment of potential loss of light.
- A revised site layout and section drawings to indicate the proposed first floor extension, bedroom windows to the eastern elevation, the proposed balcony and existing eastern boundary treatment, relative to No. 4 Cuan an Duin to enable an assessment of the potential for overlooking or loss of privacy.

#### Further Information response

DBA Dermot Bannon Architects response on behalf of the applicants includes the following:

- A Design Statement by Conservation Consultant, Corridy Consulting and contiguous elevations drawing.
- Revised plans including a Site Layout Plan and Sections and Elevations relative to the details requested as per point 2 (a),(b),(c) of the F.I request.
- They provide a response to points 3(a),(b),(c) of the Council's F.I request. In summary they refer to revised plans and provide that so as not to have a detrimental impact they have retained the existing front boundary wall and omitted the proposed vehicular entrance and onsite parking.
- In response to point no. 4 they refer to drainage location on the Site Layout Plan existing and proposed ground floor plans revision A.
- They refer to revisions made in response to point no.5, and to Site Layout Plan revisions. They note that a privacy screen has been added to the first floor balcony to reduce overlooking towards no.4 Cuan an Duin.

#### Planning Authority response

They have regard to the F.I submitted including the following:

- They note the Conservation Officer concerns regarding the impact of the proposed design and layout on the streetscape. They note that the property is

not included in the RPS and consider the merits of the proposed design, relative to the existing property.

- Revised plans and section drawings have been submitted indicating the existing and proposed development and the existing boundary of the site where it is proposed to reduce ground levels.
- Revised plans have been submitted omitting the onsite carparking space. They note the applicant's concerns about removing and setting back the roadside boundary.
- They note that Water Services have reviewed the submitted details and requested F.I.
- Additional section drawings have been submitted, as noted in a submission on file no reference is made in response to potential for loss of light.

#### Clarification of Further Information request

- Further drainage details were requested to comply with the Water Services Section request for F.I. to include clarification in respect of the location and length of the existing foul sewer to be diverted within the site development.
- To submit a revised layout plan and section drawing to identify rooflight to adjoining west property (no. 2 Curraghmore Terrace) and to provide an assessment of loss of light to the said property.

#### C.F.I response

DBA Dermot Bannon Architects response on behalf of the applicants includes the following:

- They have submitted a New Site Layout Plan which clearly identifies in colour the existing common sewer line and the manholes and the proposed new diversion location a minimum of 3m away from the proposed extension.
- The Site Layout Plan drawing clearly shows the location of the Existing rooflights on No.2 Curraghmore Terrace including the Roof Plan of the Proposed Extension.
- They also include a Sunlight and Daylight Assessment from Chris Shackleton Consulting.

### Planning Authority response

Part 3 of the subsequent Planner's Report provides an Assessment of the C.F.I which in summary includes the following:

- They note that the Waterford City and County Development Plan 2022-2028 came into operation on the 19<sup>th</sup> of July 2022 and that while the site is located in an ACA, the terrace has not been included in the R.P.S. They note the policies relative to Built Heritage. They consider that the contemporary design of the proposed extension is well considered and will not detract from the character and visual amenity of the area.
- Having regard to the requested roadside boundary setback, they note this was deemed necessary by the Roads Section and they recommend that an appropriate condition be attached.
- They consider that subject to compliance with conditions the proposed development would be in accordance with the proper planning and sustainable development of the area.

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

#### Roads

They provide that the proposal would require a 2m setback of the front boundary to allow the Council to build a footpath.

That the entrance should have sufficient sight lines and an onsite turning area should be provided.

#### Water Services

They had concerns regarding the proposal to construct this development over the existing common drainage system transferring the rear of the property. They note that a 3m distance will be required from the new sewer diversion line to any new building and details to be agreed with the Engineer.

#### Conservation Officer

They note that the application site relates to works on a building which is on the NIAH ref. 22817013 and refer to the Description and Appraisal given.



They refer to Waterford CDP 2011-2017 reference to Streetscape of Distinctive Character and to heritage guidelines, policies and objectives therein.

They have concerns about the scale, and massing of the proposed new build relative to the impact on the existing property and its setting and modest character of the historic terrace. They consider the proposal would set an undesirable precedent and negatively impact on the character of a streetscape of distinctive character and would be contrary to planning policy.

They recommended further information to provide revisions should the Council request this. This included regard to planning policies relative to heritage, a justification for the proposed works and the submission of a Design Statement.

They had regard to the F.I submission and the Design Statement and recommended refusal from a conservation perspective.

#### **3.4. Prescribed Bodies**

No responses noted on file.

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

Submissions from local residents, concerns include the following:

- The design, scale, height and massing of the proposed extension would be out of character with the visual and residential amenities of Curraghmore Terrace.
- It would detract from the Architectural, Historical & Social Interest of the terrace as defined by the NIAH and from the character of the proposed ACA.
- It would detract from the character of the streetscape and contravene policies of the Waterford County Development Plan 2011-2017.
- It would detract from the residential amenities and depreciate the value of adjoining properties. It will lead to loss of light and overshadowing.
- It would appear overly dominant in the streetscape.
- Concerns from no. 2 Curraghmore Terrace about impact on light and boundary issues.

