



An
Bord
Pleanála

Inspector's Report ABP-319243-24

Development	Sub-division of existing single storey semi-detached three bedroomed house into 2 residential units (1 no. two bed and 1 no. one bed). Application includes permission for retention of existing single storey flat roof extension to side of existing house. Application also involves demolition of existing single storey rear extension and construction of single storey extension to front of house and all associated site works.		
Location	69 Airmount, Waterford, X91 FKF8		
Planning Authority Ref.	2360617		
Applicant	Paul Kelly		
Type of Application	Permission and retention permission.	PA Decision	To refuse
Type of Appeal	First	Appellant	Paul Kelly
Observer(s)	None		
Date of Site Inspection	11/06/24	Inspector	Ann Bogan

1.0 Context

1. Site Location/ and Description.

The site is a corner site located at the corner of Dominick Place and Oznam Street, in an established residential area of Waterford City. The stated area of the site is 0.36 hectares and it is occupied by a semi-detached single storey dwelling with a floor area of circa 84sq.m. The building has a pitched roof and an existing flat roofed extension to the side and a small rear extension. There are front and side pedestrian gates but no vehicular access to the site.

2. Description of development.

The development consists of:

- Sub-division of the existing single storey semi-detached three-bedroom house to provide 2 no. residential units: 1 two-bed dwelling and 1 one-bed dwelling.
- Demolition of the single storey rear extension;
- Construction of a single storey extension to the front of the existing house
- The front garden would be divided to serve the respective units and each unit would have separate private amenity space to rear or side.
- Existing pedestrian entrances are retained and an additional pedestrian access is created to provide a rear access to the two -bed unit. No vehicular access is proposed.

Permission also sought for retention of an existing single storey extension to the side of the existing house as well as replacement of its existing flat roof with a pitched roof.

3. Planning History.

None.

4. National/Regional/Local Planning Policy (details in Appendix 1, attached)

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- The Waterford City and County Development Plan 2022-2028 was adopted by the Planning Authority on 22nd June 2022. It has regard to national and regional policies in respect of sustainable and compact residential development
- Zoning: existing residential

- Vol 1: H02 General Housing Objective; H20 Protection of Existing Residential Amenity
- Vol 2 Development Management Standards: Development management DM11 re extensions

5. Natural Heritage Designations

- The site is 9.66km North of the Tramore Back Strand SPA Special Protection Area (Site Code: 004027 Version: 1.0199999809265137)
- The site is 0.56km South of the Lower River Suir SAC Special Area of Conservation (Site Code: 002137 Version: 1.0800000429153442)

2.0 Development, Decision and Grounds of Appeal

6. Planning Authority Decision: refusal of permission.

The Planning Officer recommended refusal of permission having regard to the nature of the development proposed, site location and the development pattern in the area. The planning authority decision to refuse permission is consistent with this recommendation.

Reason for refusal, in summary:

Having regard to the established character and pattern of development in the vicinity, the nature of the development proposed and the location and scale of extensions to the front of the dwelling, it is considered the proposed development would if permitted:

- constitute overdevelopment of the site
- be contrary to a specific development management standard of the Waterford City & County Development Plan (DM11 of Volume 2),
- set an undesirable precedent for similar type developments
- be out of character with the existing development pattern in the area
- seriously injure the amenities of property in the vicinity
- be contrary to the provision of the Waterford City & County Development Plan and be contrary to the proper planning and sustainable development of area.

7. First Party Appeal

Grounds of appeal submitted by agent Vincent Murray in summary:

- Does not agree with contention in planning officer's report that extension does not follow the pattern of development of existing dwellings regarding design and scale
- Contemporary extension does not detract from visual amenities of existing dwelling or neighbouring properties or impinge on them
- Proposed development blends with existing streetscape in terms of form and scale
- Contemporary flat roof of part of proposed extension ensures height and form of main roof of existing dwelling remains consistent with neighbouring properties and streetscape
- Removal of existing substandard flat roof to unauthorised extension and replacement with a roof that matches rest of dwelling further enhances appearance and aesthetic of property
- External finishes will be consistent with existing and surrounding dwellings
- Large corner site more than capable of accommodating proposed development and does not constitute over development
- Planner fails to acknowledge space restrictions to rear of site and benefit from extending to front while still meeting criteria for extensions in Policy Objective DM11 of the Waterford City and County Development Plan
- Extension is to front due to lack of space to rear but front of dwelling is 15m from public footpath, while most houses in area are 5m from footpath, so ample space to accommodate extension
- Will not set precedent as most other properties in area do not have space to front of property, with extensions to rear being more appropriate and practical
- Proposed development would not overlook neighbouring dwellings and would not have negative on existing or neighbouring dwellings
- National Planning Framework encourages infill development in larger gardens such as this

- House is vacant for 7 years and proposed design is consistent with the streetscape, southern elevation is consistent with design of neighbouring dwelling.
- No third-party submissions have been made on the proposed development which supports argument that it is to the satisfaction of adjoining residents
- Proposed private amenity areas for each unit exceed requirements of [draft] 2023 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Private amenity area for 1 bed unit, which is adjacent to public footpath, acknowledged in planners report as acceptable. Propose to retain existing wall height, topped by railings to 2m height, for security and privacy
- Dominick Place is well served by public amenity areas
- No one and two bed units for rent in Waterford City on Daft; one bed unit will address need for accommodation for family member of applicant; two bed unit would suit elderly person or couple.
- Local authority granted permission for similar developments in area. Examples given of permitted extensions to front of houses and infill development; list of local authorities' own infill housing developments in both gardens and public open space also included
- Development is in accordance with all current national and local guidance, including National Planning Framework objective of consolidation within existing cities and does not constitute overdevelopment.
- Two units on 0.036ha gives density of 55dph in line with density level of 50-200dph in such areas in the [draft] 2023 Guidelines.
- Area is well served with 30min bus service and is 1km from city centre so accessible by walking and cycling
- Confirms that Uisce Eireann have deemed connection to water and sewer network to be feasible, subject to upgrade works
- Argues precedent referenced in Planner's report is not comparable.

