



An
Bord
Pleanála

Inspector's Report

ABP-316532-23

Development	Construction of a new dwelling, relocated vehicular entrance and all ancillary site works
Location	Doneraile Walk, Tramore, Co. Waterford
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	22979
Applicant(s)	Chris Chapman
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Lynne & Hilton Hincks
Observer(s)	None
Date of Site Inspection	22 nd December 2023
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located on the western fringes of the village of Tramore in an area characterised by mainly single storey houses of modern and more historic dates. The site is located off 'Doneraile Walk' which is primarily a pedestrian walkway that also can accommodate vehicular traffic to a point at the western end of 'Doneraile Walk' to a location adjacent to the appeal site.
- 1.2. The appeal site is bordered to the NW by 'Doneraile Walk', to the NE by neighbouring houses and to the SW and SE enclosed by a hedgerows and trees. There is a field gate located in the NE corner of the subject site which is to be relocated to serve the proposed dwelling. There are dwellings across the road/path from the appeal site and the cliffs and shore lie to the south of the site which appears to be not utilised for any purpose at present.

2.0 Proposed Development

- 2.1. It is proposed to construct a part single storey and part two storey dwelling with a ground floor footprint of approximately 11.44m x 22.62m (master bedroom, kitchen, dining, study, living room, two bathrooms and utility room) and a lower ground floor footprint of approximately 9.9m x 13.39m (three bedrooms, two bathrooms and storage room). The architectural style of the proposed dwelling is contemporary and the north facade onto 'Doneraile Walk' presents as a single storey dwelling with a maximum ridge height of 36.58m OD.
- 2.2. A relocated vehicular entrance is proposed onto the public road 'Doneraile Walk' on the NW boundary of the subject site and a WWTP and percolation are also proposed. Mains water supply is proposed for the dwelling and connection to the mains sewer is also proposed.
- 2.3. The GFS of the proposed dwelling is stated to be 250.5m² and the appeal site area is stated to be 0.1963ha. The site layout drawing indicate that 4 no. parking spaces are proposed to serve the occupants of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was granted subject to 5 no. conditions on 5th April 2023.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points raised in the Planner's Report on file are as follows:

- The application site is located within the settlement limits of Tramore and is zoned for residential use (RS – provide for residential development and protect and improve residential amenity) as per the Volume 4, Map 2 of the Development Plan 2022-2028. The principle of development at this site is therefore acceptable.
- The balance of the lands in the applicant's ownership (within the blue line area) which lie to the west and south of the appeal site are zoned OS – open space and recreation.
- Access to the site is via a narrow cul-de-sac where traffic speeds and movements are limited. Further Information was sought following the Roads Section advising that the access to the site was sub-standard which resulted in a revised site layout being submitted where a 2m wide footpath was proposed on the application site of 'Doneraile Walk' to achieve a 30m sightline looking NE up 'Doneraile Walk' (only pedestrian traffic looking SW down) 'Doneraile Walk'. A setback of the ditch on the opposite side of the road which is in the applicant's ownership was also proposed to assist access to the application site.
- No impact from overlooking, privacy or overshadowing seemed likely in association with the proposed dwelling given its location, scale and massing.

3.2.2. Other Technical Reports

- Water Services have no objection to the proposed dwelling subject to conditions.
- There does not appear to be a report from the Roads Section after the receipt of Further Information but presumably given the grant of permission in this case, the Roads section were satisfied with the design solution proposed by the applicant.

3.2.3. Prescribed Bodies

- Irish Water has confirmed that connection to public water and sewage infrastructure is possible.

3.2.4. Observations

- Two observations were made in relation to this application, one of which is the Third Party appellant in this appeal, and the same points were raised as in the current appeal which are summarised in Section 6.0 below.

4.0 **Planning History**

4.1. On the Appeal Site

- No valid planning history on the appeal site.