- Parking issues relative to the significant increase in floor area of the proposed extension.
- Concerns about the impact on services for the adjoining area.
- Note of the planning history of previous refusals in the area.

## 4.0 Planning History

The Planner's Report notes that there is no recent Planning History relevant to the subject site. The following is noted as recent history relevant to adjoining sites:

- Reg.Ref. 17/756 – Permission refused by the Council to Tom O'Regan to provide 1no. new off-street parking space to front of existing dwelling and all associated site development works at no.2 Curraghmore Terrace, Dunmore Lower, Dunmore East. This was refused for two reasons, which in summary include:
  - The existing dwelling is included on the NIAH and the dwelling forms part of a terrace of dwellings within the village and is located within a Streetscape of Distinctive Character as designed in the Waterford CDP 2011-2017. The proposed development by itself and by the precedent it would set for similar type developments, would detract from the character of the streetscape of Distinctive Character. The proposed development would seriously injure the amenities and depreciate the value of properties in the vicinity and would therefore be contrary to the proper planning and development of the area.
  - The proposed car parking space would fall below the minimum parking standards for off street parking in front garden areas as recommended in the Waterford CDP 2011-2017...
- Reg. Ref. 17/755 – Permission refused by the Council to Trevor & Valerie Walsh to provide 1 new off-street parking space at no.4 Curraghmore Terrace. This was refused for two similar type reasons to the above.

## 5.0 Policy Context

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

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

#### Volume 1 - Chapter 2 – Spatial Vision and Core Strategy

Table 2.2 provides the Settlement Hierarchy and Typology. Dunmore East is included in Class 3B as an Urban Town. These provide a housing, employment and or service function.

#### Chapter 7 deals with Housing and Sustainable Communities

Policy H02 includes to ensure that new residential development:

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

Section 7.8 provides for the Protection of Existing Residential Amenity. Objective H20 refers.

Section 7.12 refers to Refurbishment, Extension and Replacement of Existing Structures in Rural Areas. This includes:

- The size of any house extension takes account of the siting and size of the existing dwelling and that the character of the original structures is respected.
- The design of the proposal does not erode the siting and design qualities of the building and its setting which makes it attractive in the first instance.

#### Chapter 11: Heritage

Table 11.1 notes that Dunmore East is included in the list of ACA's for the County.

- Policy BH05 seeks to achieve the preservation of special character of places, areas, groups of structure setting out ACAs. This includes:
  - *Achieve the preservation of the special character of places, areas, groups of structures setting out Architectural Conservation Areas (ACA).*
  - *Protect the special heritage values, unique characteristics and distinctive features, such as shopfronts within the ACA from inappropriate development which would detract from the special character of the ACA.*

- Policy BH06 refers to Architectural Heritage Impact Assessment.
- Policy BH07 seeks to Promote Architectural Heritage.
- Policy BH 08 refer to the reuse of historic buildings to promote heritage.
- Policy BH10 refers to Building Adaption.
- Policy BH11 seeks to Maintain and Enhance the Special Character of ACAs.
- Policy BH12 seeks to Protect Settings and Vistas from any works that would result in the loss or damage to their special character.
- Policy BH13 seeks to promote the sensitive redevelopment of vacant and derelict structures.
- Policy BH29 refers to Extensions and Alterations to a vernacular house/building.

Section 11.6 refers to design of new build in the historic core.

#### Volume 2 Development Management Standards

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). ...*

Table 3.1 provides General Standards for New Residential Development in Urban Areas.

Table 3.2 provides Minimum Private Open Space Requirements for Dwelling Units.

Section 4.9 refers to House Extensions. *The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character, scale and form of the existing building and site should be respected.*

Development Management Policy DM11 provides:

Extensions should:

- *Respect and follow the pattern of the existing building as much as possible.*

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

Section 4.7 refers to Off-street Parking in Residential Areas.

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.

### Volume 3 – Appendices

These include:

#### Appendix 8: Landscape and Seascape Character Assessment

As shown on Map A8.1 Landscape Character Types – Dunmore East is shown within the Coastal Zone.

#### Appendix 9: Record of Protected Structures

Curraghmore Terrace, Dunmore East is not included in the Council's RPS.

#### Appendix 10: Architectural Conservation Areas

This includes regard to Dunmore East ACA and references in the 'Summary of Special Character' i.e: *The houses on Glenville terrace were small-scale dwellings built for/by fishermen operating from the nearby strand and harbour. Later 19th century terraced houses with half dormer attic windows include Queens Terrace and Curraghmore Terrace which was sponsored by Lord Waterford as accommodation for his servants during visits to the locality.*

Regard is had to Development Management Standards based on the assessment of special character for Dunmore East.

#### Volume 4 – Maps

As shown on Map 2 the site is within the Existing Residential 'RS' land use zoning. The Objective is to *Provide for residential development and protect and improve residential amenity.*

The Combined Map shows that there is an Objective to provide a Proposed Local Secondary Road along the road frontage.

