



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP 322635-25**

<b>Development</b>	Retention of elevational changes. Permission for change of use from garage to games room/home office with all associated site works
<b>Location</b>	Hacketstown, Portlaw, Co Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	25/60044
<b>Applicant(s)</b>	Taylor James Morrissey
<b>Type of Application</b>	Retention and permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John & Helen Doyle; Joe & Nicola Kenny.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16/07/2025.
<b>Inspector</b>	Ann Bogan

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## Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Location and Description**

- 1.1. The site is approximately 3km south of Portlaw. The 0.21hectare site fronts onto to the L4026 local road. There is a recently constructed single storey dwelling and an adjacent 'garage' structure to the east of the dwelling, the subject of the application. Site works are on-going. Stone piers are located centrally along the site front boundary, which is otherwise open at present. There is a low retaining wall and an earthen berm along the southern boundary and an earthen berm forming part of the eastern boundary. A retaining wall runs along part of the western boundary with the neighbouring property.
- 1.2. There is an existing dwelling to the west, three existing houses to the north on the opposite side of the road, an agricultural barn on lands to the east, and a field in agricultural use to the rear (south) of the site.

## **2.0 Proposed Development**

- 2.1. The development consists of:
- Retention of elevational changes to garage permitted under 2360073, consisting of replacement of permitted garage door in front elevation with two windows, and construction of glazed double door and window in west elevation
  - Permission for change of use of garage for use as games room/ home office
  - All associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Planning Authority decided to grant retention permission and permission for change of use, subject to 6 conditions, in summary:

- Condition 2: On completion of development works, entrance in use for construction to be closed up and entrance serving dwelling to be constructed in accordance with parent permission

- Condition 4: Games room/home office to be used for purposes ancillary to dwelling and not for commercial purposes
- Condition 5: Screen planting to be provided along western and southern site boundaries, along outer perimeter of retaining wall; concrete post and rail fencing to be removed
- Condition 6: Save to comply with above, conditions pertaining to 23/60073 shall apply.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- First report: Garage as constructed maintains same ridge height and footprint. Considers the elevational changes to garage to be acceptable. Notes submitted floorplan indicates a games room/office within the overall space and while noting third party concerns re use of structure, considers use as games room/home office would not be unreasonable
- Further information was requested noting that the development is not being constructed in accordance with governing permission and requesting clarification in relation to “vehicular entrance, site boundaries, site drainage, elevational changes to dwelling etc”. A second item of FI requested confirmation that games room/home office would not be used for commercial activity
- Second report following FI: Following applicant’s confirmation re use, proposed use considered acceptable subject to condition that the use be restricted to purposes incidental to enjoyment of dwelling and not for commercial or habitable purposes
- Noted retaining wall along southern and western boundaries is an additional variation to site. However, considers it is of modest height and notes Area Engineer has no issue with its construction and is also satisfied that drainage measures are acceptable. Existing works entrance will be closed off and entrance constructed as granted on completion of construction works. Elevational changes to dwelling not considered to impact on neighbouring

property owners by reason of overlooking/loss of privacy. Permission recommended subject to conditions

- Habitats Directive screening report concluded having regard to location of the subject site and to the nature of the proposed development and distance from Natura 2000 sites, no appropriate assessment issues arise in this case.

### 3.2.2. Other Technical Reports

- Area Engineer: Entrance as proposed is compliant with sightlines and forward visibility; surface water drainage will be put in to connect to soakaway at entrance on the planning drawings; retaining wall is more than adequate to retain soil and no structures close of affected by wall; concrete post and panel fence under construction close to original ground level on neighbours' side of retaining wall looks reasonable.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Submissions made on application to Planning Authority from two neighbouring residents and two further submissions were received from them following receipt of FI. Issues raised are similar to those raised in the appeals.

## 4.0 Planning History

**23/60073:** Permission granted to Taylor James Morrissey on 2nd May 2025 for single storey dwelling with detached garage and ancillary works.

**ABP 310696-21:** Planning Authority decision to refuse permission to Jimmy Morrissey for dwelling (Ref 21/292) confirmed on appeal by An Bord Pleanála on 6th September 2022. Reasons for refusal: it did not constitute a replacement dwelling, failed to demonstrate a genuine need for rural housing in line with County Development Plan policies, and design was out of character with the area.

