



An
Bord
Pleanála

Inspector's Report

ABP-319638-24

Development	First floor extension, new gable window & associated site works.
Location	19 Grosvenor Terrace, Newtown Hill, Waterford, X91 NV2F
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2460089
Applicant(s)	Shay Kelly
Type of Application	Planning Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Tony McLaughlin.
Observer(s)	None.
Date of Site Inspection	7 th August 2024.
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site is located in Waterford City, approximately 800metres south of Waterford city centre. The street is known as John's Hill (R860), the dwelling is the 2nd in a row at Grosvenor Terrace. There is an existing two storey semidetached dwelling on site. This is well maintained and currently habitable.
- 1.2. The site is zoned as Existing Residential as per Waterford City and County Development Plan 2022-2028, the objective is to provide for residential development and protect and improve residential amenity.
- 1.3. The location is predominately residential with a mixture of detached, semi-detached and terrace two storey type dwellings. The entrance to each dwelling opens directly onto the front street footpath.
- 1.4. The subject site is listed on the NIAH website – reference 22830261 and located in an Architectural Conservation Area (ACA). The adjacent property to south is a Protected Structure – RPS Number WA730778.

2.0 Proposed Development

- 2.1. The proposed development will consist of:
 - First floor extension above the existing kitchen
 - Removal of timber privacy screen
 - Rebuild 1.5m wide section of the privacy screen.
 - New window opening in the southeast facing gable.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant subject to 6 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planning report discusses the location of the proposed site within an ACA and that the subject site is listed on the NIAH website. The adjacent property to the south is a protected structure, no concerns are raised as the proposed extension is located to the rear of the property.
- The report outlines the proposed development and notes previous permission granted for a first-floor terrace with a 1.8m high privacy screen.
- The assessment notes the 3rd party submission and does not consider over-shadowing is an issue and is satisfied the proposed development is acceptable.

3.2.2. Other Technical Reports

- None

3.2.3. Conditions

- 6 standard conditions including no overhanging, any surplus materials to be removed off site, best practise guidance to be used during construction, construction hours.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A third-party observation was received from Tony McLaughlin. The concerns raised were:

- Height of the proposed extension and potential negative impact
- Over-shadowing, over-looking, loss of privacy and loss of natural light
- Impact on existing gutters/pipes at neighbouring property
- Restriction on access to gable for maintenance.
- Privacy screen will not be adequately replaced and appropriate finishes.
- Devalue properties in the area.

4.0 Planning History

PL31.235563 (reg. ref: 09500204): Shay Kelly, permission granted for alterations to existing dwelling, (a protected structure), to include an increase of size of kitchen door to rear, to replace window with door to bedroom No. 3 to rear and to install decking and screening to flat roof to accommodate proposed roof garden with stair access, all to the rear.

Condition 2 stated:

The screen boundaries proposed along the northern and eastern boundaries of the roof terrace shall be constructed of hardwood timber as indicated on the drawings submitted.

Site to the immediate north:

00507396: Rev. Sean Melody. Permission Granted for new window in gable and extend garage.

5.0 Policy Context

5.1. Waterford County & City Development Plan 2022-2028

The proposal will be assessed under the current Waterford County and City Development Plan 2022-2028. The site is currently zoned as Existing Residential (RS), the objective is to provide for residential development and protect and improve residential amenity.

The site is located in an Architectural Conservation Area (ACA) for Waterford City.

There is a Transport Objective to the front of the site noted as proposed active travel & or public transport.

The subject building is noted on the National Inventory Architectural Heritage, reference reg. no. 22830261.

As per Landscape and Seascape Character Assessment, the site is described as "Least Sensitive."

5.2. Natural Heritage Designations

The site is not located within a Natura 2000 site, the closest are as follows:

- Lower River Suir SAC (site code: 002137) is located 0.59km northeast of the subject site. The closest known tributary is Johns River to the west of the site, located approximately 230 metres.
- Williamstown Golf Course Ponds – 52 wetlands area are located approximately 2.14km southeast of the subject site.
- Tramore Back Strand SPA (site code: 004027) is located approximately 9km south.
- Clodiagh (Portlaw) Fresh Water Pearl Mussel catchment area is located approximately 12.70 km west.

5.3. EIA Screening

The proposal relates to an extension to the rear of an existing dwelling within Waterford City with connection to public services. Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the PDR's and projects listed in Schedule 5, 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. Grounds of Appeal

The grounds of appeal are submitted by a resident to the northeast of the subject site. The concerns raised are as follows:

- Overall design including height & scale of the proposed flat roof extension will exceed the first floor by 3050mm.