Map 4 – Built Heritage shows the site is within the Dunmore East ACA.

## **5.2. Natural Heritage Designations**

There are none proximate but the following are noted:

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

## **5.3. EIA Screening**

The extension/modification to an individual house/dwelling is not a class or type relevant to EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A Third Party Appeal has been submitted by Tom O'Regan, who is the owner/occupier of the adjoining property, no.2 Curraghmore Terrace, Dunmore East. The Grounds of Appeal include the following:

#### Impact on Architectural Conservation Area

- The Council is obliged to protect the architectural heritage of the County under the requirements of Section 10(2) of Part IV of the Planning and Development Act 2000 (as amended).
- Reference is had to the Waterford Heritage Plan (2017-2022) noting that aim of the plan is to support heritage in Waterford City and County.
- The site is located in a Streetscape of Distinctive Character and the existing dwelling on site is on the NIAH. The scale and bulk of the proposal will impact adversely on the existing historic terrace.
- They note and concur with the Conservation Officer concerns that the proposal would contravene policy AH10 of the Waterford CDP 2011-2017. That it would detract from the streetscape and set an undesirable precedent.
- In Chapter 11 Heritage of the Waterford City and County DP 2022-2028, Dunmore East is listed as an ACA.
- Reference is had to Section 81 of the Planning and Development Act 2000 (as amended) relative to development in ACA's.
- Regard is had to the Strategic Objectives of the Heritage Section of the Waterford City and County DP 2022-2028.
- The National Monuments Service identifies structures in Dunmore East including nos. 1 and 2 Curraghmore Terrace.
- No.1 Curraghmore Terrace occupies a site that is central to an area of unique character and as previously classed as 'Streetscapes of Distinction'.

- The site is within a 'Visually Vulnerable' Classification in the Scenic Landscape Evaluation carried out.

### Design and Layout

- Reference is had to Section 11.6 of the Waterford City and County DP 2022-2028 regarding Design of proposed new build in heritage areas.
- The Appellant notes the Design Statement and includes a copy of his response to the changes made in the F.I submitted to the Council.
- There seems to be no enduring meaning to the proposal and, no sensitivity to a terrace which has stood with its own distinctive form for over 150 years.
- The proposal could not be described as a sympathetic reuse of the building and would impact negatively on the visual amenity of the area.
- It would be contrary to Built Heritage policies and objectives in the current DP. A list of such is provided and it is submitted that it would be contrary to these.
- The character and form of the proposal fails to match any aspect of the existing terrace.
- They query the proposed roof design and consider that a flat roof option will be out of character with the area.
- They are concerned about loss of light and overshadowing. That the proposed design would preclude the use of solar panels on their property.

### Planning History

- Reference is had to earlier planning history cases relevant to Curraghmore Terrace. Comments are provided on these, with note of the current case.
- The development proposes to increase the current floor space from c.60sq.m to c.280sq.m.
- The development will be prominent, detract from the streetscape and impact adversely on the visual amenity of the area.

### Site Boundary issues

- They refer to Condition no. 2 of the Council's permission regarding the submission of 'A Method Statement' being requested to ensure the stability of



properties in the area. They are concerned about possible encroachment and impact on their property.

- Walls on site marked for removal are his property and the existing garden to the rear is not accurately recorded by the 'Straight line' drawings submitted.
- Impact on Residential Amenities

#### Overdevelopment of the Site

- The footprint of the development reduces the garden area of the house.
- This proposal will lead to an overdevelopment of the site.
- They quote from the NIAH website: *The house, together with the remainder of the terrace, forms an attractive feature in the street scene in the centre of the strand area of Dunmore East.*
- The Board is asked to review the decision of the local authority in relation to the points they have made to ensure the proper planning and sustainable development of the area has been fully considered.

## 6.2. Applicant Response

DM David Mulcahy Planning Consultants Ltd has submitted a First Party response on behalf of the Applicant to the Grounds of Appeal. This includes the following:

#### Architectural Conservation Area

- They refer to the Design Statement and to the Planner's Assessment in their Report and submit that the proposed development represents sensitive redevelopment of a vacant dwelling.
- They refer to extracts from Ms Orla Turbidy, of Corridy Consulting Architectural Design Services, Grade III Conservation Architecture, which were submitted at F.I stage.
- That the proposed extension is well considered and will provide a modern interpretation and not detract from the character or visual amenity of the terrace of the area.

- They disagree that any significant alteration of the existing character will apply. They submit that there are only localised views of the site as noted in the photographs.

