



An  
Bord  
Pleanála

## Inspector's Report ABP-320736-24

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|-------------------------------------|---|
| <b>Development</b>                  | Alterations to cottage including demolition, construction of extension and garage with associated site works within curtilage of protected structure. |
| <b>Location</b>                     | Sunrise Cottage, Dock Road, Dunmore East, Co. Waterford, X91E122.   |
| <b>Planning Authority</b>           | Waterford City & County Council   |
| <b>Planning Authority Reg. Ref.</b> | 2360565   |
| <b>Applicant(s)</b>                 | Leonard Comerford   |
| <b>Type of Application</b>          | Planning Permission   |
| <b>Planning Authority Decision</b>  | Refuse permission   |
| <b>Type of Appeal</b>               | First Party v Decision  |
| <b>Appellant(s)</b>                 | Leonard Comerford   |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 19 <sup>th</sup> June 2025  |
| <b>Inspector</b>                    | Dan Aspell  |

## **1.0 Site Location and Description**

- 1.1.1. The site is located at Sunrise Cottage, Dock Road, Dunmore East, Co. Waterford. It has a stated area of 0.057ha.
- 1.1.2. Sunrise Cottage is on the Waterford City & County Development Plan Record of Protected Structures. It is part of a terrace of 4 no. thatched cottages on the western side of Dock Road, all of which are on the Record of Protected Structures. The site is also within Dunmore East Architectural Conservation Area (ACA).
- 1.1.3. Circular Road runs along the rear boundary of the site. The site has rear vehicular access from Circular Road.
- 1.1.4. Sunrise Cottage and the other dwellings in the terrace are single storey. The subject cottage has been extended to the rear, as have the adjacent dwellings in the terrace.
- 1.1.5. The rear garden comprises a patio and grassed area which slopes generally upward toward Circular Road. The existing rear extension is flat-roofed and steps up in level along the sloping rear garden. The rear garden slope is such that the rear terrace and rear access are above the eaves level of the original cottage.
- 1.1.6. The dwellings within the terrace generally step upward in level south to north along Dock Road, and also upward east to west from Dock Road to Circular Road. A number of the dwellings to the east and west of the site have garages and rear vehicular access from Circular Rd.
- 1.1.7. 'Hook View' (Protected Structure) is adjacent to the north. 'Loftus View' (Protected Structure) is adjacent to the south. A modern development of thatched houses is to the south-west, including 'Kittywake Cottage' which backs onto the site.

## **2.0 Proposed Development**

- 2.1.1. The proposed development generally comprises the following:
  - Demolition of existing non-original flat roof extension to rear, and of thatched, pitch-roof extension to rear;
  - Construction of single storey/split level extension to rear. The roof would be thatched. The roof would match the height of the original cottage roof. The extension would be set back from the party boundaries;

- Construction of garage in the rear garden. Levels on site are such that the floor level of the garage would be above eaves level of the original cottage. The garage roof would be slate;
- Internal and external alterations to the original cottage, including altering window openings to the rear, and all associated site works.

2.1.2. In response to further information the study to the rear of the garage was omitted and the garage size increased. The application included architectural drawings and an Architectural Heritage Impact Assessment (AHIA); the response to further information included revised architectural drawings and a Supplementary AHIA.

2.1.3. The appeal states the applicant is willing to dispense with the proposed garage if deemed necessary by the Board.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. Waterford City & County Council issued a notification to refuse permission for 2 no. reasons, summarised as follows:

- Reason 1: Having regard to the property being on the Record of Protected Structures and its location in the Dunmore East Architectural Conservation Area, the development would materially contravene Development Plan Policies BH1, BH11 and BH12. The Planning Authority is not satisfied the extension and the height and scale of the garage and associated works would not have a negative visual and physical impact on the protected structure and would not [*sic*] enhance the character of the protected structure or its setting.
- Reason 2: Owing to the scale and height of the garage relative to the thatched house (Protected Structure) and its impact on site and the adjoining terrace of Protected Structures, the proposal would contravene Policy Objective BH05 which seeks to preserve the special character of the ACA and protect from works which would visually or physically detract from the special character of the area. The development would negatively impact the visual amenities of

the Dunmore East ACA and set an undesirable precedent for similar types of development which would result in over intensification of thatch house plots.