4.2. In the Vicinity of the Appeal Site

- Ref. 20415 – Relates to a grant of permission on 8th August 2020 for alterations to existing dwelling comprising (a) demolition of existing detached garage and sun room to rear of existing dwelling (b) alterations and extension of existing flat roof extension to rear at ground floor level with construction of new dormer extension at first floor level (c) raising of existing roof ridge height to facilitate dormer extension (d) new velux rooflight to front and (e) new part glazed wind screen structure to side of dwelling with covered canopy, carport and plant room, together with all associated site works at Seamist, 2 Doneraile Walk, Tramore (directly adjacent and to the NE of the appeal site).

- Ref. 2360471 – Relates to an application for permission for the construction of a four bedroom two story detached house which is currently subject to Further Information for a site across the road from the appeal site.

5.0 Policy and Context

5.1. Development Plan

The Waterford City & County Development Plan 2022-2028 is the statutory plan for the area within which the appeal site is situated and came into effect on 19th July 2022. Set down below are the policies and objectives contained in the Development Plan relevant to this appeal. National and Regional policies are primarily set down in Chapters 2 and 3 of the Development Plan to which I draw the Board's attention.

Volume 2 of the Development Plan sets down development management standards and the following are of relevance to this case:

- 3.2 Residential Density The Council recognises the benefits of increasing the density of residential development at appropriate locations in harmony with improved public transport systems and in accordance with various strategies and reports such as the 'National Planning Framework' (NPF), the 'Sustainable Residential Development in Urban Areas Planning Guidelines (2009)' and the 'Southern Region Spatial and Economic Strategy' (RSES). The National Planning Framework (NPF) lists 'Compact Growth' as a National Strategic Outcome aiming to secure the sustainable growth of more compact urban and rural settlements supported by jobs, houses, services and amenities, rather than continued sprawl and unplanned, uneconomic growth. National Policy Objective 3c of the NPF states in this regard that at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, should be within their existing built-up footprints.
- National Policy Objective 13 of the NPF advocates that planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.

- The use of zoned and serviced land to its maximum, as positioned in the core and settlement strategies, and other relevant and associated chapters and policies of this Development Plan, will assist in achieving the objective of satisfying housing demand in a sustainable manner. In the application of densities, it is also important to recognise and reflect the function and character of the urban area (i.e. city, towns, villages and settlement nodes), as set out in the settlement hierarchy in Volume 1: Section 2.9 -Table 2.2.
- General Density Advice - In assessing applications for residential development, the Planning Authority will seek to implement the density standards set out in the ministerial guidelines 'Sustainable Residential Developments in Urban Areas' (DoEHLG 2009), the Specific Planning Policy Requirements (SPPR) of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and Circular Letter NRUP02/2021 along with those provided in the Core Strategy of this Development Plan. In all instances the following will be taken into consideration:
 - Development Management DM 05
 - Proximity to public transport bus stops.
 - Proximity to neighbourhood and district centres.
 - The extent to which the design and layout follows a coherent design brief resulting in a high-quality residential environment.
 - Compliance with qualitative and quantitative criteria.
 - The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas.
 - Existing topographical, landscape or other features on the site.
 - The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development.
 - Where the opportunity exists to increase density and building heights in pursuit of compact, regeneration, sequential and transit-oriented development, and where it can be demonstrated that the development management standards set out in the Development Plan may in certain

circumstances be counter to achieving these principles of sustainable urban development, we will consider such proposals on their own merits having regard to the relevant S28 Guidelines in place at the time

5.2. Natural Heritage Designations

The following natural Heritage designations are located in the vicinity of the appeal site:

- Mid-Waterford Coast SPA - 004193.
- Tramore Back Strand SPA – 004027.
- Tramore Dunes and Backstrand SAC - 000671.
- Tramore Dunes and Back Strand pNHA - 000671.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. The relevant planning grounds of appeal submitted by Lynne and Hilton Hincks, in summary, are as follows:

- The proposed entrance onto a narrow lane, 'Doneraile Walk', constitutes a traffic hazard especially for emergency vehicles, and puts pedestrians at risk due to an increased amount of traffic using this lane.
- Heavy construction traffic on the lane may cause subsidence of the lane with consequent damage to the 2nd last house on the left of the lane before the appeal site is reached.
- The existing sewage system is already overloaded and an additional house connecting to the system will further exacerbate this situation.

