



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317458-23

---

<b>Development</b>	Demolition of existing extensions and construction of a three two-storey extensions.
<b>Location</b>	20 Strandside North, Dungarvan, Co. Waterford, X35 AY26.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	23125
<b>Applicant(s)</b>	James O'Brien and Dolores Pericho
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Michael Roche and Bridget Hynes Roche
<b>Observer(s)</b>	None on file
<b>Date of Site Inspection</b>	15 <sup>th</sup> September 2023
<b>Inspector</b>	Sarah Moran

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations to Planning Authority.....	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Waterford City and County Development Plan 2022-2028.....	5
5.2. Natural Heritage Designations .....	6
5.3. EIA Screening .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Applicant Response .....	7
6.3. Planning Authority Response .....	8
6.4. Observations .....	8
6.5. Further Responses.....	8
7.0 Assessment.....	8
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12
10.0 Conditions .....	12

## 1.0 Site Location and Description

- 1.1. The site is an existing two storey detached house on Old Hospital Road on the northern side of Dungarvan, Co. Waterford. The site is one of a row of houses overlooking the Colligan Estuary. It currently has several extensions to the side/rear, also an area of decking. The total stated site area is 0.1 ha.

## 2.0 Proposed Development

- 2.1. The proposed development involves the following:
- Demolition of existing extensions;
  - New two storey extensions to front of house with external terrace at first floor level;
  - New two storey extension to rear of house;
  - New single storey extension to side of house;
  - New vehicular entrance and driveway, pedestrian access from public road and parking area to rear of house;
  - Landscaping including new viewing terrace to front of house;
  - Connection to existing site services;
  - All associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The planning authority issued a notification of a decision to grant permission on 1<sup>st</sup> June 2023, subject to nine no. conditions. Condition no. 8 requires the following:
- (a) All bathroom windows and the first floor window on the northern elevation serving bedroom 4 permitted herein shall be glazed in obscure/opaque glass.*
- (b) The vertical louvres to be provided to the north and south elevations of first floor terrace permitted herein shall be angled and of sufficient depth and overlap such that all views to the north, north east, south and south east are fully obscured.*

*Views to the north west and south west only shall be available through the louvres.*

*Reason: In the interest of privacy and amenity of occupiers of adjacent houses.*

- 3.1.2. The remaining 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, 30<sup>th</sup> May 2023. Recommends permission subject to conditions.

### **3.2.2. Other Technical Reports**

None on file.

## **3.3. Prescribed Bodies**

- 3.3.1. None on file.

## **3.4. Third Party Observations to Planning Authority**

- 3.4.1. There is a submission on file from the above named appellants, which objects to the development on grounds similar to those raised in the grounds of appeal. There is also a submission from the residents of no. 21 Strandside North, the adjoining residential property to the immediate north of the development, which objects on the following grounds:

- The existing house at the site currently has only one door at ground floor level and no windows at first floor level of its northern elevation facing the observers' property. The proposed first floor window to the northern elevation and the first floor terrace to the front of the house will overlook and encroach on the privacy of the observers' property.
- The development will result in overshadowing of the observers' property due to its excessive scale, with adverse impacts on their right to light and overshadowing of habitable rooms at ground and first floor levels.

- It is submitted that only a single storey extension should be permitted at the development site.
- The observation includes photographs of views of the development site from the observers' house.

## 4.0 Planning History

4.1. None on file.

## 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 to the immediate east but outside of Flood Zones A and B 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:

- 0.04 km east of the Dungarvan Harbour SPA (004032)
- 3 km southwest of the Glendine Wood SAC (002324)
- 6.6 km northwest of the Helvick Head to Ballyquin SPA (004192)
- 6.8 km northwest of the Helvick Head SAC (000665)
- 7 km northeast of the Blackwater River (Cork/Waterford) SAC (002170)
- 7.5 km west of the Mid-Waterford Coast SPA (004193)
- 9 km south of the Comeragh Mountains SAC (001952)

## **5.3. EIA Screening**

5.3.1. Having regard to the nature of the development, comprising of extensions and works to 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 Appeal**

6.1.1. The third party appeal is submitted by the residents of no. 19 Strandside North, the adjoining residential property to the immediate south of the development site. The main points made in the grounds of appeal may be summarised as follows:

- The proposed two storey extension to the front of the house will detract from the character of the area and the existing visual amenity. It is dominant and incongruous and does not follow the pattern of existing houses in the area.

