



An
Bord
Pleanála

Inspector's Report ABP-319118-24

Development	Demolition of existing single storey dwelling and construct in its place a two storey over basement dwelling, including new boundary wall and all associated works		
Location	Convent Road, Dunmore East, Co Waterford, X91 F663		
Planning Authority Ref.	2360171		
Applicant(s)	William and Helen Boxwell		
Type of Application	Permission.	PA Decision	To refuse
Type of Appeal	First party	Appellant	William and Helen Boxwell
Observers	Frank and Patricia Mc Donald; Gail Shortle		
Date of Site Inspection	7 th May 2024	Inspector	Ann Bogan

1.0 Context

1. Site Location/ and Description.

The site is located within the town of Dunmore East, south of Dunmore East Harbour and is approximately 100m from the coastline. The 0.10ha site is occupied by an existing detached single storey pitched roof dwelling, with a floor area of approximately 84 sq m. The site rises steeply from the road with a difference of 10m from the street level to the rear (east) of the site. The existing

dwelling is positioned above road level with steps down to a pedestrian entrance to the public footpath.

Neighbouring houses on Convent Road and to the rear of the site are single storey. There are two storey apartment buildings located on the opposite side of the road, but at a lower level, bounded by a 2m+ stone wall, with access from the north. Existing houses at a higher level above Convent Road, are accessed from a road above.

The southern (side) boundary with the adjoining site is formed by an existing wall which rises up the slope, the northern boundary has existing dense vegetation, while the western (rear) boundary consists of a c1.8m high wall.

2. Description of development.

The proposed development consists of the demolition of the existing dwelling and its replacement with a 451sq m flat roofed dwelling over three floors. The construction involves excavation into the hillside and includes a retaining wall on the northern boundary of the dwelling. The lowest floor level (described as basement) is located at the level of the existing street and contains a garage, storage, utility room and gym. The next level consists of 4 bedrooms, an office and bathrooms and the top floor houses an open plan living/dining/kitchen area, opening onto a patio.

A further information request resulted in a revised layout, with a reduction in the building footprint, and included the setting back of the top floor westwards by 6.5m, setting back further from southern side boundary and reduction in the overall floor area to 402sq m.

The revised proposal incorporates a balcony on the roof of part of the second level overlooking the road and 'green roofs' on second and third levels. Patios to the south and west of the building are accessed from the top floor.

Further information submitted also included a Geotechnical Report and a Construction Method Statement.

3. Planning History. None

4. National/Regional/Local Planning Policy (see attached)

Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024

Waterford City and County Development Plan 2022-2028

- The Waterford City and County Development Plan 2022-2028 County Development Plan was adopted by the PA on 7th June 2022. It has regard to national and regional policies in respect of urban residential development and landscape protection.
- H02 General Housing Policy Objectives
- H20 Protection of existing residential amenity policy objectives
- Zoning: Existing Residential
- Landscape Policy Objective LS02
- Waterford Landscape and Seascape Character Assessment (incorporated as Appendix to Development Plan)
- Record of Protected Structures: Dunmore Harbour House (1820) is nearby, (former hotel/convent, converted to apartments)

5. Natural Heritage Designations

- 5.03km east of the Tramore Back Strand SPA Special Protection Area (Site Code: 004027)
- 3.56km south of the River Barrow and River Nore SAC Special Area of Conservation (Site Code: 002162)

2.0 Development, Decision and Grounds of Appeal

6. PA Decision.

Case planning officer's first report indicated concerns in relation to the scale massing and height of the proposed structure in the context of existing development in the area and in relation to the level of excavation proposed. Further information was sought and revised plans and reports received as indicated above. The subsequent planner's report noted that the revised plans lessened the visual impact of the proposal from the road and the south, but

concluded that the planning authority did not consider that the revisions addressed the concerns raised in relation to the site location and scale of the development, and the extent of ground works required. She considered that it was not an appropriate design approach given the site and character of the area and the proposal would detract from the visual amenity of the area and recommended refusal of permission. Permission was refused for somewhat amended reasons recommended by the Senior Executive Planner:

1. Having regard to the sites prominent location within the village of Dunmore East on lands identified as 'Most Sensitive' landscape with a very low capacity to absorb new development as set out in the Scenic Classification in the Landscape and Seascapes Character Assessment of Waterford City & County Development Plan 2022-2028, the scale, massing, bulk and height of the proposed development and the level of excavation required, the proposed development would be out of character with the predominantly single storey development in this area, and would seriously detract from the character and visual amenities of the area and seriously injure the amenities of property in the vicinity.