### Design

- They highlight that the final sentence in Section 11.6 of the Waterford City and County DP 2022-2028 is critical i.e.: *In some cases, high quality contemporary design can be acceptable.*
- They submit to the Board that design is a subjective matter and different people will have different views. They note the Council's Planner has recommended permission and an expert Conservation Architect has been engaged.
- They submit that the design needs to be strong and bold in order to properly address the prominent corner.
- They refer the Board to the photographs in Appendix A which show numerous examples of contemporary style architecture in Dunmore East.
- They note and accept that the WCC Conservation Officer is not in favour of the proposed development. However, they fully concur with the WCC Planning Officer in recommending a grant of permission having considered the contents of the Conservations Officer's Report.
- The Architects did in the elements of the design consider Built Heritage Policies including Objectives BH10 and BH11 of the current CDP.
- They accept that the height, scale and massing are sizable, but they consider they are reasonable particularly in the context of the adjoining thatched cottages in the area.
- The proposed development will not visually or physically detract from the special character of the main structure, any structures within the curtilage, or the streetscape or landscape setting of the ACA.
- They have regard to Policy BH 12 and submit that the proposed style is contemporary and is an appropriate response to this prominent and sensitive

location and the high quality of the architecture will make a positive contribution to the architecture of the village.

- Relative to Policy BH13 they consider that the proposed development represents sensitive redevelopment of a vacant dwelling and conforms with this objective.
- They submit the proposal complies with Policy BH 29 relative to Extensions and Alterations. That it is sympathetic to the existing building and its setting and is generally located to the rear of same.
- The applicant has provided empirical evidence from a recognised expert in respect of sunlight and daylight impact.

#### Planning History

- They note that there is no planning history relevant to the subject site.
- Reference is had to Reg.Ref. 0555 relative to an extension to no. 5 Curraghmore Terrace. They submit that the issue concerned is an enforcement issue and note the Board has no role in this regard.
- They note the applications referred to and submit that each should be assessed on their own merits, and that this is a consistent position of the Board where reference is made to other applications.
- They highlight that there are many examples of contemporary architecture in Dunmore East and refer to photographs included in Appendix 1.

#### Floor Area and Roof Design

- They have regard to the increase in floor area proposed by the extension and note the small size of the existing dwelling and that it is not conducive to modern family living.
- They consider the proposed development will significantly enhance the streetscape.
- They submit that the proposed flat roof will clearly distinguish the contemporary proposed development from the historic terrace.
- Solar panels do not form part of nor are they relevant to this application.

### Ownership issues

- The applicants are fully satisfied that they have sufficient legal ownership to implement their planning permission.
- They note that the Board does not get involved in disputes regarding ownership issues and the onus is on the applicant to ensure that all sufficient legal ownership is in place before implementing the permission.
- Having regard to the specific issue concerning the scullery, they refer to drawings submitted showing a minor amendment.
- They include a setback, as requested by the Council, but note that it is not something they support regarding the original design. They did not appeal this condition as they want to be in a position, to commence the works on the development (Condition 3 of the Council's permission) with the intention to try to address this issue in the future.

### Conclusion

- They consider that the key issue raised by the appellant is that of design. They note it is a subjective matter and are of a firm view that the proposed development represents exceptional architecture and will make a significant positive contribution to the area.
- The contemporary approach is deliberate, in an effort to ensure that the development reads as a modern addition to a row of heritage dwellings. This is a tried and tested approach in areas of sensitive architectural heritage.
- They ask the Board to appreciate the high design quality and recognise that this development will be a positive introduction to this area.
- Other issues raised in terms of ownership, planning decisions in the area, drainage treatment etc are all comprehensively addressed.
- They submit that the proposed development is the most appropriate form of development for this particular site and request that the Board uphold the Council's conditional grant of permission.

### 6.3. Planning Authority Response

There is no response to the Grounds of Appeal from the Planning Authority on file.

### 6.4. Other Responses

The Third Party has submitted a response to the First Party response. This notes the issues raised in the Grounds of Appeal and in summary includes the following:

#### ACA

- The areas low capacity to absorb new development is of particular significance in this case, as the proposal is part of the most visible area of the terrace.
- The scale of the development and the addition of 'dark metal' will be a highly noticeable feature in a relatively uncrowded area.

#### Design

- The Design Statement failed to give any valid reason as to why this particular design was the most suited to this site, within the historic terrace.
- The proposal will be overly dominant and out of character with the existing terrace.

#### Proposed Change of Plans

- It is unclear from the revised plans showing the proposed minor amendment as to how this proposal will impact on his roof and rainwater goods as they currently exist on his property.
- Neither drawing depicts the new wall as "300mm away from the original scullery wall".
- The Board should regard this as a significant amendment with consideration of the absence of details on the revised plans.

#### Conclusion

- The Board is asked to review the decision of Waterford City and County Council to grant permission and to adjudicate whether it considers that proper

planning and the sustainable development of the area has been fully considered.

## 6.5. Observations

None noted.