8. PA Response

- None

3.0 Environmental Screening

9. EIA Screening The development is not of a category of development included in Schedule 5 of the Planning and Development Regulations 2001, as amended. Based on the information supplied with the application and the limited nature and scale of the development and the criteria set out in Schedule 7 of the 2001 regulations it can be concluded that EIA is not required.

10. AA Screening Having regard to the modest nature and scale of development, 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 application and the appeal and taken account relevant policies and guidance and having inspected the site, I consider the main issues to be considered in this appeal are as follows:

- Principle of the development
- Visual amenity, design and layout
- Private amenity Space
- Other issues

4.2. Principle of the development

4.2.1. The site is located in an area zoned 'Existing Residential' in the Waterford City and Conty Development Pla 2022-2028 (the Development Plan) which aims 'to provide for residential development and protect and improve residential amenity'. The proposed development can therefore be considered an acceptable land use, provided it does not have a negative impact on residential amenity.

4.3. Visual amenity, design and layout

- 4.3.1. The applicant justifies the sub-division of the house into two units based on the need for small units and it is clear from Table 7.1 of the Development Plan that there is a significant need established for one and two bed units in Waterford and policies aim to ensure a mix of housing unit sizes in new developments. As the Planning Officer's report notes there is also an identified need for three bedroomed units. In this case, the proposal is to sub-divide an existing small dwelling into two units which requires significant alteration and extension of the existing dwelling and alterations to the plot layout. While the principle of subdivision and extension may be appropriate in principle, it is not straightforward to successfully achieve in the context of an existing small semi-detached dwelling.
- 4.3.2. Development Plan Policy Objective H02 requires that new residential development 'Is appropriate in terms of type, character, scale, form and density to that location' while Development Management standard DM 11 requires that 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.'
- 4.3.3. The existing house is part of a pair of single storey semi-detached houses, in a row of similar houses, which retain the original unified form and simple but attractive design. Proposals for extensions need to ensure that they respect and complement the original design, while allowing for respectful contemporary interventions.
- 4.3.4. In this case, due to limited space at the rear of the dwelling, two extensions are proposed to the front of the existing dwelling. One of these is flat roofed and projects out circa 3m from the centre of the front elevation. The second has a pitched roof and projects out circa 6m from the original facade, with the gable end facing the front. It presents a disjointed front elevation which, in my opinion, does not 'respect and follow the pattern of the existing building' as required by DM11 of the Development Plan. I consider the proposal to be out of character with the form and character of the existing semi-detached dwellings and I feel that it would detract from the visual amenities of the existing and adjoining dwelling. Furthermore, I believe it would be a discordant feature in the streetscape of the area and could create a precedent for other similar undesirable forms of development. I do not agree that the

examples referenced in the appeal documentation create a precedent for the current proposal.

4.4. Private Amenity Space

- 4.4.1. I note that the area of private open space proposed to serve the two units, while below the minimum figure set out in the Development Plan (50sq.m per 1 or 2 bed unit), appears to be in keeping with the minimum required for dwellings under SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, i.e. 20sq.m for a one bed unit and 30sqm for a two-bed unit. The configuration of the space is not ideal, due to the limited space to the rear and side of the dwelling to cater for the needs of the two proposed dwellings.

4.5. Other issues

- 4.5.1. Car parking: The absence of a proposal to include car parking onsite is considered acceptable, as the area is relatively close to the centre of the city and reasonably well served by public transport.
- 4.5.2. Wastewater: A 'Confirmation of Feasibility' letter from Uisce Eireann has been enclosed with the appeal documentation stating that the wastewater connection is feasible subject to upgrades. It notes that no building may be constructed over a sewer, service connection or drain. As there is a sewer running under the proposed extension to the front of the dwelling, the sewer would need to be diverted and this would have to be the subject of a Diversion Agreement with Uisce Eireann, entered into prior to commencement of development. If permission were to be granted, a condition referring to this requirement may be appropriate.

5.0 Recommendation

- 5.1. I recommend that permission for the proposed development and the development to be retained be refused for the reason set out below.

6.0 Reasons & Considerations

Having regard to the established pattern of development, the nature of the development proposed and the location and scale of the extensions to the front of the dwelling, it is considered that the proposed development would constitute

overdevelopment of the site, would be out of character with the existing pattern of development in the area, would detract from the visual amenities of the area, would be contrary to a specific development management standard of the Waterford City and County Development Plan 2022-2028, and would set an undesirable precedent for similar type developments. The proposed development would therefore seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Waterford City and County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and 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

16/06/2024

Appendix 1 Relevant National/Local policy and guidance

Waterford City & County Development Plan 2022-2028

Zoned Existing Residential: Provide for residential development and protect and improve residential amenity [RS]

Written Statement Volume 1

General Housing Policy Objectives H 02

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:
 - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
 - Delivering Homes, Sustaining Communities (2007).
 - Urban Design Manual (2009).
 - Permeability Best Practice NTA (2015); and,
 - Design Manual for Urban Roads (DMURS) (2020) or any update thereof.
 - National Disability Inclusion Strategy (NDIS) 2017-2022.
 - United Nations Convention on the Rights of Persons with Disabilities (UNCPRD).

General Housing Policy Objectives H 20

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.

Development Management Standards (Volume 2) of the Waterford City & County Development Plan 2022-2028

Development Management DM 11 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.