## 5.0 Policy Context

### Development Plan

Waterford City and County Development Plan 2022 - 2028

- Site Zoned Agriculture: To provide for the development of agriculture and to protect and improve rural amenity [A].
- Site is situated within a 'Low Sensitive' Scenic Classification in the Landscape and Seascape Character Assessment.
- No policies on domestic garages in Volume 2 Development Management Standards

### 5.1. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

N/A

### 5.2. Natural Heritage Designations

Lower River Suir SAC (002137), 3.2km north of site

Portlaw Woods pNHA (000669), 3.2km north of site

## 6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

Two third party appeals were received from nearby residents. One from the occupants of the house to the west and a second from the occupants of a dwelling on the opposite side of the public road to the north.

A. Issues raised in John and Helen Doyle appeal (owners of house opposite):

- Surface water drainage: Site has been developed to a lower level than permitted resulting in increased run-off of water from field to south and from site itself, which has resulted in surface water flowing onto the road and flooding appellants' property
- Consulting engineer (engineering report accompanies appeal) advised that they request the Board to seek further information on surface water drainage including soakaway sizing calculations and updated drainage layout
- Main house is estimated to be 0.5m higher than permitted, concern that upper floor will be converted for residential use and windows might be installed overlooking their property and invade their privacy
- Future use of garage: concern that alterations to garage which include plumbing and water pipes could result in it being used as a separate dwelling/ Air B&B in the future. Concern that another separate garage could be built on the site, further impacting surface water drainage
- Construction entrance at west side of site needs to be closed off and replaced by permitted entrance at centre of front boundary, to allow construction of soak pit as permitted.

B. Issues raised in Joe and Nicole Kenny appeal:

Boundary instability and impact on neighbouring property

- Ground level along shared western (side) boundary of site has been significantly altered by applicant during site preparation, destabilising the boundary bank and resulting in difference in ground level of up to 1.65m in places.

- Planning application drawings showed new house to be at existing contour, but as constructed is 1.2m lower than pre-existing level.
- Retaining wall constructed along western boundary, topped by partially complete concrete post and panel fencing, is contrary to planning conditions requiring a raised earthen berm topped by hedge. Rear of retaining wall has not been properly infilled and boundary is unstable, creating erosion and safety risk (as confirmed by engineering report submitted with appeal)
- Concern that removal of fencing on top of wall, as recommended in planner's report, would result in wall being lower than boundary bank, resulting in soil slippage.
- Impractical to plant hedge outside perimeter wall as required by condition as not enough space between rear of wall and property boundary
- Until issue is resolved appellant cannot plant trees/shrubs on their side of boundary to provide privacy as existed previously
- Small part of percolation area (constructed by previous owner) serving appellants house was found to be on applicant's site, so they upgraded treatment system to address this, however concerns that excavation of site would impact new system were not addressed by applicant
- Request An Bord Pleanála to impose conditions requiring properly constructed and back filled retaining wall of adequate height, topped by fence or planted berm and landscaping to mitigate loss of privacy from removal of trees and hedges on site

#### Invalid application and legal standing

- In original application (23/60044) applicant indicated he intending purchasing site from Garth MacKenzie. However, Land Registry records show site was transferred to Jimmy and Jeannie Morrissey, rather than their son, in 2023. Applicant not owner of site when current application made and failed to provide consent of the owners, his parents.
- Application therefore invalid and decision is undermined.



#### Proxy application on behalf of previously refused parties

- Permission for dwelling by applicant's parents was previously refused permission by County Council and An Bord Pleanála due to failure to demonstrate genuine rural housing need
- Submits evidence suggests this is not an independent housing proposal but an attempt to bypass rural housing policy using a family member as nominal applicant.