## 7.0 Assessment

7.1.1. This is a Third 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 and ACA
- Access and Parking
- Ownership/Boundary issues
- Drainage 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, includes reference to a number of policies and objectives made 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). This includes that the NPF seeks

to make better use of under-utilised land and buildings, including infill, brownfield, and under-occupied buildings, with higher 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 in Volume 4 of the Waterford City and County Development Plan 2022-2028, the site of the existing end of terrace house, 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.* Section 4.9 of Volume 2 of the CDP relates to house extensions. Development Management Policy DM11 provides the criteria for the design of extensions and is quoted in the Policy Section above.
- 7.2.4. As noted in Appendix 10 of the Waterford City and County Development Plan 2022-2028 the site is located within the Dunmore East Architectural Conservation Area. The boundaries of the streetscape of distinctive character in the Waterford County Development Plan 2011-2017 have been extended and these properties in Curraghmore Terrace are included as being of special character in the ACA. Heritage Policies as per Chapter 11 of Volume 1 of the current CDP apply.
- 7.3. While not included in the Record of Protected Structures (R.P.S) in the said Plan, adjoining properties nos. 1 and 2 Curraghmore Terrace are included in the National Inventory of Architectural Heritage (NIAH). Ref.22817013 refers to the subject property. The description in summary provides this is an end of terrace property c.1835, that has been renovated and extended in 1985 but retains many original features. The Appraisal includes: *An appealing well-composed, small-scale house, built as one of a terrace of five identical units. Also, that: The house, together with*

*the remainder of the terrace forms an attractive feature in the street scene in the centre of the strand areas of Dunmore East.*

- 7.3.1. This is a sensitive site within a visually prominent location within the ACA and it is considered important to ascertain that any extension or renovation to the existing house would not detract from the character and amenities of the area. In addition, as quoted in the Policy Section above Policy DM11 (Section 4.9 Volume 2) relates to the criteria in Development Management to ensure that house extensions, including where contemporary, are sensitively designed to respect the pattern of the existing building and not detract from the visual amenities of the main dwelling or neighbouring properties. Built Heritage Policy BH29 also includes relative to extensions and alterations.
- 7.3.2. Reference is had to the 'Architectural Heritage Protection Guidelines for Planning Authorities' 2011. These include guidelines under S.52(1) for the protection of structures, or parts of structures, and the preservation of the character of architectural conservation areas. Section 3.4.1 notes the influence of the setting of groups of structures on the character of the group on the wider area should be considered when identifying character. That the contribution of setting to the character of the architectural heritage should not be underestimated.
- 7.3.3. Section 6.8.7 of these Guidelines relates to Extensions and includes where they would be detrimental to the character of an ACA. In this case, it must be noted that this proposal is for extensive renovations and extensions, to an existing relatively modest low-profile end of historic terrace property. Having note of all these issues, regard is had to issues of Design and Layout of the proposed development and impact on the Character and Amenities of the Area and ACA and other issues arising including Access and Parking and Drainage in this Assessment below.

#### **7.4. Design and Layout**

- 7.4.1. Permission is sought for the partial demolition and a proposed two storey extension to the side and rear of an existing end of terrace dwelling, new vehicular access and all associated site works at no.1 Curraghmore Terrace. The application form provides that the area of this site is 0.038ha. The gross floor space (g.f.s) of this modest end of terrace building is given as 60.31sq.m. The proposed extension on



this corner site is sizable at 234.21sqm. The g.f.s of works to be retained is 46.26sq.m and to be demolished is 14.05sq.m. The Site Layout Plan, Floor Plans and Elevations show the scale and context of the works proposed. The existing ground levels are to be altered (indicated in red on the plans).

- 7.4.2. Regard is had to the Floor Plans submitted and the increase in accommodation will result in 6no. bedrooms, with 5no. on the ground floor and 1no, on first floor level. The living accommodation including the balcony area is to be provided on the first floor. The F.I response includes that a privacy screen has been added to the first floor balcony to reduce overlooking towards No.4 Cuan an Duin, which is the closest of the group on thatched cottages on a higher level to the south east.
- 7.4.3. The North Elevation shows the proposed extension relative to the front elevations of the adjoining properties in Curraghmore Terrace. It is noted that the roof height of the proposed extension is to match that of the existing house and much of the rear elevation is to include a flat roofed element. As shown external finishes of this contemporary extension are to include metal roof finish or metal wall cladding, sand/cement painted render finish, metal parapet cappings etc. This will introduce a variety of roof types and a different palate of materials to that area of the terrace. An east facing balcony (with sea views) was also proposed at first floor level. The plans show views of the elevations existing and proposed.
- 7.4.4. A Design Statement was submitted in response to the Council's F.I request. This seeks to provide a justification of the proposed design that acknowledges the historic nature of the building, which is included in the NIAH. To provide that this shows how the proposed contemporary design respects the existing building, and the adjacent terrace of similar dwellings. Also, as to how it will contribute to the visual enhancement of the area and to harmonise with the Streetscape of Distinctive Character as per Policy AH10 of the Waterford County DP 2011-2017 (as extended and varied). In addition, to include contiguous elevations of the whole terrace and photomontages of the proposal viewed from the area to the north and east.
- 7.4.5. The Design Statement noted that no.1 Curraghmore Terrace is the first of five identical single storey with half dormer attic terrace dwelling from c.1835 and regard is had to the history of the terrace. Also as noted above while included in the NIAH it is not listed as a Protected Structure in the Waterford City and County Development

Plan 2022-2028. It submits that the design proposals display a modern response to a historic end of terrace dwelling on a sloping street site towards the sea with a sloping rear demesne. The front (street side) of the dwelling is north facing with the gable sea view side facing east and the rear south facing.