2. The proposed development would be contrary to General Housing Policy Objective H 02 of the Waterford City & County Development Plan 2022-2028, which states that the Planning Authority "will ensure new residential development is appropriate in terms of type, character, scale, form and density to that location". Furthermore, the proposed development would be contrary to Landscape Policy Objective, LS02 of the Waterford City & County Development Plan 2022-2028, which seeks to protect the landscape and natural assets of the County by ensuring proposed developments "do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape." Thus, the proposed development would be contrary to the policies and objectives of the Waterford City & County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

6A. Internal Observations

Environment Dept: recommended a number of conditions in the event of permission being granted relating to environmental and construction issues

6B. Public Submissions/Observations

The Planning Authority received three submissions on the planning application and on the further information received from owners of existing houses to the north, south and west of the proposed development. Owners of house to north and west have also made observations on the appeal. Issues raised in submissions to planning authority are similar to those raised in observations on appeal.

7. First Party Appeal.

Grounds: submitted by planning consultant Ian Doyle on behalf of appellants in response to refusal reasons. (Appeal also accompanied by structural engineering letter by ORA and Design Statement by SC architects)

- Site not in a prominent location: proposed development is at 15m contour on hill which rises to 65m and is developed both above and below, does not break skyline, is not at a focal point and does not appear dominant at street level
- No justification to conclude the development will have negative visual impact on landscape. Designation of 'Most Sensitive Landscape' applies to entire coastline of Waterford to coast. This site does not meet criteria for this designation, is not elevated or visible over wide area. Questions applicability of landscape polices of County Plan to town of Dunmore East.
- Development is designed to blend in with landscape and is framed by existing development to the rear and nearby and does not impinge on character integrity or uniformity of the surrounding landscape or existing development
- Refusal on basis of height scale and massing not justified. Proposed dwelling will not exceed height of the house it replaces. It will represent as one/two storey at street level due to excavation, set back of first floor level and location and height of boundary wall.
- Site has potential to absorb new development without undue impact on landscape, in accordance with section 3.1 of Landscape and Seascape Character Assessment for Waterford County
- Level of excavation, at maximum 3m reduction in level of site, is not excessive.
- Extent of elevation will not be visible once development is complete. Building will be set into the slope and set back at first floor level to match existing buildings on both sides; green roof will further set building into landscape.

- Owner of building to rear initially expressed concern over design and level of excavation but after redesign welcomed design alterations, but still expressed concern re extent of excavation. This addressed in letter from DRA.
- Proposed building is 13.5m from existing building to north, 6.6m from building to south and 9.7m from building to west. Building to rear is on higher ground with front elevation facing to rear of proposed development. Floor level of existing dwelling is on same level as roof of proposed development. No potential for privacy or amenity impacts on these buildings.
- No opposing above ground floor level windows in proposed development relative to surrounding development. Proposed bedrooms are at lower levels. Landscaping/screening is proposed along rear boundary.
- Addressing refusal reason two: Proposed development complies with Policy H02, (which outlines qualitative criteria for new residential development); it is appropriate in terms of type, scale, character, form and density for the location.
- Site is serviced and social, economic and physical infrastructure, including transport, is available in the town.
- Proposal is consistent with local and national standards; site is an infill site within established settlement footprint; design is of high quality and will make positive contribution to settlement, is considerate of context, while innovative and environmentally efficient.
- Letter from Brian Healy of DRA refers to Geotechnical Report submitted which concluded proposed development would not impact on stability of site or properties in vicinity, provided works designed and executed in line with engineering codes/guidance/good construction practice and supervision.
- Significant precedence for excavations and cuttings in Dunmore East
- Would welcome inclusion of condition requiring method statement prepared by suitably qualified person. Excavation and basement construction is routinely carried out under engineering supervision.
- Design statement accompanying appeal: echoes grounds of appeal in planning Consultants report
- Refers to precedents in terms of examples of contemporary designed houses and significant excavation in Dunmore East
- Outlines original proposed design and revised design and responses under FI