- Overshadowing, reduction in privacy & natural light on the existing roof terrace of 64 Lower Newtown. Potential overlooking into the garden of 64 Lower Newtown.
- Negative impact on guttering/down pipe and flashing to gather and remove rainwater accumulating between both properties and potentially resulting in dampness. Previously conditioned under planning reference 09/204.
- The new extension will partially restrict access to the end of terrace wall at 64 Saint Aubin Place, Lower Newtown, thereby preventing the carrying out of repairs and maintenance as required.
- Any further screening shall be carried out in accordance with previous planning condition 09204. The screening shall be of relatively low maintenance thereby reducing the necessity to trespass to the neighbouring property. The finish shall be aesthetically pleasing in appearance on completion.
- Impact on property value.

6.2. Applicant Response

The applicant has submitted a response to the issues raised in the grounds of appeal. The response is as follows:

- Negatively impact Light & Overshadowing
 - The property at 64 St. Aubin Place is a two-storey dwelling with an overall ridge height of 7.68m with a roof terrace and external access stairs to the rear. This terrace and window/door opening faces south and single-story return faces west.
 - Acknowledge the dwellings are in a tightly packed urban environment of historic properties and whilst they face south the context affords them limited day light and solar access.
 - The proposed flat roof has attempted to minimise the impact.

- Solar shadow analysis submitted. The shadow analysis submitted, highlights minimal differences between the existing and the proposed extension.
- Concern that rainwater disposal will be negatively impacted.
 - The applicant intends to maintain the existing mitigation measures in place to stop rainwater ingress between the two properties. The existing 100-150mm gap between the proposed extension and the existing stone wall will be maintained for the entire height of the new extension. All rainwater will be collected and disposed of within the boundaries of 19 Grosvenor Terrace.
- The new extension will partially restrict access to the gable of appellants property.
 - The gable at 64 St Aubin's is currently inaccessible.
 - Properties at 18 & 19 Grosvenor terrace bound the gable.
 - At present, the privacy screen restricts the corner of the appellants property, and the proposed extension does not create any further restrictions.
- The proximity of the proposed extension will limit any necessary repairs or maintenance required by the applicant.
 - The applicant intends to construct the exterior walls as panels on site and these will be raised into place without the need for trespass or access on the neighbouring properties to the North and East. Light weight timber frame walls will be constructed with the exterior finish of low maintenance standing seam metal applied. This will ensure very little if any maintenance is required.
- New window has the potential to overlook the garden of 64 St. Aubin Place.
 - The applicant has shown on a drawing that the new window will face directly into the garden of the applicant. It will be screened from looking obliquely into the garden of 64 St Aubin Place by repositioning of the current privacy screen.

- Concern regarding the privacy screen will not be constructed to the height and size of the conditioned on the privacy planning permission will not be maintained.
 - o The applicant has stated the exact same privacy screen, size, shape, and material will be used on the repositioned privacy screen.

6.3. **Planning Authority Response**

- The Planning Authority note the issues raised in the third-party appeal were also raised in the third-party submission and these issues were addressed in the in the assessment of the application. The Planning Authority respectfully requests An Bord Pleanála to uphold the decision to grant permission.

6.4. **Observations**

- None Received.

6.5. **Further Responses**

- None Received.

7.0 **Oral Hearing**

- 7.1. The appellant requested an Oral Hearing be held for the appeal. The Board considered that sufficient information was on file to allow an assessment. Therefore, no Oral Hearing was undertaken.

8.0 **Assessment**

- 8.1. I have reviewed the proposal in light of Waterford City & County Development Plan 2022-2028 (CDP), the grounds of appeal, the response received and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- Overshadowing & Overlooking.
- Privacy screen/boundary treatment.

- Maintenance & repairs.

8.2. **Overlooking & Overshadowing**

- 8.3. The grounds of appeal outline the proposed flat roof extension will considerably impact on the residential amenity of 64 St. Aubin's Place (no. 64) located to the northeast of the subject site. The overall height will cast shadows and restrict the natural light onto the existing roof terrace area and onto the windows/doors on the first-floor rooms.
- 8.4. The proposed rear extension consists of a first-floor extension of 9.7sqm. The rear extension will sit directly on top of the ground floor rear return. The extension will increase the overall height from 2.56metres to 5.6metres to allow for a larger bedroom space increasing the floor area from 8sqm to 18sqm. At present, the space is used as a roof terrace and the applicant has a timber fence privacy screen installed with the overall height of 2.2metres. The proposed extension will increase the overall height from 2.2metres to 3 metres. A single window is proposed on the southeast elevation of the extension facing south. An additional window is proposed on the existing southeast gable, this is not subject of the appeal.
- 8.5. The proposed extension will increase the overall height by 0.8 metre higher than the existing timber fence screening and the extension consists of a flat roof. In response to the appeal, the applicant has submitted shadow analysis maps, which indicates the current overshadowing situation will remain largely unchanged. I have reviewed the analysis and considering the orientation of the proposed extension in relation to the existing roof terrace at no. 64 which is located to the northeast of the proposed extension, I do not consider overshadowing will be any greater than what is currently experienced by the appellant. In relation to privacy, I consider the proposed extension will enhance the privacy of the occupants at no. 64 as the open terrace will be removed and will reduce existing overlooking.
- 8.6. A new window is proposed on the southeast elevation of the extension, this window will face towards the rear garden of the applicant. The applicant may have a slight oblique view of the rear garden of no. 64, however, there is no direct overlooking into any window in the appellant's property. To further reduce any potential overlooking, the applicant is proposing to rebuild the screening along the boundary wall for the length of 1.5m.