- 7.4.6. A description is provided of the proposed contemporary side extension and includes views from the streetscape and regard is had to the Contiguous Elevations submitted. Drawings include regard to the existing and proposed, noting the scale, height and massing of the extension proposed to adjoin to the side of the existing end of terrace dwelling. There is consideration that the extension is broken up and primarily located to the side and rear of the property. It is contended that the design of the side extension seeks to mirror the scale and proportions of the existing properties with more contemporary finishes.
- 7.4.7. Reference is had to the impact on the Character and Amenities of the area in a prominent location at the end of the terrace of 19<sup>th</sup> century houses within the Dunmore East ACA. Also, to compliance with the planning policies and guidelines in particular relevant to extensions to dwellinghouses and heritage. It concludes that this proposed addition to No.1 Curraghmore Terrace provides a modern interpretation of the historic terrace houses and bookends this five dwelling terrace successfully, while carefully referencing the historical building elements of the terrace. That the careful use of contemporary and contrasting materials including the proposed design of the south and west elevations complement the existing building massing of the streetscape and adjoining streetscapes.
- 7.4.8. I note that as shown on the Site Layout Plans the proposal will reduce the area of private amenity open space, but it appears to be within the minimum standards as per Table 3.2 (i.e 75sq.m for a 4 bedroomed (or more) for a house) of the current Waterford City and County Development Plan 2022-2028. It is noted that the bulk of the proposed extension is to be sited in the rear and side garden areas, with the main private garden area being within the triangular area at the rear. There is a question as to the usability of this space and to whether it would be considered that the proposed development would constitute an overdevelopment of the site, that would not be in keeping with the character of the ACA.

## Sunlight and Daylight

- 7.4.9. It is noted that the Appellant's house no.2 Curraghmore Terrace is adjoining to the west of the development site and has a two-storey rear extension with rooflights facing the proposal. As shown on the drawings the proposed development (shown colour coded in blue) will not exceed the two-storey height of the adjoining properties. However, the Sections show that the proposed parapet of the flat roofed first floor element, will be higher than the rooflights in the side elevation of the pitched roof rear extension of no.2 Curraghmore Terrace.
- 7.4.10. A Sunlight and Daylight Assessment has been submitted as part of the C.F.I which provides an assessment of the potential for loss of light to the rooflights of the adjoining property. In addition, in response to the C.F.I the applicants submitted drawings showing the existing rooflights on no.2 Curraghmore Terrace and sections showing the proposed extension and the relationship of the proposed flat roofed element of the extension to the adjoining property.
- 7.4.11. The Assessment provides that the application complies with the recommendations and guidelines of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011) and BS 8206 Lighting for Buildings and Part 2 Code of Practice for Daylighting. The Design Model includes regard to the existing and proposed. This shows the scale of proposed extension relative to the existing and to the adjoining property. It provides that the proposed development has been successfully designed to reduce the impact on existing buildings.
- 7.4.12. Regard is had to Design modelling carried out and to the adjacent property rooflights. Tests were carried out relative to the impact/change for skylight – vertical sky component – VSC (sloped). Also relevant to impact/change for probably sunlight hours – Annual APSH and Winter WPSH. The Assessment concludes that the proposed development complies with the requirements of the BRE guidelines in relation to skylight availability to the neighbours and in relation to both annual and winter sunlight availability to neighbours as it applies to living rooms and conservatories. In addition, that neighbouring properties will generally not be affected by the proposed development relevant to skylight, sunlight and shadow and that the proposed development is in accordance with the guidelines.

## 7.5. Impact on the Character and Amenities of the Area

- 7.5.1. Chapter 11 of Volume 1 of the Waterford City and County Development Plan 2022-2028 relates to Heritage. This includes regard to Protected Structures and Architectural Conservation Areas. It is noted that the property and adjoining terrace, lies within the Dunmore East ACA. Section 11.6 refers to the design of new build in the historic core in ACA's and provides:

*The design of any proposed new development in a historic core should respect the existing character of its setting and blend in harmoniously sited and designed sympathetically so as not to detract from the setting. New developments should consider the existing building heights, vertical and horizontal lines, window size and fenestration in the vicinity, building materials and elevations of the existing structures. In some cases, high quality contemporary design can be acceptable.*

- 7.5.2. It is noted that the Council's Conservation Officer has concerns about the proposed development. They note that from a conservation perspective all new build should contribute to the visual enhancement of the area while respecting its physical character. That, in this instance due to the scale and massing, the works as proposed have the potential to detract from the setting and modest character of the historic terrace, which is located within a *Streetscape of Distinctive Character* as per the Waterford County Development Plan 2011-2017. They recommended that a Design Statement to include a justification of the proposed design which acknowledges the historic nature of the building, which is on the NIAH and its context within a terrace of similar buildings be submitted.
- 7.5.3. In response to the F.I submission including the Design Statement the Conservation Officer noted that new development within these sites should retain the predominance of the main building on the site and should respect the pattern of the historic urban grain. They had concerns that if permitted, the development as proposed would set an undesirable precedent for similar size dwellings and negatively impact on the streetscape and would therefore be contrary to the proper planning and development of the area.
- 7.5.4. The First Party response to the appeal considers that the proposed addition to No.1 Curraghmore Terrace provides a modern interpretation of the historic 1835 houses,

while carefully referencing the historical building elements of the terrace. They contend that the proposed development is deserving of being within an ACA on account of its high quality design. That the proposed design involves a successful marrying of the old and the new. That the architects are aware of the prominent nature of the site and have produced a contemporary design which is in itself striking and aesthetically pleasing whilst at the same time being respectful to the scale of the existing development.