### **3.2. Planning Authority Reports**

3.2.1. Planning report: The Planning report recommended refusal. I note the following:

- Heritage: Sunrise Cottage is a Protected Structure (No. WA750112); is recorded as being of regional importance on the National Inventory of Architectural Heritage (No. 22817033); and is within the Dunmore East ACA;
- Observations: Report noted Observations received expressing concern in relation to proposed boundaries. The Observations referred to a previous application on the site (Reg. Ref. 17/635 (ABP-300183-17)) where the Board in not accepting the Inspector recommendation to grant permission expressed concern that the high boundary walls would have serious impacts on adjoining residential properties to the south and east by overshadowing and overbearance. The Observations also expressed concern regarding the proposed garage, boundary treatments, and potential loss of privacy;
- Conservation Officer: Report noted the Conservation Officer expressed concern regarding the scale of the development, extent of excavation, potential impacts on the terrace of Protected Structures and the Protected Structure on site. Refusal of permission was recommended;
- Further Information: Regarding the revised proposal, the Conservation Officer raised concern with the adequacy of the response in relation to demolition and excavation of the high ground for the extension and garage area and that it was not demonstrated that the works will not have a negative visual or physical impact on the Protected Structure, the adjoining Protected Structures and the streetscape of the Architectural Conservation Area. Planner Report stated that the revised proposal will not be visible from Circular Road;
- Construction: Report stated that a construction methodology including impacts on the adjacent thatch structures during excavation, and details of retaining walls to ensure stability of adjoining structures, was not submitted as requested by the Planning Authority. Applicant sought for this to be dealt with

by condition. The Conservation Officer raised concerns regarding adequacy of response in relation to demolition and excavation;

- Garage: It is to be set back from the boundary to the west. The permitted garage to the east (Reg. 21/914) was set back further away from the house;
- Boundaries: The rear section drawing indicated a reduction in height of a boundary wall, however the full extent of the works is unclear as it is not identified on the site layout plan. The revised development is not reliant on boundary treatments. Boundary alterations should be the subject of a separate consent if required. A condition can be attached in the event of a grant of planning permission stating the permitted development does not extend to existing boundary treatment;
- Conclusion: The Supplementary AHIA only updated information with regard to revised drawings. From a Conservation perspective refusal is recommended. Refusal was recommended generally as per the Planning Authority decision.

#### Other Technical Reports

3.2.2. Conservation Officer report: Report recommended permission be refused, summarised as follows:

- A single storey extension is acceptable in principle however report was concerned about the size and height in comparison to the historic house; the need for a pitch thatch roof; and the excavation of the rear terrace by 6m. Proposal shows no understanding of historic structure or its setting. Proposal indicates removal of approx. 40% of the rear wall of the historic house and a large section of the rear roof and a proposed French door with triple glazing;
- AHIA: The AHIA stated there was no impact on the front elevation. There is a lack of assessment of the impact of demolition and excavation on the main house and adjacent Protected Structures. The assessment of physical and visual impact of removal of such a large section of rear wall and roof from the historic main building, and the proposed design and use of materials such as triple glazing is inadequate. There is no assessment or mitigation regarding demolition/ excavation works. Conservation Officer report strongly disagrees

that the works are of a sensitive design and regarding the impacts on the vista on the ACA when clearly the garage will have a negative visual impact;

- Further Information: Report stated the applicant did not responded adequately to the further information request;
- Material Contravention: Proposal would materially contravene the Built Heritage Objectives and Policies in the Waterford City and County Development Plan 2022-2028. Policies BH1, BH11 and BH12 seek to promote the protection of the architectural heritage, maintain and enhance the special character of protected structures and their vistas and settings;
- Extension: The extension as submitted would have a negative visual and physical impact on the Protected Structure and would not enhance the character of the Protected Structure or its setting;
- Garage: The scale and height of the garage relative to the thatched house which is a Protected Structure and its impact on site and the adjoining terrace of Protected Structures would contravene Policy Objective BH05;
- Conclusion: The development would negatively impact the visual amenities of the Dunmore East ACA and set an undesirable precedent for similar types of development which would result in over intensification of thatch house plots.

### **3.3. Prescribed Bodies**

3.3.1. None.

### **3.4. Third Party Observations**

3.4.1. During the planning application stage two Observers made submission to the planning authority. The issue raised related to: site boundaries; outstanding issues with the south-west boundary; site boundary wall extends into a neighbouring plot; prior planning application 17/635 refused on appeal for negative impact on neighbouring properties, visual impact and unauthorised works including walls on site; overlooking; overshadowing; drainage / surface water drainage proposals; impact on shared gable wall; the proposed garage; and ground levels.

## 4.0 Planning History

### 4.1. Subject site

- 4.1.1. Reg. Ref. 17/635 (ABP Ref. ABP-300183-17): Planning permission refused by the Board in 2017 for construction of a split-level dwelling house with a height of 3732mm and associated site works in the rear garden of the subject site. One refusal reason was given, which related to overbearing visual impact on adjoining dwellings to the south and east and serious injury to residential amenities in the vicinity.
- 4.1.2. I note the Planner Report referred to the following older applications:
- 4.1.3. Reg. Ref. 05/847 (ABP Ref. PL24.218389): Planning permission refused by the Board in 2006 for construction of a two-storey dwelling house and site entrance on lands on the curtilage of a Protected Structure to the rear along Circular Road.
- 4.1.4. Reg. Ref. 04/717: Planning permission refused by the Planning Authority in 2004 for construction of a two-storey dwelling house on lands within the curtilage of a Protected Structure to the rear along Circular Road.