- Refers to actions to enhance biodiversity and sustainability including green roofs, other soft landscaping; use of permeable paving; reuse of stone from site in boundary wall; cladding of top floor designed to read as a roof, use of timber frame construction; measures to increase energy efficiency

8. PA Response

- None

9. Observations on appeal

Two observations were received on the appeal:

1. **Gail Shortle** (resident of neighbouring house to south of site)

- Impact on privacy of dwelling, due to overlooking and overshadowing of bedroom, dining room, balcony and terrace from top floor of proposed development and outdoor patios. Setting back of top floor has resulted in overlooking of windows of dining and sleeping areas
- Use of roof gardens would also impact on privacy
- No fence shown on roof gardens, but if fence installed will add further to height of building and allow overlooking of neighbouring property.
- Design is out of context with adjacent dwellings, redesign is still obtrusive and over dominant.
- Proposal will reduce natural light to her home. Additional planting would further reduce light. Photomontage in FI shows a site boundary wall above her roof level which would block all light to side of her house.
- Proposed steps, patio and double glass doors face towards her home. Living room and patio will have clear view into existing windows
- Concern re extensive groundworks into rock face 3m from her home. Lack of information regarding excavation work and amount to be removed. Risk of damage to three neighbouring houses through vibration/collapse.
- Concern re lack of information on Schedule of Work plan during demolition and construction
- Photomontages understate visual impact of structure.

2. Frank and Patricia Mc Donald (residents of neighbouring house to rear/west)

- Scale, massing, bulk and height of proposed development would be out of character of lands identified as 'most sensitive'
- Its visual obtrusiveness would have negative impact on character, integrity and distinctiveness of the area (LS02 and H02)
- Proposed house inaccurately described as two-storey over basement, it will be built entirely over street level so is three storeys.
- Roof height is at cowl height of existing bungalow, 70cm above ridge height.
- Proposed development would be a dominant voluminous box feature at a higher level than current hipped roof bungalow
- It impacts on views and privacy of amenity spaces of houses to west, south and north and of privacy of internal spaces of houses to south and west
- Setting back of top floor brings it 6.5m closer to observers' house, resulting in overlooking and loss of privacy
- Observers' home is at a higher level, but do not accept Council Planner's statement that overlooking of their internal space is not an issue. Large rear windows of proposed development will face into their living room and bedroom. The drawings do not accurately show this. Boundary wall gives little or no screening.
- Rear patio level at third floor will be above existing ground level. Concern that existing wall may also be raised and addition of tree planting will reduce light to their home which is 4m from boundary
- Photomontage from east was not taken from road adjoining house, but from car park further east, does not show how obtrusive development would be
- Unclear whether green roofs are to be used as amenity/recreational space, if so, would increase overlooking and if fence erected would be intrusive and incongruous
- If green roofs are not amenity space, lack of outdoor amenity space for the proposed dwelling is concerning and results from overdevelopment of site

- Contemporary design would be out of character with existing buildings, is in close proximity to Dunmore East Architectural Conservation Area, and nearby Dunmore Harbour House. Area also has view of Nimmo lighthouse.
- Grave concerns regarding extensive excavation works required, impact on stability of the hill and potential of damage to their property as well as disturbance during construction. Considers depth of excavation is greater than the 3m quoted in the reports. No information given on quantity of material to be excavated.
- Level of vibration monitor should be set by Planning Authority. A guarantee of indemnification of cost of repairs would be required before commencement of development
- Questions green and biodiversity credentials due to building much larger house than the one it replaces and resultant loss of garden space, existing vegetation and hedgerow.