- 7.5.5. I note Section 6.8.5 of the Architectural Heritage Guidelines 2011, which includes regard to ACAs provides: *The effect of extensions may have considerable impact on the appearance of buildings or on the setting of neighbouring buildings, or indeed on the appearance of the structure when viewed from a distance (or a set of similar structures such as a terrace) and this should be considered by the planning authority when assessing applications.*
- 7.5.6. I would consider that having regard to the plans and particulars submitted the proposed development, will introduce a new larger scale contemporary design element that is considerably different to the existing smaller scale house and its setting as part of the terrace. This is also a prominent site, proximate to the sea front and will be visible in the wider area. I note some 3D Views have been submitted and the First Party contend that there are only localised views of the site as noted in the photographs. However, while the view to the east is somewhat screened by the single storey toilet block, that the existing house is visible in the wider area in particular from more elevated viewpoints to the north and south.
- 7.5.7. I would consider that the proposed extension will appear overly dominant on this corner site at the end of the historic terrace. Having regard to the details submitted, I would not consider that the proposal would comply with Built Heritage Policy BH05 of the current Plan which relates to development in ACAs i.e.: *Achieve the preservation of the special character of places, areas, groups of structures setting out Architectural Conservation Areas (ACA).*
- 7.5.8. I note this is a small property and consider there maybe scope for a contemporary extension, having regard to conservation issues and its context within the ACA. However, this should appear subordinate to, include a setback from the frontage and not over dominate the character of the existing more modest property and historic

terrace. In addition, it should appear less prominent in the streetscape and should maintain and enhance the special character of the ACA in accordance with Heritage Policies including BH05 and BH11 of the Waterford City and County DP 2022-2028.

- 7.5.9. In conclusion I would consider that the design and layout as currently proposed would have an adverse impact on the character of Dunmore East ACA. In addition, as has been noted above, that it would not comply with Heritage Policies or Development Management Policy DM11 relevant to House Extensions.

## 7.6. Access and Parking

- 7.6.1. There is currently a pedestrian access only to the site, parking is somewhat congested in this area due to its proximity to the beach and the seafront and is along the road frontage. As shown on the plans originally submitted it was proposed to provide a gated vehicular entrance to allow for a car parking space to the side of the proposed extension. The existing front garden was to be graded to the existing road level.
- 7.6.2. It is noted that the Council's Road Design Section requires a set back of the front boundary of 2metres. This is to allow the Council to build a footpath. They provide that the entrance would then have sufficient sightlines and provided they can turn a car inside the site, they would have no objection. The Council's F.I request included regard to these issues including that a revised site layout plan be submitted, to show sightlines at the proposed vehicular entrance to the site in accordance with the Design Manual for Urban Roads and Streets (DMURS) based on the design speed of the public road. As has been noted this site is within the urban area speed limits.
- 7.6.3. In response to the F.I, reference is had to the wall set back diagram (DIA 001) which indicates how the front boundary wall would look if set back 2m at No.1 Curraghmore Terrace to allow for a footpath. The applicants consider that the demolition of the existing boundary to allow for this set back would greatly disrupt the original wall line of the streetscape and would detract from, rather than enhance the 'Streetscape of Distinctive Character'. They include a drawing to indicate the detrimental impact on the front boundary wall streetscape if the footpath were to extend along this whole side of Curraghmore Terrace. They provide that for this reason they have retained the existing front boundary wall and omitted the proposed vehicular entrance and on-

site parking. They note that on the original design, it is not possible to provide for a car to turn within the site as requested, and therefore the proposed on-site parking and vehicular entrance has now been omitted and will revert to street parking, thus eliminating the need for sightlines. They refer to revised Proposed Site Layout Plan, submitted.

7.6.4. Condition no.3(a) of the Council's permission includes the following:

*The roadside boundary shall be set back in accordance with Drawing No. DIA001 Part Site Layout – Wall Set Back as submitted to the Planning Authority on 13<sup>th</sup> April 2022, and as amended by this condition; the set back shall be from the extremity of the south eastern site boundary to within 2.5 metres of the existing pier of the existing gateway....*

7.6.5. The First Party response notes that they do not support this set back themselves and that it did not form part of the original design. They did not appeal this condition as they wanted to obtain planning permission and be in a position to commence the works on the development with the intention to address this condition in the future. They note that it did not form part of the appeal and do not comment on it further.