### 4.2. Nearby sites

#### Adjacent dwelling 'Hook Head':

- 4.2.1. Reg. Ref. 22/544: Planning permission granted by Planning Authority in 2022 for a flat roof domestic garage to the rear of an existing dwelling house, connection to existing surface water main and all associated site works in the curtilage of a protected structure ('Hook View', Dock Road).
- 4.2.2. Reg. Ref. 21/914: Planning permission refused by Planning Authority in 2022 for a domestic garage to rear of an existing dwelling house, connection to surface water main and all associated site works in the curtilage of a protected structure ('Hook View', Dock Road). Application was refused for one reason which was that the scale and height of the garage relative to the thatched cottage would detract from and negatively impact the special character of the protected structure, and the visual amenities of the area, and set an undesirable precedent.

## 5.0 Policy Context

### 5.1. National guidelines and strategies

Sustainable Residential Development & Compact Settlements 2024 and Appendices  
National Biodiversity Action Plan 2023, including its Objectives and Targets.

A Living Tradition: A Strategy to Enhance the Understanding, Minding and Handing on of Our Built Vernacular Heritage, 2021.

Architectural Heritage Protection Guidelines 2011.

### 5.2. Development Plan

5.2.1. The Waterford City & County Development Plan 2022-2028 was adopted 7<sup>th</sup> June 2022. In the Plan the site is zoned 'RS Existing Residential' where the land use zoning objective is *"Provide for residential development and protect and improve residential amenity"*.

5.2.2. Built Heritage Policy Objective BH01: *"We will promote the protection of the architectural heritage of the City and County through the identification of structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, by the inclusion of such structures on the Record of Protected Structures (RPS) and by taking such steps as are necessary to ensure the protection of those structures, their maintenance, conservation, enhancement, and appropriate active use. To this end we will contribute towards the protection of architectural heritage by complying, as appropriate, with the legislative provisions of the Planning and Development Act 2000 (as amended) in relation to architectural heritage and the policy guidance contained in the Architectural Heritage Protection Guidelines 2011 (and any updated/superseding document)."*

5.2.3. Built Heritage Policy Objective BH05 'Architectural Conservation Areas': *"It is the policy of the Council to:*

- *Achieve the preservation of the special character of places, areas, groups of structures setting out Architectural Conservation Areas (ACA).*



- *Protect the special heritage values, unique characteristics and distinctive features, such as shopfronts within the ACA from inappropriate development which would detract from the special character of the ACA.*
- *Prohibit the demolition of historic structures that positively contributes to the distinctive character of the ACA.*
- *Encourage the undergrounding of overhead services and the removal of redundant wiring/ cables within an ACA and to assess all further cable installations against its likely impact on the character of the ACA as the cumulative impact of wiring can have a negative impact on the character of ACAs.*
- *Provide guidelines on appropriate development to retain its distinctive character; and protect elements of the streetscape such as rubble stone boundary walls, planting schemes and street furniture such as paving, post boxes, historic bollards, basement grills, street signage/plaques, etc. which make a positive contribution to the built heritage.*
- *Retain or sensitively reintegrate any surviving items of historic street furniture and finishes such as granite kerbing and paving that contribute to the character of an ACA.”*

5.2.4. Built Heritage Policy Objective BH06 ‘Architectural Heritage Impact Assessment’.

5.2.5. Built Heritage Policy Objective BH08 ‘Reusing our Heritage Buildings’: *“It is a policy of the Council to encourage sympathetic development or reuse of historic buildings to promote heritage led economic growth and regeneration whilst not adversely detracting from the building or its setting. Any proposals shall respect features of the special architectural and historic character by appropriate design, materials, scale, and setting”.*

5.2.6. Built Heritage Policy Objective BH11 ‘Maintaining and Enhancing Special Character’: *“It is the policy of the Council to protect structures and curtilages included in the RPS or historic structures within ACA, from any works which would visually or physically detract from the special character of the main structure, any structures within the curtilage, or the streetscape or landscape setting of the ACA.”*