- The development is not in alignment with the established building line at this location. The site is highly visible across the Colligan estuary.
- The development will set an undesirable precedent in the area.
- The development is not in keeping with existing houses and is out of character with the area.
- Condition no. 8 does not address the planning principle regarding non-reciprocal overlooking. There is a possibility of overlooking from the entire front terrace of the front extension despite the angling of vertical louvres.
- The scale of the front extension will result in overshadowing of the appellants' property, in particular the bay window to their ground floor living room.
- The proposed two storey structure to the front of the house will be overbearing and will result in a negative and intrusive impact on the enjoyment and residential amenity of the appellants' front garden and will have an adverse impact on the value of their property.
- The development is not in accordance with design guidance in the development plan.

## 6.2. Applicant Response

6.2.1. The main points made in the applicant's response to the third party appeal may be summarised as follows:

- The development does not contravene development plan policy on residential extensions as per objective DM 11. The appellants' property and adjacent dwellings are individual houses with various designs, scales, massing, footprints and external materials. A photographic record of houses in the area is submitted in support of this point.
- It is submitted that there is no uniform building line at this location. There is a curve in the public road, as referred to in the planning report on file.
- The response includes photographs of the site from across the Colligan estuary to indicate the variety of building styles along the road.

- The development includes timber louvres to prevent overlooking of adjacent properties from the first floor terrace. The available views from the terrace will therefore be the same as those currently available from the large windows at the first floor of the front of the existing house. The applicant is agreeable to condition no. 3. It is noted that the appellants' front garden is already currently visible from the public road.
- The response includes a shadow study and a drawing of daylight impacts. It is submitted that these demonstrate that no adverse impacts will arise as a result of the development.
- It is submitted that the proposed front extension is not overbearing and was considered acceptable in the WCCC Executive Planner report.

### **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 planning report on file does 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. No concerns have been raised in relation to the proposed changes to the existing vehicular access and the



development will connect to existing site services. I therefore consider that the main issues on this appeal are as follows:

- Impacts on Residential Amenities by Way of Overlooking
- Impacts on Residential Amenities by Way of Overshadowing
- Impacts on Visual Amenities
- Appropriate Assessment.

Each of these issues is addressed in turn below.

## **7.2. Impacts on Residential Amenities by Way of Overlooking**

- 7.2.1. The adjoining residents submit that the development, in particular the first floor terrace to the front of the house, will result in overlooking of their properties including habitable rooms.
- 7.2.2. As per the submitted site layout, the existing house is c. 9m from the side façade of no. 21 Strandside North, the adjoining property to the north of the site. There are currently no windows in the northern elevation of the existing house. The proposed northern elevation includes a window at first floor level of the rear extension and a roof terrace at first floor level to the front of the house. The window to the rear extension is set further back from the northern site boundary such that it is c. 10m from the southern elevation of no. 21 Strandside North and is at an angle. The window is a secondary window to a bedroom, which also has other sources of light. Overlooking from this source may be obviated by obscure glazing, as required by condition no. 8 of the planning authority decision, and may therefore be resolved by condition. The front extension is forward of the front elevation of no. 21 Strandside North and has also been designed to prevent overlooking on both sides with louvered fins. I am satisfied that this measure will prevent direct overlooking of adjacent properties such that the first floor terrace will look over adjacent front gardens, which are already visible from the public realm, and will not result in significant additional overlooking beyond that from the first floor of the existing house at the development site.
- 7.2.3. The southern side of the existing house is c. 6m from the side of no. 19 Strandside North, to the immediate south of the site. The development includes two new first floor windows to the southern elevation, both of which light ensuite bathrooms and

may be conditioned to have obscure glazing to obviate overlooking. Similar conditions prevail regarding the first floor terrace to the front of the house, which has louvers to both side. As above, I do not consider that this element of the development will result in any additional overlooking to the front of no. 19 Strandside North.