7.6.6. I note that Section 4.7 of Volume 2 of the current Waterford CCDP refers to Off-street Parking in Residential Areas. This includes regard to the works that would have involve the removal of front garden walls, pillars, gates, piers would generally not be permitted where they would have a negative visual impact on the character of the streetscape. *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.*

7.6.7. Section 7.0 provides the Car Parking Standards. This includes that for houses with 3+ bedrooms 2 onsite parking spaces would be required. There is no onsite parking available and as has been noted in the Design and Layout Section, the current proposal provides for a number of additional bedrooms, relative to the existing house. Therefore, it has to be considered that the current proposal which includes 6no. bedrooms, would not comply with the parking standards. In addition, that in view of the scale and massing of the proposed extension it would not allow for onsite parking to be provided to serve the development.

## 7.7. Ownership/ Boundary issues

- 7.7.1. The Third Party has regard to Condition no.2 of the Council's permission concerning the submission of a 'Method Statement' being requested: *so as to ensure the stability of properties in the vicinity of the site are not negatively impacted upon during construction works...* While they realise that the Local Authority or An Bord Pleanala are not the arbitrators of property ownership, they are concerned that part of the structures indicated for removal and marked as 'the boundary line' to the rear of the terrace are part of the original scullery of no.2 Curraghmore Terrace, as built many generations ago. That the stepped nature of the terrace (i.e between house 3 and 4) created the situation where the eastern rear walls of the terrace formed part of the sculleries and shed to the rear. They have regard to the alignment of these walls and provide that the eastern wall of their scullery still stands on the site to this day. They are concerned about boundary issues and submit that they respected this alignment with regard to no.3 and would expect the same in this case without this being perceived as an attempt to 'sterilise' the site. That walls on site marked for removal are within the appellants property and the existing garden to the rear is not accurately recorded by the 'straight line' drawings submitted.
- 7.7.2. The First Party response provides that the applicants are fully satisfied that they have sufficient legal ownership to implement their planning permission. They also note that it is not the role of An Bord Pleanala to get involved in matters of claims of alleged property disputes. That the Board can grant permission in the knowledge that the onus is on the applicant to ensure that all relevant legal permissions are in place before implementing the permission. However, they provide that notwithstanding this, that in relation to the specific issue raised concerning the scullery that they include two enclosures with their response to the appeal i.e:
- Report prepared by Dermot Bannon Architects reviewing issue of property boundary raised by appellant and outlining how this could be addressed.
  - Drawing prepared by Dermot Bannon Architects showing the revised location of the side wall of the proposed extension to avoid any boundary issues with the neighbour.
- 7.7.3. Having regard to issues including access and boundary issues that have been referred to in the documentation submitted, it must be noted that any issue of



encroachment, or alterations to the site boundaries is a civil matter, and the applicant is advised that in the event of encroachment or any dispute regarding easements concerning the adjoining property, the consent of the adjoining property owner is required. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: *“A person shall not be entitled solely by reason of a permission under this section to carry out any development”*.

7.7.4. Under Chapter 5.13 ‘Issues relating to title of land’ of the ‘Development Management - Guidelines for Planning Authorities’ (DoECLG June 2007) it states, inter alia, the following: *“The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...”* In other words, the developer must be certain under civil law that he/she has all the rights in the land to execute the grant of permission.

## 7.8. Drainage issues

7.8.1. The Water Services Section of the Council have concerns regarding the proposal to construct this development over the existing common drainage scheme transversing the rear of the property. They provide that the details submitted require clarification in respect of the location and length of the existing foul sewer to be diverted within the site development. In summary they requested that the applicant resubmit a site layout drawing showing on site survey details of the existing common foul drainage line with a clear coloured distinction in regard to the proposed diversion location and length with a new manhole located in open area for access. They note that redesign of the extension maybe required due to the importance of this common sewer serving Curraghmore Terrace, to take note that a 3m distance will be required from the new sewer diversion line to any new building. That full details be agreed prior to resubmission of clarification.

7.8.2. In response to the Council’s Clarification of F.I request DBA Architects, submitted a Site Layout Drawing, which they provide clearly indicates in colour the existing common sewer line and manholes with invert and cover levels indicated and the proposed new diversion, with new manholes located in open space areas, a min of

3m away from the proposed extension. They provide that they have had discussions with the Council's Drainage Engineers who agreed this proposal in principle. That this information is also included on the Proposed Ground Floor Plan Drawing no.20022 PLA-006 Rev. B for clarity.

- 7.8.3. I note Condition no.5 of the Council's permission refers to surface water drainage. If the Board decides to permit, I would recommend that appropriate conditions be included.

## 7.9. **Appropriate Assessment**

- 7.9.1. Having regard to the nature and scale of the development and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise, and it is considered that the development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

## 8.0 **Recommendation**

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

## 9.0 **Reasons and Considerations**

1. Having regard to the specific design proposed and the resultant scale, massing and bulk of the proposed development, to the small scale of the existing dwelling on this prominent corner site, at the end of an historic terrace located proximate to the seafront and to the centre of Dunmore East, the Board is not satisfied that the proposed development would not adversely impact on the special character of Dunmore East Architectural Conservation Area and would, therefore, materially contravene the Built Heritage Policy BH05 of the Waterford City and County Development Plan 2022-2028. The proposed development 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

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