- 5.2.7. Built Heritage Policy Objective BH12 'Settings and Vistas': *"It is the policy of the Council to ensure the protection of the settings and vistas of Protected Structures, and historic buildings within and adjacent to ACAs from any works which would result in the loss or damage to their special character."*
- 5.2.8. Built Heritage Policy Objective BH16 'Traditional Materials and Skills': *"It is the policy of the Council to • Promote and ensure the conservation and reuse of traditional materials and features. Original building fabric such as rubblestone and brick walls, lime mortar render, natural slate, thatch, chimneys, brick detailing, ironwork and joinery details such as timber sash windows, shopfronts, doorways and bargeboards shall be retained. Where traditional features such as timber sliding sash windows have been removed, their reinstatement shall be encouraged. • Encourage the retention and development of the traditional skills base in County Waterford and maintain the Conservation Skills register."*
- 5.2.9. Built Heritage Policy Objective BH24 'Maintaining and Enhancing our Vernacular Buildings': *"It is the policy of the Council to: • Protect, maintain and enhance the historic character and setting of vernacular buildings, farmyards and settlements • Encourage appropriate revitalisation and reuse of such structures (see rural diversification/ tourism). There will be a presumption against the demolition of vernacular buildings where restoration or adaptation is a feasible option. • Promote the protection and maintenance of thatched buildings (domestic or non-domestic), particularly those with historic layers and roof structures."*
- 5.2.10. 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."*
- 5.2.11. Appendices 9 'Record of Protected Structures' and 10 'Architectural Conservation Areas', including Dunmore East ACA 'Summary of Special Character'.

### **5.3. Natural Heritage Designations**

- 5.3.1. Hook Head SAC is 4.5km approx. to the east of the site. Tramore Backstrand SPA and Tramore Dunes and Backstrand SAC are 4.7km approx. to the west of the site.

## **6.0 Environmental Impact Assessment screening**

- 6.1.1. The proposed development has been subject to preliminary examination for environment impact assessment (See Form 1 Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, I consider that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger requirement for EIA screening and an EIAR is not required.

## **7.0 The Appeal**

### **7.1. Grounds of First-Party Appeal**

- 7.1.1. A first-party appeal was received, on behalf of Leonard Comerford, the main points of which are summarised as follows:
- Dunmore East ACA Summary of Special Character notes the terrace of thatched houses of which the site forms part. Applicant acquired the property to protect it and intends to replace the haphazard extensions with a modern extension. Applicant has engaged with the Council;
  - The Architectural Heritage Protection Guidelines state the best way to conserve historic buildings is by active use, and that compromise is required in adapting Protected Structures for modern living. The design team has sought to do this;
  - The AHIA states the proposal and removal of existing extensions will have a positive impact on the Protected Structure and adjoining Protected Structures. Proposal is consistent with Development Plan BH02 and BH08;
  - The reasons for refusal make no reference to the internal and external alterations. As such these must be considered acceptable;

- The proposed extension is raised in refusal reason 1 only. Planning Authority appeared satisfied with the height and scale as this is not referenced in the refusal reasons; as such only the appearance of the extension is at issue. Appeal considers the existing extensions are poor given their condition, incoherent design, and incongruous materials. Proposed extension would enhance the cottage and terrace visually and physically;
- Applicant incorporated a thatch roof to reflect Development Plan Section 11.1 'Built Heritage' and Policy BH16, the Architectural Heritage Protection Guidelines, and the character of the cottage;
- Both refusal reasons reference the garage which is surprising. The height was significantly revised and the study omitted. A single storey garage was permitted by the Council in 2022 (Reg. Ref. 22/544) on the adjoining site ('Hook Head') which is also a Protected Structure. The design team drew on this permission for design cues. The design team moved the proposed garage and aligned it with the adjoining permitted garage, and altered the design in terms to size, design and scale to accord with it. Appeal queries how could the proposed garage contravene the Development Plan, when the neighbouring garage was permitted approximately 18 months previous;
- Appeal considers the Planning Authority erred in its decision, particularly as both refusal reasons focus on the garage height and scale. Application seeks to adapt the cottage for modern living and enhance the cottage character;
- Applicant is willing if deemed necessary by the Board to omit the proposed garage, despite the obvious precedent set on the adjoining site.

## **7.2. Planning Authority Response**

7.2.1. None.

## **7.3. Observations**

7.3.1. None.

## 8.0 Assessment

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are those raised in the reasons for refusal, as follows:

- Extension;
- Internal and external alterations;
- Demolition and Excavation;
- Garage;
- Related matters raised in the course of the appeal.

8.1.2. Owing to the overlap in issues raised in the refusal reasons I deal with both reasons together.

### 8.2. Refusal reasons 1 and 2

#### *Principle*

8.2.1. The site is zoned 'RS Existing Residential' where the land use zoning objective is "*Provide for residential development and protect and improve residential amenity*". I am satisfied the proposed development is acceptable in principle subject to the considerations below.

#### *Built heritage context*

8.2.2. Regarding the built heritage of the area, the subject site is a Protected Structure; forms part of a terrace of Protected Structures; and is within the Dunmore East ACA.

