



An
Bord
Pleanála

Inspector's Report ABP-322224-25

Development	Construction of extension and all associated site works
Location	22 Tournore Court, Abbeyside, Dungarvan, Co. Waterford, X35 ET66
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2560035
Applicant(s)	Margaret & Robert Tritschler
Type of Application	Permission
Planning Authority Decision	
Type of Appeal	Third Party
Appellant(s)	Denis & Claire Murray
Observer(s)	None
Date of Site Inspection	01 st July 2025
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site is located in the Tournore residential estate, approximately 2km northeast of Dungarvan town centre. The site has a stated area of 0.029 ha and contains a two storey semi-detached dwelling with a floor area of 122.6sqm. The area is characterised by two storey semi-detached dwelling of a similar design to the dwelling on the appeal site.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a single storey flat roof extension to the rear of existing dwelling and a proposed first floor pitched roof extension above the existing single storey extension to the front and side of the existing dwelling. The total floor area of proposed extensions will be 45.6sqm and will accommodate an extended kitchen, dining and utility area at ground floor and additional bedroom and extension to existing bedroom at first floor. Permission is also sought for internal remodelling and all ancillary site development works.

3.0 Planning Authority Decision

3.1. Decision

On 13th March 2025 Waterford City and County Council issued notification of decision to grant permission subject to 7 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 12th March 2025 can be summarised as follows:

- Having regard to the nature and scale of the proposed development, the provisions of the Planning and Development Regulations relating to exempted development for rear extensions, the setting of the application site within a built-up residential area, and planning history for similar development in the vicinity of the site, the impact of the proposed development on the residential amenities of adjoining properties would be proportionate and would not unduly

negatively affect the residential amenities of adjoining properties, and therefore would be consistent with the relevant Development Management Standard, DM 11.

3.2.2. Other Technical Reports

- None on file.

3.3. **Conditions**

Condition 3: No overhanging of, or trespass on, adjoining properties or rights of ways by eaves, gutters, foundations etc. shall take place on foot of this permission, save with the written consent of the respective owners of these properties, a copy of which shall be submitted to the Planning Authority prior to any development commencing. Any damage caused to third-party property shall be made good by the developer at their own expense. Reason: In the interests of existing residential amenity.

3.4. **Prescribed Bodies**

None on file.

3.5. **Third Party Observations**

One

4.0 **Planning History**

No recent relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The Waterford City and County Development Plan 2022-2028 is the statutory development plan for the area. It has regard to national and regional policies in respect of infill development within existing built-up areas.

- 5.1.2. The subject site is zoned Objective RS with the stated objective to provide for residential development and protect and improve residential amenity.
- 5.1.3. Section 4.9 of Volume 2 of the development plan outlines development management standards for house extensions, stating 'The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character, scale and form of the existing building and site should be respected.'
- 5.1.4. Policy Objective DM 11 states 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; Extension works should not encroach, overhang or otherwise physically impinge third party properties; Proposals should be designed in such a way as to eliminate overshadowing or overlooking of adjoining property; Avoid additional surface water runoff arising from the site.

5.2. Natural Heritage Designations

- 5.2.1. The closest designated sites to the appeal site are Dungarvan Harbour SPA (Site Code 004032) located approx. 450m to the south and Glendine Wood SAC (Site Code 002324) located approx. 2km north of the appeal site.

5.3. EIA Screening

The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended, and therefore no preliminary examination is required. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

One no. third party appeal has been received from Denis and Claire Murray. The grounds of appeal can be summarised as follows:

- The scale of the rear extension will result in loss of light inside and outside the property at no. 21 and as such is in breach of section 4.9 of the development plan.
- The local authority planning officer report states concerns in relation to overshadowing and loss of light.
- In the absence of a workspace to provide access between the boundary wall and new extension it is unclear how the render to the rear extension will be applied and maintained.
- There are concerns that the proposed rear extension will affect the structural integrity of the boundary wall between no. 21 and no. 22.

6.2. Applicant Response

A response received on behalf of the applicant can be summarised as follows:

- The proposal is below the size that can be constructed under exempted development regulations.
- The scale and design of the proposed rear extension has been designed to eliminate overshadowing and overlooking with a length of c. 4.8m and a flat roof, and with no windows facing or overlooking no. 21.
- A shadow study has been prepared which finds there is little, if any shadow falling on no. 21.
- The proposed rear extension will be positioned inside the boundary wall and can be maintained from the proposed flat roof.
- In relation to concerns regarding the impact of proposed foundations on the existing boundary wall, condition 3 of the planning authority decision addresses this matter.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

6.5. Further Responses

A third party response to the first party response to the appeal was received and can be summarised as follows:

- The height and length of the proposed extension with a height of 3036mm with a length of 4598mm will result in an increase from the current boundary wall height of 1727mm to the west of the appellants property. It is difficult to see how the increase will not impact the appellants garden and patio area.
- The first party comments relating to the proposed extension enhancing the appearance of the existing boundary wall should be disregarded.
- The first party submission to the appeal refers to amendments to foundations and it is questioned whether this is a change to the original planning submission.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal relates overshadowing and loss of light impacts and impacts on the shared boundary wall.