3.0 Environmental Screening

9. EIA Screening

Having regard to the scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

10. AA Screening

Having regard to the, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

4.0 **Assessment**

4.1. Having reviewed the documentation submitted with the appeal and planning application, and observations, the relevant national and local policies and guidance and having visited the site I consider the issues to be considered in the appeal are as follows and that other issues have been adequately addressed by the planning authority:

- Principle of the development
- Landscape/visual impact
- Impact on residential amenity
- Excavation of the Site

4.2. **Principle of the development**

4.2.1. The site is within the existing development boundary of Dunmore East and is zoned 'existing residential' with an objective to 'Provide for residential development and protect and improve residential amenity'. The area comprises mainly residential uses, mainly detached single storey houses, and there are also 2 storey apartments to the east of Convent Road. The replacement of an existing dwelling with a new dwelling is acceptable in principle in this area subject to assessment of impacts on visual and residential amenities etc.

4.3. **Landscape/visual impact**

4.3.1. Policy Objective L02 of the Development Plan seeks 'to protect landscape and natural assets by ensuring developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area' and that they are 'not unduly visually obtrusive in the landscape in particular adjacent to the uplands, along river corridors, coastal....' The Waterford Landscape and Seascap Character Assessment 2020 and associated sensitivity assessment which is included in Volume 2 of the Development Plan as Appendix 8, is used to assess 'all proposals for development outside our settlements' (Policy Objective L03 of City and County Development Plan).

4.3.2. An area running parallel to the coastline of Waterford shown on Figure 10.1 of the Development Plan, which includes Dunmore East, is designated as 'Most Sensitive'

landscape with a very low capacity to absorb new development. However, I note this 'broad brush' designation is qualified in Part 4 of the Landscape and Seascap Character Assessment, which designates existing listed settlements, including Dunmore East, as 'Least Sensitive' to change. 'Least Sensitive' are areas 'of existing development and infrastructure. New development reinforces existing desirable land use patterns.' As set out in Section 4.4 (see appendix 1 for details), the requirement in least sensitive areas is that new development 'shall sustain and reflect the character of the area' and 'should reflect the townscape generally but fresh approaches to design will be considered'.

- 4.3.3. The site is elevated and located within 120m of the coast and is close to the popular coastal pathway and it is important that its redevelopment does not have an unduly negative impact on the landscape, regardless of whether it is considered to be within the 'most sensitive' designation or not. However, it is within a built-up area, where existing development has already impacted on the natural landscape to a significant degree, with houses on and adjacent to the site and between it and the coast and also extending up the steep slopes to the rear. There is some latitude therefore for the site to accommodate a larger replacement dwelling of contemporary design provided the form and design is such that it can be assimilated into the existing streetscape and landscape in a respectful manner.
- 4.3.4. The existing dwelling is an 83sqm single storey pitched roof structure located above the road on a sloping site, with a limited amount of excavation undertaken to create a level area to position it on, with a pedestrian access only. The proposed replacement house is a large (451sqm), three storey dwelling, of contemporary design, topped by a flat roof and is bounded by existing single storey houses to the north, south and west. The site is steeply sloping with underlying rock and a considerable amount of excavation is required to accommodate the proposed construction and to create a vehicular entrance at street level.
- 4.3.5. The proposed ground floor level (referred to as basement), houses a garage, study, gym and storage, with a bedroom level at the next floor and kitchen/ living/dining room on the top floor. The proposed structure is considerably wider than the existing dwelling and extends over the northern part of the site, which is currently a grassed slope. The overall height of the proposed structure is slightly higher than the level of the ridge line of the existing dwelling, however, visually the three-storey flat roofed

structure has a much more imposing impact than the modest single storey pitched roof building. The overall effect is to create a building of significantly greater scale, bulk and dominance than the existing buildings in the area.

- 4.3.6. The revised drawings which reduce the overall floor area to 402sqm, set the top floor back to the rear of the site and the changes to the front elevation which break it up visually into two elements, help reduce the visual dominance of the structure somewhat when viewed from the road. The photomontages provided somewhat exaggerate the impact of vegetation in mitigating the impact of the building from certain angles, particularly from the south. In my opinion the revised design is still overbearing and out of scale with existing buildings in this prominent location, particularly when viewed from the south and east. I believe there is scope for a contemporary building larger than the existing dwelling on this site. However, while the proposed building design could be acceptable on a less restricted site, without the constraints present here, I am not satisfied that a building of this scale and bulk, involving substantial excavation of the hillside, can be satisfactorily incorporated into this coastal residential area, without having an unduly negative visual impact on the streetscape and character of the area, and I consider it would be contrary to General Housing Objective H02 of the Waterford City and County Development Plan 2022-2028, which requires that new residential development 'is appropriate in terms of type, character, scale, form and density to that location' .