- The potential impact on the coastal management system (for example cliff subsidence) has not been assessed in relation to the proposed development, specifically in relation to policy CZM 3 which protects the scenic value of the coast round Tramore.
- Was a screening carried out as required by the Habitats Directive?

6.2. Applicant's Response

The applicant has responded, and in summary, makes the following points:

- The Planning Authority and the Local Area Engineer are aware of the limited traffic using this lane and are satisfied that the proposed 4m wide carriageway and 2m wide footpath proposed s Further Information is sufficient to cater for anticipated levels of traffic without creating a traffic hazard at this location.
- The siting of the house has taken into account the location of the public sewer which it is proposed to connect into with the permission of Irish Water.
- The proposed dwelling is approximately 95m from the cliff face which is currently being reinforced.
- It is not anticipated that the proposed dwelling will impact adversely on the management of the scenic coastal zone given its minimal visual impact on the receiving environment.
- Habitat screening is not required as the proposed dwelling is 24m away from the trees to the west which are in the ownership of the applicant.

6.3. Planning Authority Response

- The Planning Authority has not responded to this appeal.

6.4. Observations

- None received.

6.5. Further Responses

- Not applicable.

7.0 Assessment

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that 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 main issues, therefore, are as follows:

- Principle of development.
- Traffic hazard.
- Services infrastructure.
- Visual impact.
- AA Screening.

7.1. Principle of Development

7.1.1. Having regard to the residentially zoned land on which the appeal site is located, and to the non-listing of these zonings in Table 11.2 (Zoning Matrix) of the Development Plan, each proposal for residential development needs to be assessed in accordance with other criteria set down in the Development Plan – such as rural housing need, access, waste water treatment, visual impact, etc –

7.1.2. Accordingly, there is no objection in principle to a residential proposal on the appeal site.

7.2. Traffic hazard

7.2.1. Regarding the issue of traffic hazard associated with additional vehicles using the lane to access the proposed dwelling, I note the widening of the lane and the provision of a 2m wide footpath just before the appeal site entrance and I concur with the Planning Authority assessment that traffic hazard risk is low at this location.

7.2.2. Regard must be had to the cul-de-sac nature of the lane and to the need to achieve sightline only looking NE up ‘Doneraile Walk’ as the lane is pedestrian from the site entrance downhill (to the SW). The proposed sightline of 30m to the NE is in my opinion perfectly adequate given the low levels of traffic utilising the lane and to the traffic calming effect induced by the narrowness of said lane.

7.2.3. Accordingly, I do not believe that the issue of potential traffic hazard at this location constitutes a reason for refusal.

7.3. Services infrastructure

7.3.1. I note that the Drainage Section of the Council does not have any objection to the proposed dwelling subject to the application of conditions. I also note that Irish Water has confirmed that connection to public water and sewage infrastructure is possible.

7.3.2. Having regard to this scenario, I find that there is no objection to the proposed development on infrastructure provision grounds.

7.4. Visual impact

7.4.1. The design of the proposed house by virtue of lower ground floor underneath ground floor level enables a sizable quantum of development to maintain a low visual profile on the site. From the public lane, the proposed house reads as a single storey dwelling and therefore the structure readily assimilates into the predominantly single storey neighbourhood.

7.4.2. This low visual impact does not therefore have an adverse impact on the Open Space (Coastal Zone) to the south of the appeal site and I find that there is no case to answer with respect to adverse visual impact in this instance.

7.5. AA Screening

7.5.1. Having regard to the relatively minor development proposed and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the location of the proposed development, together with its design, scale, bulk and massing, it is considered that the proposed development would not seriously injure the visual or residential amenities of the area, would not constitute traffic hazard by virtue of its access and would not set an undesirable precedent for other residential development in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 7 th day of March 2023, 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. Reason: In the interest of clarity.
2.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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. Reason: In order to safeguard the residential amenities of property in the vicinity.
3.	Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity.

4.	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. Reason: In the interest of public health.
5.	Prior to commencement of development, the developer shall enter into a water connection agreement with Irish Water. Reason: In the interest of public health.
6.	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. 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.

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.

Bernard Dee
Planning Inspector

15th January 2024