



An
Bord
Pleanála

Inspector's Report

ABP-316038-23

Development	Alterations to existing house.
Location	9 River Lane, Knockateemore, Dungarvan, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	237
Applicant(s)	Martin Hickey
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Joanne and Patrick Halpin
Observer(s)	None on file
Date of Site Inspection	15 th September 2023
Inspector	Sarah Moran

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1.0 Site Location and Description

1.1. The development site is an existing two storey semi-detached house within a housing development at the northern edge of the built up area of Dungarvan, Co. Waterford. There is an existing single storey extension to the rear of the house.

2.0 Proposed Development

2.1. The proposed development involves the conversion of the attic of the existing house to create an office / storage space with the alteration of the existing hipped roof to a gable end roof, also the addition of solar panels to the front elevation and the insertion of velux windows to the rear elevation.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Waterford City and County Council (WCCC) issued a notification of a decision to grant permission subject to seven no. conditions on 22nd February 2023. The conditions imposed did not require any significant changes to the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report of Executive Planner, 20th February 2023. Recommends permission subject to conditions.
- Habitats Directive Screening Assessment 20th February 2023. No likelihood of significant effects on Natura Sites.

3.2.2. Other Technical Reports

No other technical reports on file.

3.3. Prescribed Bodies Submissions to Planning Authority

3.3.1. None on file.

3.4. Third Party Observations to Planning Authority

3.4.1. There are two no. third party observations on file from the above named appellants, which object to the development on grounds similar to those raised in the grounds of appeal.

4.0 Planning History

4.1. Reg. Ref. 17/316

4.1.1. Permission sought by Martin Hickey and Anne Marie Hickey to construct a two storey extension at the rear of house including all ancillary site works. The planning authority sought further information on 4th July 2017 in relation to:

- Revised proposal reducing the height and/or scale of extension at first floor level, or repositioning the extension at first floor level in order to maximise separation distance with adjoining residential property.
- Please submit contiguous elevations clearly showing any revised design for proposed extension and the adjoining dwellings to the east and west.

The applicants did not respond to the further information request and the application was deemed withdrawn.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028

- 5.1.1. The development site is zoned Existing Residential with the stated objective to provide for residential development and protect and improve residential amenity.
- 5.1.2. The site is situated within Flood Zone A as per the development plan SFRA.
- 5.1.3. Section 4.9 of development plan Volume 2 Development Standards provides guidance on residential extensions. It states:

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 plan Objective DM 11 applies:

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.*

5.2. Natural Heritage Designations

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

- 0.3 km northeast of the Dungarvan Harbour SPA (004032)
- 2.5 km southwest of the Glendine Wood SAC (002324)
- 7.7 km west of the Mid-Waterford Coast SPA (004193)
- 7.7 km northwest of the Helvick Head SAC (000665)
- 7.7 km northwest of the Helvick Head to Ballyquin SPA (004192)
- 7.7 km northwest of the Comeragh Mountains SAC (001952)
- 7.9 km northwest of the Blackwater River (Cork/Waterford) SAC (002170)

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the development, comprising of an attic conversion and works to the roof 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 Third Party Appeal

- 6.1.1. The third party appeal has been submitted by the residents of no. 10 River Lane, the adjoining residential property to the west of the site. The main points made in the grounds of appeal may be summarised as follows:

- The development completely changes the character of the pair of houses and detracts from the visual amenity of the block when viewed from the public road.
- Concerns that the development would have an adverse impact on the value of the appellants' property.
- Refers to development plan policy on domestic extensions, ref. section 4.9 of development plan Volume 2, submits that the development is not in accordance with policy objective DM 11 as it does not respect or follow the pattern of the existing building and is out of character with the houses around it.
- There are different roof types within the estate, however they are on other house types. The subject site is within a line of eight similar houses, which sets a precedent.
- The development will have an adverse visual impact in views from the appellants' property.
- It is submitted that the development will set an undesirable precedent for other similar developments in the estate.

6.2. **Applicant Response**

6.2.1. None on file.

6.3. **Planning Authority Response**

6.3.1. None on file.

6.4. **Observations**

6.4.1. None on file.

6.5. **Further Responses**

6.5.1. None on file.

7.0 **Assessment**

7.1. I have read through the file documentation, the relevant provisions of the Waterford City and County Development Plan 2022-2028 and have carried out a site inspection. The main issues are those raised in the planning reports on file and in the grounds of appeal. I note in this regard that the technical reports on file do not raise any other issues. The development site is located in Flood Zone A but the proposed works involve changes to the roof of an existing house only and do not include any increase in footprint or hardstanding area. The development will use the existing site access and car parking area and will connect to existing site services. I therefore consider that the main issues on this appeal are as follows:

- Impacts on Visual and Residential Amenities
- Appropriate Assessment.

Each of these issues is addressed in turn below.

7.2. **Impacts on Visual and Residential Amenities**

7.2.1. The third party appeals submit that the proposed roof design is out of character with surrounding development and therefore contravenes development plan policy on

residential extensions as per Objective DM11. I note the following points, having inspected the site and viewed it from various vantage points in the vicinity:

- The development will not increase the footprint of the existing house and will not change the existing ridge height.
- I do not consider that the proposed change in roof profile and addition of velux windows to the rear will have any significant adverse impacts on residential amenities by way of overlooking or overshadowing, particularly given that there is no change to the footprint of the house.
- The development site is within a row of semi-detached houses of the same design. However, there is a variety of roof styles within the wider development, including gable end roofs immediately across the road from the development site at nos. 11, 12 and 13 River Lane.
- Full details of external finishes and materials may be agreed by condition to the satisfaction of the planning authority.
- Any future proposals for similar development would be considered on their merits.

I therefore consider that the development would not have any significant adverse impact on residential or visual amenities, subject to conditions, such as would warrant a refusal of permission and is in accordance with development plan policy on residential extensions as per section 4.9 and Objective DM 11.

7.3. Appropriate Assessment

- 7.3.1. The site is located on a tributary of the Colligan River and is adjacent to several designated sites, as set out above. However, having regard to the nature and scale of the proposed development being an attic conversion and works to the roof 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, dated 20th February 2023, is also noted in this regard.

8.0 Recommendation

8.1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, and the provisions of the Waterford City and County Development Plan 2022-2028 including Objective DM 11 on residential extensions, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential amenities of the area or of property in the vicinity in terms of overlooking, overbearing or overshadowing impacts nor would it represent a traffic safety issue. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Reasons and Considerations

9.1.1. Having read the appeal and submissions on file, had due regard to the provisions of the Waterford City and County Development Plan 2022-2028, carried out a site visit and all other matters arising. I recommend that permission is granted subject to the conditions set out below.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
3.	<p>Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water/ Uisce Éireann, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

7.	<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 commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

Sarah Moran
Senior Planning Inspector

17th September 2023