8.2.3. The NIAH gives the dwelling a Regional rating, with the appraisal stating: "*An appealing, well-composed, small-scale cottage, which makes a pleasant visual impact in the street scene of Dock Road. The cottage forms an integral component of the vernacular heritage of Dunmore East, as identified by features including the construction using mud, and the thatched roof, and is one of a group of thatched*

*structures ... that are unique to the area, having been purpose-built as holiday homes representing an element of the development of the locality as a seaside village in the mid nineteenth century. The retention of important salient features and materials throughout significantly enhances the historic quality of the composition”.*

8.2.4. Development Plan Appendix 10 ‘Architectural Conservation Areas’ sets out details of Dunmore East ACA, including a ‘Summary of special character’ of the ACA. It states:

- *“This village developed as a resort in the 19th century with the construction of substantial holiday homes in the form of purpose built thatch houses for rent.”*
- *“The historic core of the village is linear travelling uphill from Lower Village at Dunmore Strand past the Park and the terraces of thatch houses along Dock Road to the Harbour with side roads leading down Island road and Post office Lane”.*
- *“One of the most notable architectural and photogenic features of Dunmore East is the terraces of thatch houses. The early 19th century thatch houses are located along Dock Road and there are some single thatch houses in the lower village area. The thatch houses form an integral component of the vernacular heritage of Dunmore East”.*
- *“The roofscape of Dunmore East is part of its special character in particular the thatch houses. .... On the terraced houses the stepped arrangement should be retained. Original elements and profiles should be retained and repaired and reused rather than replaced”.*

8.2.5. I concur with the Planning Authority as to the sensitive nature of the area, and I consider the subject dwelling and the terrace of which it forms part are important components of one of the defining characteristics of the built heritage of Dunmore East, that is, historical thatch cottages along Dock Road.

*Proposed extension*

8.2.6. The first refusal reason stated the Planning Authority was not satisfied the proposed extension would not have a negative visual and physical impact on the Protected Structure or that it would enhance the character of the Protected Structure or its setting. This refusal reason was based on the Conservation Officer report.

- 8.2.7. Regarding height and scale, the proposed extension would be significantly greater than the existing flat roofed extension. The height would be the same as the original cottage thatch roof. In relation to visual impact, the Planner Report stated the extension would not be visible from Circular Rd. Whilst I do not concur that the extension would not be visible, and whilst I am not satisfied the submitted photomontages accurately indicate the visibility of the extension, I consider the extension would likely have only slight visibility from Dock Road. Despite the size of the extension, it would be reasonably well screened from adjacent public spaces due to the topography and form of development in the area. From Circular Road, the extension would be below the existing road level and would be largely screened by existing development and the proposed garage. If the proposed garage was omitted, as proposed in the appeal, I consider that there would be momentary visibility of the rear extension from along Circular Road.
- 8.2.8. However, as raised by Observers at planning application stage, the extension would be highly visible from adjacent dwellings. I share the Conservation Officer concerns that the scale of the extension would detrimentally impact the Protected Structure and its setting, and that of adjacent Protected Structures, and that it would significantly obscure visibility of the existing cottage.
- 8.2.9. The Supplementary AHIA describes the impact of the extension on the existing dwelling. It notes a number of positive impacts, including the continued use of the cottage as a residence; lack of impact on the appearance of the building from Dock Road; removal of the existing extensions; and in terms of improving weather and damp proofing. However it also states that (a) removal of a section of the historic thatched extension to the rear will result in loss of historic wall and roof fabric, and (b) that replacement of this early extension with the extension as proposed represents a slight negative impact.
- 8.2.10. Development Plan Policy Objective BH01 seeks to promote the protection of the architectural heritage of Waterford, including by taking such steps as are necessary to ensure the protection of Protected Structures, their maintenance, conservation, appropriate active use, as well as their enhancement. Policy Objective BH05 states it is the policy of the Council to achieve the preservation of the special character of groups of structures setting out ACAs, and protect the special heritage values,

unique characteristics and distinctive features within the ACA from inappropriate development which would detract from the special character of the ACA.

- 8.2.11. The Architectural Heritage Protection Guidelines (Section 6.8.5) state that careful consideration needs to be given to the construction of rear extensions to Protected Structures and buildings in ACAs. Section 6.8.4 states that the size of new extension should be in keeping with the scale of the Protected Structure. Section 6.8.3 states that extensions should complement the original structure in terms of scale.
- 8.2.12. I share the Conservation Officer report concern regarding the scale and height of the proposed pitch roof relative to the original cottage. On balance I consider the extension height and scale would be excessive relative to the original cottage, and would have a detrimental impact on the character, setting and fabric of the Protected Structure, and on the character and setting of adjacent Protected Structures and the ACA. In this regard I note the Development Plan requires that development not only protect but enhance Protected Structures. Given this high bar; the small size of the cottage; its importance to the built heritage of Dunmore East; and the negative impact of the height of the extension as described by the AHIA, I am not satisfied the proposed extension meets the requirements of the Development Plan and Architectural Heritage Protection Guidelines in this regard.