4.4. Impact on residential amenity

- 4.4.1. Observations from residents of adjacent houses have raised issues with regard to the impact of the proposed development on their residential amenities. I note that SPPR 1 of the Compact Settlements Guidelines dealing with separation distances between dwellings (which takes precedence over existing Development Plan guidance on separation distances) state that 'a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained'. It states Development Plans shall not specify minimum separation distances for ground floor or front of dwellings but that planning applications should be determined on a case- by-case basis to prevent undue loss of privacy. A sloping site such as this with buildings at different levels and ground floors facing upper

floors etc may require some flexibility in approach to assessing impact on privacy and amenity.

- 4.4.2. The dwelling to the north is at a lower level and is stated to be 13.5m from the proposed dwelling. It is well screened by existing trees and vegetation on the subject site and its own site at present, and although there might be potential for overlooking of the rear of the dwelling from the 'green roof' of the two-storey northern element of the proposed dwelling if the vegetation on both sites were removed, I consider there are unlikely to be undue impacts on privacy or residential amenity. A solid barrier along the northern boundary of the green roof would mitigate any such risk.
- 4.4.3. I note in this context the absence of a protective barrier along the edges of this green roof, even though it appears to be accessible from the lawn to the rear of the dwelling. Assuming a barrier will be required for safety reasons, details of same should be required to be submitted to and agreed with the planning authority, if permission were to be granted.
- 4.4.4. The single storey dwelling to the west is at a higher level than the site and is accessed by a road at the higher level, with the door to the house facing north and living rooms facing east. The boundary between the two properties is formed by a wall of approximately 1.8m, although from the higher level dwelling it measures as 1.3m above the ground level there. The revised drawings result in the top floor of the proposed dwelling being set back by 6.5m, to within approx. 4m of the rear boundary of the site. This also involves a lowering of the ground level towards the rear of the site to incorporate a patio level off the top floor living room. (Please note that the dearth of figured dimensions on the drawings means that many dimensions referred to are approximate. This could also make monitoring of the implementation of the project more difficult).
- 4.4.5. A bedroom window in a side extension of the house at the higher level, faces east and is approximately 24m from the nearest point of the directly opposing full height living room window of the proposed house. Due to the different levels and positions of the buildings and the distance between them, I conclude based on drawings provided and site inspection that there would not be a direct line of sight between this bedroom and the living room of the proposed house and little or no potential for impact on privacy or residential amenity.

- 4.4.6. The living room window of the existing house to the west is approximately 12m from the living room window of the proposed house and although not directly opposing, the relative heights, distance and position of the buildings and windows indicate there is likely to be some overlooking occurring between them, which could have a negative impact on the residential amenity of occupants of both properties. This could be mitigated somewhat by increasing the height of the boundary fence between the properties, and in time by screen planting. I note the revised site plan indicates the boundary wall is to be retained although there may be some inconsistency between the photomontages and the drawings.
- 4.4.7. The existing dwelling to the south is located approx. 2m from the common boundary and has two windows facing north, directly towards the adjoining site. The windows currently overlook the sloping back garden of the existing house on the subject site. The revised drawings show the southern wall of the proposed dwelling approx. 6m from the neighbouring house. The top floor of the proposed dwelling incorporates patio doors in the south elevation, facing onto a patio, also accessed by external stairs from a lower level. (Note the elevation drawings are all labelled 'east elevation' in error, but correct title is shown at base of drawings). These areas overlook the neighbouring house and its side windows, which serve a dining area and bedroom, and this is likely to have a negative impact on the privacy and residential amenity of its occupants.
- 4.4.8. The revised west elevation drawing indicates the existing boundary wall is to be retained, with the top of the wall shown to be above eaves level of the adjacent house. However, on-site observation showed that the existing height of the wall adjacent to the windows would not screen the windows from view. If a higher wall was constructed to reduce overlooking it would significantly reduce daylight to the rooms lit by the existing windows, as would any dense screen planting. I am not satisfied, therefore, that the proposed development would not have an unduly negative impact on the privacy and amenity of occupiers of the existing residential property to the south.
- 4.4.9. Development Plan Policy H20 Protection of Existing Residential Amenity states that on smaller infill sites less than 1 hectare 'we will ensure that residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected'. Furthermore, as stated in the Compact Settlement

Guidelines it is the obligation of the project proposer 'to demonstrate that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties' and I am not satisfied that this has been demonstrated adequately in relation to the proposed development.