- 7.2.4. I am satisfied on this basis that the development will not result in any significant adverse impacts on residential amenities by way of overlooking, subject to conditions.

### **7.3. Impacts on Residential Amenities by Way of Overshadowing**

- 7.3.1. The adjacent residents submit that the development will result in additional overshadowing of their properties, including habitable rooms. The applicant's response to the third party appeal includes shadow analysis diagrams, which indicate the extent of proposed overshadowing at several times of the day on 21<sup>st</sup> March, 21<sup>st</sup> June, 23<sup>rd</sup> September and 21<sup>st</sup> December, also a site layout drawing showing daylight impact projection drawings at 45° from relevant windows in adjacent residential properties. Having regard to same, I consider that the development may result in some marginal additional overshadowing to the north of the site, however not to the extent that would warrant a refusal of permission, noting also that the property to the north is a substantial detached house with a large garden.

### **7.4. Impacts on Visual Amenities**

- 7.4.1. The adjacent residents submit that the proposed development is out of keeping with the existing character of the area and breaks the existing building line at this location. It is submitted that the development site is highly visible across the Colligan Estuary. The applicant's response to the appeal includes photographs of various houses in the vicinity and views towards the site from across the Colligan Estuary.
- 7.4.2. I note the following points, having inspected the site and viewed it from various vantage points in the vicinity:
- The site is an existing two storey house within the existing built up area of Dungarvan. It is not a protected structure or within a Residential Conservation Area.

- There is a variety of building styles in the vicinity, including single storey, detached and semi-detached houses, as per the photographic survey submitted with the applicant's response to the grounds of appeal.
- The site reads as part of the built up area of Dungarvan along Strandside North in views from various vantage points. The proposed development represents a moderate change to an existing house, which will not significantly detract from views of the area.
- I concur with the view of the planning authority that there is no clearly established building line at this location, noting that there is a curve in the road and that the site itself is within a row of detached houses that are angled to face various directions.
- The proposed development has a high standard of design and finish, and a condition may be imposed requiring final finishes to be agreed with the planning authority. The two storey extensions do not increase the ridge or eaves height of the existing house.
- While the development will change the outlook from adjoining residential properties, this would be the case for any renovation / extension of the existing residential property.

I am satisfied on this basis that the proposed development would not result in any significant adverse impact on visual amenities such as would warrant a refusal of condition.

## **7.5. Appropriate Assessment**

- 7.5.1. 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 extensions and alterations to an existing house in a built up area, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the construction or operational phases of development, with regard to their conservation objectives. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. The

WCCC Habitats Directive Screening Assessment on file, dated 30<sup>th</sup> May 2023, is also noted in this regard.

## 7.6. Planning Assessment Conclusion

- 7.6.1. Having regard to the above, I am satisfied that the development will not have any significant adverse impacts on residential or visual amenities and that the development is in accordance with development plan policy on residential extensions as per section 4.9 and Objective DM 11.

## 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. 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.	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
----	--

	<p>authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) All bathroom windows and the first floor window on the northern elevation serving bedroom 4 permitted herein and all first floor windows on the southern elevation of the rear extension shall be glazed in obscure/opaque glass.</p> <p>(b) The vertical louvres to be provided to the north and south elevations of first floor terrace permitted herein shall be angled and of sufficient depth and overlap such that all views to the north, north east, south and south east are fully obscured. Views to the north west and south west only shall be available through the louvres.</p> <p><b>Reason:</b> In the interest of privacy and amenity of occupiers of adjacent houses.</p>
3.	<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><b>Reason:</b> In the interests of public safety and residential amenity.</p>
4.	<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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<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><b>Reason:</b> In the interest of visual amenity.</p>
6.	<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><b>Reason:</b> In the interest of public health.</p>
7.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water/ Uisce Éireann, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<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><b>Reason:</b> 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>

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

17<sup>th</sup> September 2023