*Internal and external alterations*

- 8.2.13. Regarding internal and external alterations, impacts in these regards were not raised in the refusal reasons. The Conservation Officer report raised concern with the extent of removal of the rear wall and roof, as well as the design and use of materials such as triple glazing.
- 8.2.14. The proposed alterations include:
- Alteration and removal of internal partitions, including internal lobby, and corresponding layout changes;
  - Opening of the rear elevation around existing door and window in the original rear wall to facilitate the proposed French doors;
  - New opening in internal original load bearing wall;

I am not satisfied the submitted drawings clearly illustrate the full extent of works to original building fabric. No works to the front elevation appear to be proposed.



8.2.15. I note the appellant's points in this regard. The Supplementary AHIA assesses the impact of the internal and external alterations on the Protected Structure as follows:

- Externally, the proposed sliding door opening in the rear elevation will result in some loss of historic masonry fabric; however the quantity of historic material being removed will be reduced by incorporating the existing rear doorway into the current kitchen and the infilled window within the existing larder. A slight negative impact will result from creation of this new doorway; the report however deems this to be acceptable in order to bring the building back into use and to align with modern living standards;
- Internally, existing stud walls will be removed; there will be no loss of significant fabric such as moulded skirting, door joinery or plaster detail but removal of these partitions represents a slight negative impact through loss of the historic cottage layout. This loss will be fully mitigated by facilitating a more amenable layout for the appropriate, continued residential use of the site;
- The loss of the existing glazed lobby screen between the entrance doors and central living room represents a minor negative impact through removal of a historic feature; this however will enable improved amenity for appropriate domestic use of the building;
- Formation of a new opening between the central and southern room within the main cottage at the rear will have a negligible impact through loss of unremarkable masonry wall fabric. The proposed retention of nibs of this dividing wall as well as the overhead partition above a new lintel will maintain legibility of the original ground plan of the cottage;
- Necessary repairs are also proposed which will have a positive impact by facilitating the appropriate upgrades to the building that will enable it to continue in residential use and be properly maintained as such into the future. These and other incidental works to implement best practice conservation repair to the building as part of the proposed redevelopment represent a significant positive impact of the planned actions on the built heritage significance of the site.

8.2.16. The Supplementary AHIA describes minor negative impacts alongside positive impacts to the Protected Structure. I note again these impacts were not raised in the reasons for refusal, and that there would be minimal impacts to the streetside

elevation. I consider the internal and external alterations are reasonable and generally strike an appropriate balance between the modernisation of the cottage and respecting the heritage and character of the Protected Structure and ACA. This is with the exception of the proposed fenestration, glazing and materials; I consider that should the Board be minded to grant permission that a condition for the agreement of these elements with the Planning Authority should be attached.

*Proposed demolition and excavation*

- 8.2.17. The Conservation Officer report referred to the excavation into the terrace at the rear, and stated there was a lack of assessment of the impact of demolition and excavation works on the main house and adjacent protected structures. It stated that no mitigation in these regards was proposed, and strongly disagreed the works were of a sensitive design. This matter was raised in the Planning Authority request for further information, but minimal assessment was submitted in response by the applicant. The Conservation Officer report stated the applicant had not responded adequately to the further information request. I note that minimal information in this regard is included within the appeal.
- 8.2.18. Regarding excavation, the Supplementary AHIA made no reference to the excavations specifically, but did reference the proposed terrace, steps and sustainable urban drainage features proposed and their impact on the continued functionality of the dwelling. I note the proposed extension is set back from the neighbouring boundaries. Regarding design, I note that the lowering of the ground level and placing of the proposed extension on one lower level rather than the stepped nature of the existing served to reduce its visual impact and preserve the setting of the Protected Structure.
- 8.2.19. Policy BH12 seeks to ensure the protection of the settings and vistas of Protected Structures, and historic buildings within and adjacent to ACAs from any works which would result in the loss or damage to their special character.
- 8.2.20. Overall I concur with the Planning Authority that the applicant did not respond sufficiently to the valid concerns of the Conservation Officer in this regard. On balance I am not satisfied the applicant has had due regard to the potential impact of these works on the Protected Structure or neighbouring Protected Structures.

- 8.2.21. In this regard should the Board be minded to grant permission, it may consider that a condition for the agreement of a Construction Management Plan would ensure due care is taken as to any physical or structural impact the proposed works would have on the Protected Structure on the site or neighbouring sites. I am not satisfied however that such a condition would suffice given their proximity, terraced nature, age, and vernacular construction.