4.5. Excavation of the site

- 4.5.1. Apart from potential landscape and visual impacts of the extensive excavation proposed, observers to the application and appeal raised concerns in relation to extent and potential impact of the proposed level of excavation on their properties. A Geotechnical Report prepared by Ciaran O'Reilly and Associates was submitted under further information which carried out a desk top review and a site inspection and quantitative and qualitative assessment of the site. It found the site to consist of top soil overlying conglomerate bedrock and identified examples of excavations of steep cuttings at rear of properties in and around Dunmore East. It concluded "the proposed development will not impact on the stability of the ground and/or properties in the vicinity of the site provided that the works are designed and executed in accordance with the applicable engineering codes and guidance documents and the employment of adequate engineering supervision and good construction practice". It stated that a temporary works design would be required during construction, prior to permanent retaining walls or similar retention system being put in place.
- 4.5.2. A Structural Engineering Construction Method Statement Report prepared by DVA Consulting Engineers was also submitted under further information. It stated that the development will involve the excavation of 3m into the existing rock on the site. This appears to be an average extent and may be somewhat less or more in different parts of the site. This excavation is required to create space across a large part of the width of the site to accommodate the proposed ground and first floors and to create a vehicular entrance and parking at the level of the street. The report states the excavation works are located away from adjacent boundaries and do not present a risk in undermining adjacent properties. I note the drawing of site retention proposals shows a retaining wall close to the northern site boundary, varying in height from 2.5 to 4.5 in height and 3m retaining walls on the southern and western sides of the building at ground and first floor levels.

- 4.5.3. The Method Statement report lacks detail but lists the relevant legislative requirements and key items that would be required to be included in a detailed construction method statement by the contractor. It states the excavation works would be undertaken by a specialist excavation contractor under the supervision of a Chartered Geotechnical Engineer, the exposed rock face would be observed by the Geotechnical Engineer as the excavation proceeds and temporary works measures employed if necessary. It states that prior to the commencement of works a detailed construction method statement for the entire works will be prepared which will include an excavation method statement.
- 4.5.4. Examples of extensive cutting to rear of properties in the vicinity were cited in the geotechnical report. These included an area further north along Convent Road and opposite the Harbour House where there are a number of buildings with an exposed rock face to the rear. It is not evident that this cutting was recent or that it occurred contemporaneously with the construction of the current buildings in that location. It is suggested in an observation to the planning authority that there was a quarry in the area with associated excavation. Information on this is not available. However, while these existing excavations in the vicinity may indicate stability of the rockface, they are not wholly comparable with the proposed excavation of the subject sloping site, which is already bounded by existing houses, and where potential impact on residential amenities in the area during excavation and construction is a valid concern.
- 4.5.5. If permission were to be granted, a condition would be appropriate requiring a detailed Construction Method Statement/Plan to be submitted and agreed with the planning authority, prior to development commencing, to include an excavation method statement and supervision of the construction by a suitably qualified and experienced engineer. The method statement would also need to include acceptable vibration and noise levels, for agreement of the planning authority, and monitoring of levels at nearby houses during construction, in order to minimise impact on residential amenities. A condition limiting hours of construction activity would also be appropriate.

5.0 Recommendation

5.1. I recommend that permission for the development be refused.

6.0 Reasons & Considerations

1. Having regard to the site's prominent location within the village of Dunmore East, the scale, massing, and bulk of the proposed development and the level of excavation required, the proposed development would be out of character with the predominantly single storey development in this area, and would seriously detract from the character and visual amenities of the area and seriously injure the amenities of property in the vicinity. The proposed development would be contrary to General Housing Policy Objective H 02 of the Waterford City & County Development Plan 2022-2028, which states that the Planning Authority "will ensure new residential development is appropriate in terms of type, character, scale, form and density to that location". 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.