- 8.7. I consider the proposed screening would be satisfactory to prevent overlooking regarding the adjoining properties to the east due to the height of the screening. I do not consider overlooking to be an issue and consider the proposed window is acceptable.
- 8.8. Regarding the issue of right to light, it is my opinion that the proposal will not block any light from entering the appellant's property due to the orientation of the rear facing windows in a southwest direction and the new extension is located to the northeast of the property.
- 8.9. **Privacy screen/boundary treatment**
- 8.10. The grounds of appeal query the purpose of rebuilding the privacy screen along the boundary wall. The appellants are concerned the rebuilt screen will further reduce natural light and cast shadows on the roof terrace at no. 64. The appellant has requested its removal.
- 8.11. The applicant has proposed to rebuild the privacy screening to screen the neighbouring property from the proposed new window on the southeast elevation. I note the existing boundary wall is in excess of 2 metres. The proposed rebuild screening of 1.5metre in length would be required to provide additional privacy screening and will further alleviate the concerns of no. 64 and prevent overlooking into the garden of no. 64 from the proposed new window.
- 8.12. During my site visit I noticed the current screening extends beyond the rear terrace of no. 64. The rebuild screening will provide further privacy protection to no. 64. The applicant proposes to use the exact same privacy screen size, shape and material as currently used. I am satisfied that the proposed screening is appropriate and acceptable. In the event of a grant of permission the applicant shall be conditioned to provide the same screening.
- 8.13. **Access to gable restricted.**
- 8.14. The grounds of appeal have raised concerns in relation to the extension which will restrict access to part of the end of terrace wall at no. 64. In addition, concerns are also raised in relation to current measures in place to gather and remove rainwater accumulating between both properties.

- 8.15. The response to the appeal outlines the applicant intends to maintain the existing mitigation measures put in place to stop rainwater ingress. The existing 100-150mm gap between the proposed extension and the existing stone wall will be maintained for the entire height of the new extension. All rainwater will be collected and disposed within the boundaries of the applicant's property.
- 8.16. I consider the proposal by the applicant is acceptable.
- 8.17. In regard to restriction for maintenance and repair of the boundary wall/dwelling. The gable wall of no. 64 is currently inaccessible as it bounds the rear properties of 18 & 19 Grosvenor Terrace. The current privacy screen restricts only the corner of the gable and therefore the proposed extension will not create any further restrictions to the eastern gable of no. 64 than what currently exists.
- 8.18. The grounds of appeal also mention the proximity of the proposed extension will limit any necessary repairs of maintenance required by the applicant. The response to the ground of appeal notes the extension will be made of panels constructed on site and raised into place, and light weight timber frame walls will be constructed with an exterior finish for low maintenance and standing seam metal will apply.
- 8.19. I do not consider the proposed extension will alter the current maintenance and access issues currently experienced at no. 64. The proposed extension will not increase the issues and is therefore acceptable.
- 8.20. **Property value**
- 8.21. As stated above, I do not consider the proposed extension will seriously affect the amenity of the residents. The impact on property values is not a matter for the Board.

9.0 **AA Screening**

- 9.1. Having regard to the proposed development of an extension to an existing dwelling on a zoned site in Waterford City. The nearest European Site is the Lower River Suir SAC (site code 002137) lies c.0.59km northeast of the subject site. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

10.0 Recommendation

Permission be granted subject to the conditions outlined below.

11.0 Reasons and Considerations

Having regard to the grounds of appeal, the residential zoning and the provision of the Waterford County & City Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the conditions set out below, would not have a negative adverse impact on the residential amenity of the adjacent properties. The proposal is consistent with the proper planning and sustainable development for the area.

12.0 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 received by the planning authority on the 23rd day of February 2024, 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. The screen boundaries proposed along the eastern boundaries shall be constructed of hardwood timber as indicated on the drawing submitted.

Reason: To ensure a proper standard of development.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. 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.

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.

Jennifer McQuaid
Planning Inspector

26th August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Construction of a first-floor extension above the existing kitchen, rebuild 1.5m wide section of privacy screen and permission to create new window in southeast facing gable.		
Development Address	19 Grosvenor Terrace, Newtown Hill, Waterford, X91NV2F.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	✓	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____