*Proposed garage*

- 8.2.22. The garage as revised in response to further information would measure approximately 49sqm and would be single-storey. It would match the height of the permitted garage to the north-east (Reg. Ref. 21/914) and would sit alongside it. Given the topography of the site, the ground level of the garage would be above eaves level of the existing cottage, however the garage roof height would be only slightly above the ridge height of the cottage. It would be to the rear of the dwelling and approximately 18m from the original cottage.
- 8.2.23. I note that in response to further information the originally proposed study was omitted, however the garage floorspace was increased from approximately 30sqm to 49sqm. The garage was relocated closer to the cottage and adjacent the permitted garage to the north-east. The proposed garage was initially pitch roofed but was changed to a flat-roofed structure, and the height lowered from c.3.98m to c.2.85m.
- 8.2.24. In terms of access, the garage could accommodate two cars accessed from Circular Rd. It would be set back from the road by between c.7-15m such that cars could manoeuvre into and park within the site on the proposed gravel parking area.
- 8.2.25. Regarding visual impact, I do not consider the submitted photomontages clearly illustrate the likely visual impact of the garage, however, based on the available information, and given the topography of the area and arrangement of existing development, I am satisfied the garage would not have significant visibility from Dock Road, with any views being partial and momentary. The garage would however be visible from Circular Rd. but only from vantage points in reasonably close proximity.
- 8.2.26. Regarding neighbouring dwellings, I note that there is a garage accessed off Circular Road on the site adjacent to the west ('Loftus View', Dock Rd), and a garage accessed off Circular Rd to the rear of the dwelling two doors to the east ('Grendon', Dock Rd). The proposed garage is comparable in scale, form and height to these. I

also note that the subject site is the only dwelling in this terrace that has not seen the rear garden developed or permitted to be developed for ancillary purposes. I also note there is no dedicated parking on or adjacent the site, however there is uncontrolled parking outside the site.

- 8.2.27. Regarding the refusal reason reference to precedent, I note the permitted garage adjacent to the north-east (Reg. Ref. 21/914, 'Hook View', Dock Road) is of comparable size, form and location. That garage would be approximately 39.6sqm in area and would be flat-roofed. It was permitted by the Planning Authority in 2022 under the current Development Plan. Whilst I accept that a comparable neighbouring garage was permitted adjacent by the Planning Authority under the current Development plan, I note that it was smaller and refusal was recommended by the Conservation Officer.
- 8.2.28. Regarding the Supplementary AHIA, it stated the revised garage is a positive amendment to the design and that the revised arrangement will give rise to no impacts on the visual setting of the protected structure or ACA. I do not concur with that the revised garage would have *no* impact on the on the visual setting of the Protected Structure or ACA. I note the AHIA indicates the location of the garage is largely outside the site of the original cottage and is largely located on lands that were added to the original site.
- 8.2.29. Having regard to the foregoing, on balance I do not concur with the Planning Authority that the garage would have a significant negative impact on the visual amenities of the ACA or would detract from the special character of the ACA. Whilst it would be visible from Circular Road it would be set well back from the road and would be reasonably well screened by neighbouring development, including existing and permitted garages which it would be comparable in size and scale to. Regarding impact on the Protected Structure, I accept the revised garage would be closer to the cottage than originally proposed, however I am satisfied it would remain a reasonable distance away and would again be comparable in size and proximity to existing and permitted development to the rear of cottages in the terrace.
- 8.2.30. Regarding residential amenity, I note 3 no. previous applications were refused for a dwelling in the rear garden of the subject site, generally in the location of the proposed garage. The revised garage would measure 2.85m in height and would be

set back from the south-western boundary by approximately 4.63m. A hedge is also proposed inside the party boundary. Whilst the location of the garage is at a significantly higher level than the adjacent dwellings and rear garden, I do not consider the revised garage in response to further information would have a significant detrimental impact on the residential amenity of the adjacent dwelling, including in terms of overbearance or overshadowing.

- 8.2.31. I note the appellant's willingness to omit the garage from the proposed development. I consider that should the Board be minded to grant permission, the garage should be omitted by condition. This is on account of the potential for the applicant to park vehicles on the proposed gravel yard off Circular Road, and the greater protection that omission of the garage would provide the ACA and Protected Structure.