Ann Bogan

Planning Inspector

01/06/2024

Appendix 1 Relevant national and local policy and guidelines

Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024

SPPR 1 - Separation Distances: It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

Waterford City and County Development Plan 2022-2028

Zoning: Existing Residential RS: Provide for residential development and protect and improve residential amenity.

General Housing Policy Objective H02

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

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

- Is serviceable by appropriate supporting social, economic and physical infrastructure.
- Is serviceable by public transport and sustainable modes such as walking and cycling.
- Is integrated and connected to the surrounding area in which it is located; and,
- Is designed in accordance with the applicable guidance and standards of the time

H20 Protection of Existing Residential Amenity Objectives

Where new development is proposed, particularly on smaller suburban infill sites (< 1 ha in area) we will ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected.

We will support lower density type development at these locations. We will require that new development in more established residential areas respect and retain, where possible, existing unique features which add to the residential amenity and character of the area, such features include front walls, gates, piers, railings, and stone/brick/render work.

Section 4.1(a) of the Landscape and Seascape Character Assessment states that “Most Sensitive Areas” Landscape Character Areas and features designated as “Most Sensitive” represent the principal features which create and sustain the character and distinctiveness of the surrounding landscape. To be considered for permission, development in or in the environs of these areas must be shown not to impinge in any significant way upon its character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the preservation of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites.”

LS02 Protecting our Landscape and Seascape

“We will protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not

unduly visually obtrusive in the landscape, in particular, on or adjacent to the uplands, along river corridors, coastal or other distinctive character units.”

LS 03 Landscape and Seascape Character Assessment We will assess all proposals for development outside of our settlements in terms of the 2020 Landscape and Seascape Character Assessment (Appendix 8) and the associated sensitivity of the particular location. We will require a Landscape and Visual Impact Assessment (LVIA) for proposed developments with the potential to impact on significant landscape features within the City and County. Proposals for significant development (e.g. renewable energy projects, telecommunications and other infrastructure and the extractive industry) shall be accompanied by a LVIA which includes Zones of Theoretical Visibility (ZTV) which indicate the landscape impact zone within which the proposed development may be seen. There will be a presumption against developments which are located on elevated and exposed sites and where the landscape cannot accommodate such development with reasonable and appropriate mitigation.

Appendix 8 of Development Plan: Landscape and Seascape Character Assessment

4.4(a) Least Sensitive Areas: A small area of Waterford City and County is designated least sensitive to landscape change. These are areas of concentrated existing development and infrastructure. Appropriate new development in these areas can reinforce the existing desirable landuse patterns. Regard shall be had to site development standards namely density, building lines, height of structures and design standards. The overall aim is to ensure that the inherent character of city /town environs and town and village centres is maintained. In least sensitive areas:

- (a) New development shall sustain and reflect the character of the area;
- (b) Frontages on to the existing streets shall reflect the character of the street through careful design and use of materials; and
- (c) Development should reflect the character of the townscape generally but fresh approaches to design will be considered.

(d) New development should be encouraged as a means of improving the existing character of such areas.

4.4 (b) Areas Designated as Least Sensitive

- Continuous Urban Fabric
- Discontinuous Urban Fabric
- Industrial or Commercial Units
- Airports

Table Ab.3 Sensitivity classification and areas

4. **Least Sensitive** Areas of existing development and infrastructure. New development reinforces existing desirable land use patterns.

Continuous Urban Fabric: 7A. Waterford City Environs 7B. Tramore Environs 7C. Dungarvan Environs Waterford City, Dungarvan, Tramore, Clonmel Environs, Carrick-on-Suir Environs.

Discontinuous Urban Fabric: Waterford City, Dungarvan, Carrick-on-Suir Environs, Clonmel Environs, Cheekpoint, **Dunmore East**, Tramore, Kilmacthomas, Cappoquin, Lismore, Tallow, Ardmore.

Industrial or Commercial Lands: Ballyneashagh West of Waterford City, Abbeyside East of Dungarvan.

Airports: Waterford Regional Airport