7.2. Overshadowing and Loss of Light

7.2.1. Concerns are raised regarding loss of light inside and outside the rear of the third party's property at no. 21 as a result of the proposed ground floor rear extension. The proposed rear extension will be located to the north of the existing dwelling and will have a height of 3.036m with a flat roof and will extend for a length of 4.958m from the existing rear elevation on its eastern side adjoining the boundary wall with no. 21 to the east.

- 7.2.2. The first party appeal response includes a Shadow Study which illustrates shadows cast in the existing scenario and as a result of the proposed extension at 9am, 12 noon and 3pm on 21st December, 21st March and 21st June. The assessment notes the shadow from the existing dwellings already cast onto the north facing gardens of adjoining properties and finds that when compared with the existing scenario little, if any, additional shadow will be cast on to the rear garden of no. 21 as a result of the proposed development. The study concludes that there is little, if any, negative shadowing of the rear garden of no. 21 as a result of the single storey rear extension to no. 22. In their response to the first party appeal, the third party raise concerns in relation to the findings of the shadow study, noting the scale of the rear extension and its location to the west of their rear garden.
- 7.2.3. Having reviewed the drawings submitted with the application and the shadow analysis submitted with the response to the appeal and having regard to the scale and orientation of the proposed extension I consider that there will be limited impact on daylight/sunlight levels at no. 21 as a result of the proposed extension.
- 7.2.4. Having regard to the above reasons and considerations, I do not consider that the proposal represents a scale or form of development which would detrimentally impact on the residential amenity of adjoining properties. I consider that the development is acceptable from a residential amenity perspective and would not undermine the residential amenity of adjoining owners by reason of overshadowing or loss of light.

7.3. Impact on Boundary Wall

- 7.3.1. The proposed extension will adjoin the rear eastern boundary wall which separates the appeal site from the third party's property. The 'proposed sections' drawing clearly indicates the existing boundary wall and the proposed extension. The concerns raised by the third party relate to potential damage to the structural integrity of the boundary wall as a result of construction of the extension. Concerns are also raised in relation to access to the side boundary of the proposed extension for maintenance. The first party response notes that condition 3 attached by the P.A. addresses the matter of potential damage to third party property and that foundation requirements will be determined by the project engineer to ensure no interference with the boundary wall and foundations. I note the concerns raised in the observation

from the third party relating to the need to assess the proposed foundations. Having regard to the location, nature and scale of development proposed I do not consider that details relating to foundations are required to be assessed or determined prior to a decision on the appeal. Whilst I also note the appellants concerns in relation to potential damage to the boundary wall during construction of the proposed extension, the drawings show that no demolition of the adjoining wall is proposed. I am satisfied that the proposal is to be located entirely within the applicant's property and I consider matters relating to any future damage to property are a matter between the parties involved and are not a matter to be addressed by the Board. If the Board decides to grant permission I do not consider it necessary to attach condition 3 as included by the P.A., noting that it relates to matters that are not relevant to planning.

- 7.3.2. In relation to painting and maintenance of the side elevation, I am satisfied that the works can be carried out from the flat roof of the proposed extension as outlined by the first party in their response to the appeal.

7.4. Other Matters

- 7.4.1. The third party response to the first party response to the appeal requests that the board disregard comments in relation to the appearance of the existing boundary wall. I do not consider the appearance of the existing wall relevant to the assessment of this appeal.
- 7.4.2. No condition relating to a development contribution was attached by the P.A., noting that the Waterford City & County Development Contribution Scheme 2023-2029 in Section 8.0 exempts domestic extensions from development contributions. If the Board decides to grant permission I recommend that no condition be attached requiring a development contribution.
- 7.4.3. I note that the drawings submitted include details of proposed external finishes and as such I do not consider it necessary to attach a condition requiring agreement of material finishes prior to commencement of development if the Board decides to grant permission.

8.0 Water Framework Directive Assessment Screening

- 8.1. The subject site is located approx. 200m northwest of the nearest water body comprising an open drainage ditch and approx. 630m northwest of Dungarvan Harbour. The proposed development comprises the construction of an extension to an existing dwelling as outlined in section 2.1 of this report.
- 8.2. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development 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 (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 8.3. The reason for this conclusion is as follows:
- The small scale of development and the nature of works
 - The location-distance from nearest Water bodies and lack of hydrological connections
 - Taking into account WFD screening report by the Planning Authority.
- 8.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (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 and consequently can be excluded from further assessment.

9.0 AA Screening

- 9.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive
- 9.1.1. I have considered case ABP 322224-25 in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a residential area and comprises an extension to an existing dwelling

and all associated site works. The closest European Site is the Dungarvan Harbour SPA (Site Code 004032) located approx. 450m south of the proposed development and Glendine Wood SAC (Site Code 002324) located approx. 2km north of the proposed development.

- 9.1.2. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

- 9.1.3. 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

- 10.1. I recommend that planning permission should be granted, subject to conditions.

11.0 Reasons and Considerations

- 11.1. Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, to the location of the site in an established residential area, the 'existing residential' zoning objective and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of 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, 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 interests of clarity.

2. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, 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.

3. 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.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

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.

Bernadette Quinn
Planning Inspector

02nd July 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322224-25
Proposed Development Summary	Construction of extension and all associated site works
Development Address	22 Tournore Court, Abbeyside, Dungarvan, Co. Waterford, X35 ET66
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	

<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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

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)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____