#### *Conclusion*

- 8.2.32. Having regard to the points raised in the Conservation Officer report and the submitted Architectural Heritage Impact Assessment; to Sunrise Cottage being a Protected Structure in the Dunmore East Architectural Conservation Area; its small size; and its importance as part of the adjoining terrace to the built heritage of Dunmore East; on balance I consider the proposed development has not had due regard to the character and special interest of Sunrise Cottage as a Protected Structure, to the adjacent Protected Structures, or to the character of the ACA. I consider the extension height and scale would be excessive relative to the original cottage, and would have a detrimental impact on the character, setting and fabric of the Protected Structure, and on the character and setting of adjacent Protected Structures and the ACA. I also consider that the applicant has not had due regard to the potential impact of the proposed demolition and excavation works on the Protected Structure or neighbouring Protected Structures. As such I am not satisfied the development meets the requirements of the Development Plan Policy Objectives BH1, BH05 and BH12 or the provisions of the Architectural Heritage Protection Guidelines in this regard. Accordingly I consider that permission should be refused.

### **8.3. Related matters raised in the course of the appeal**

#### Material contravention

- 8.3.1. Refusal reason 1 stated the development would materially contravene the Built Heritage Objectives and Policies in the Waterford City and County Development Plan 2022-2028. The reason did not identify the specific provisions that would be materially contravened, however it did refer to Policies BH1, BH11 and BH12.
- 8.3.2. In the interests of completeness, I note that Section 37(2)(a) of the Planning & Development Act 2000, as amended, provides for the Board in determining an appeal to grant permission even if the proposed development contravenes materially the Development Plan. Section 37(2)(b) states that where a Planning Authority has decided to refuse permission on the grounds that a proposed development materially contravenes the Development Plan the Board may only grant permission in accordance with paragraph 37(2)(a) in specific circumstances, as set out in subsection 37(2)(b)(i)-(iv); I have reviewed the available information and do not consider that any of those criteria apply in the subject case.

#### Boundaries

- 8.3.3. I note points on the file made by Observers in relation to the existing party boundaries. The proposed rear extension is set back from the party boundaries and no works to the boundary walls are proposed as part of the subject application.

### **9.0 Appropriate Assessment screening**

- 9.1.1. I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a village approximately 4.5km west of Hook Head SAC and approximately 4.7km east of Tramore Backstrand SPA and Tramore Dunes and Backstrand SAC. The proposed development comprises demolition of an extension and construction of an extension and garage. No nature conservation concerns were raised in the appeal. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment as it could not have any effect on a European Site. The reason for this conclusion is the nature of works being small in scale; that location-distance from nearest European site and lack of connections. Taking into account screening report/determination by LPA I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

- 10.1.1. The site is located within a settlement approximately 40m from Waterford Harbour. The proposed development comprises an extension to a cottage and a garage. No water deterioration concerns were raised in the planning appeal. I have assessed the project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status and prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment as there is no conceivable risk to any water body. The reason for this conclusion is the nature and small scale of the works; its location in a serviced settlement; distance from the nearest Water bodies and lack of hydrological connections. Taking into account WFD screening determination by Planning Authority, I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body surface and/or groundwater water bodies (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives.

## 11.0 Recommendation

- 11.1.1. I recommend permission be **Refused**, for the reasons and consideration below.

## 12.0 Reasons and Considerations

Having regard to the height and scale of the rear extension proposed to Sunrise Cottage which is identified as a Protected Structure within the Dunmore East Architectural Conservation Area, it is considered that the proposed development would not enhance or preserve the character of the Protected Structure or its setting. It is also considered that the application did not satisfactorily demonstrate that the proposed demolition and excavations would protect and not result in loss or damage to the Protected Structure or neighbouring Protected Structures. Accordingly, it is

considered the proposed development would is not consistent with Policy Objectives BH01, BH05, and BH12 of the Waterford City & County Development Plan 2022-2028, and would set an undesirable precedent for similar development. The proposed development therefore would 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.-*

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Dan Aspell  
Inspector  
30<sup>th</sup> June 2025



## APPENDIX 1

### Form 1: EIA Pre-Screening

|   |  |
|---|--|
| <b>Case Reference</b>   | ABP-320736-24  |
| <b>Proposed Development Summary</b>   | Alterations to cottage including demolition of extension, and construction of extension and garage.                                    |
| <b>Development Address</b>  | Sunrise Cottage, Dock Road, Dunmore East, Co. Waterford.   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  |  |
|   | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.<br><input type="checkbox"/> No, No further action required. |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>   |  |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>  |  |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. <b>Proceed to Q3</b>   |  |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b> |  |
| <input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>                                     |  |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required.</b>   |  |
| <input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>   |  |
| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>   |  |
| <b>Yes</b> <input type="checkbox"/>   | <b>Screening Determination required (Complete Form 3)</b>  |
| <b>No</b> <input checked="" type="checkbox"/>   | <b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>  |

Inspector: \_\_\_\_\_

Date: \_\_\_ 10<sup>th</sup> June 2025\_\_\_