#### Garage conversion retention: scale, use and planning contraventions

- Potential for unauthorised habitable/commercial use: garage has been plumbed for water and wastewater to prepare it for full habitable use. However, retention application stated N/A on application form, in relation to proposed water supply and wastewater treatment
- Structure is larger than a standard garage and now includes windows to the front and side and a glazed double door and window to west elevation. Door overlooks appellants garden, impacting privacy
- Appears higher than shown on drawings, with additional space for an attic room. Potential for habitable space and overlooking of neighbouring gardens if rooflights are added in future
- Garage has been built further forward than shown on application drawings, increasing its visual prominence and coupled with windows larger than those on front of dwelling it no longer functions as a subordinate ancillary structure
- Refers to application for retention of a garage at residence of Morrissey family 2km away, to serve as 'home office' for their construction business. Suggests this represents a pattern of unauthorised garage conversion to residential /commercial use
- Submits no need for home/office games room as primary dwelling is large with rooms which could be repurposed for home office or games room, allowing garage to serve for storage for household items
- Permitting this application would create precedent for future misuse of garages in rural areas; its appearance is inconsistent with garages in the area

- Use of structure for any residential or commercial purposes will increase noise traffic/footfall and impact residential amenities of neighbouring properties
- Request conditions restricting use to uses ancillary to dwelling, prohibit attic access, no conversion to separate dwelling, and internal layout to remain as shown on retention drawings.

#### Inadequate site water management

- Refutes applicants' agent's claim that their wastewater treatment upgrade raised ground levels, increasing run-off into subject site. Quotes company who installed system and consulting engineer report who confirm ground levels were not raised in installation of treatment system
- Due to height difference between Morrissey site and field to rear, concerned that water run-off be managed correctly; concern that field drain installed to divert water away from the site may result in water pooling and, impacting appellants' property
- Construction entrance to west of frontage has not been closed to allow storm water soakpit to be constructed in this location
- Neighbours on opposite side of road experienced flooding, and a video clearly shows water exiting Morrissey property and crossing road to their property
- Site characterisation report with previous application did not provide for garage to be used as separate dwelling with its own plumbing and wastewater
- Site levels have been reduced by at least 1 metre since site percolation tests were carried out, raising concerns that results no longer reflect current ground conditions
- Elevation levels of site provided on site plan do not match current ground level and finished floor level of house and proposed home office/games room
- Level changes will result in soil erosion and waterflow issues particularly from land to south, which has already resulted in flooding at boundary where water breached bank in 2024
- Changes in levels likely altered natural water flow patterns on and around the site

- Removal of trees on boundary significantly reduces site's ability to absorb stormwater and stabilise the soil, increasing risk of surface water run-off
- No comprehensive drainage report submitted, despite extensive changes to site levels and drainage patterns. No design calculations provided for soakaway system, despite known high water table and recent flooding
- Potential impact of recent excavation to rear of dwelling: questions purpose of excavation, suggests it's a retaining wall or barrier. Notes overground structure which appears to be barbecue area
- Requests Board to require full hydrological study to assess impact of site works; impose condition requiring closure of construction entrance; impose condition that no water discharge onto public road or neighbouring properties.

#### Patterns of non-compliance with planning regulations

- Although permission was granted to Taylor James Morrissey, his parents intend to live in dwelling, in contravention of intent of condition 2(a) of parent permission
- Site was built up at front and entrance relocated to west
- Elevational alterations to dwelling, in particular changes in number and configuration of windows, resulting in impact on appellants privacy in their garden, also changes to height of structures with potential for overlooking if attic converted and rooflights installed
- Removal of trees and hedgerows, in contravention of conditions, also impacts privacy
- Likely commercial use of garage structure
- Unauthorised developments including southern and western boundary walls, installation of field drain along walls, recent concrete structure to rear of dwelling, new site entrance.

#### Loss of rural character and long-term environmental impact

- Significant alteration the physical, visual and environmental character of site poorly integrated into rural character, contrary to City and County Development Plan

- Excavation and artificial reprofiling of site inconsistent with rural development principles as set out in Development Plan
- Loss of vegetation and rural character, removal of natural screening, exposure of new development to neighbouring properties and wider views
- Excavation and reprofiling of site create risk of surface water and stability issues for site and surrounding properties
- Unfinished work, no formal landscaping plan on planning file, likely long-term impacts on rural visual amenity.
- Application should be refused or permitted with conditions requiring preparation and implementation of detailed landscape plan.

### Conclusion

If applicant had originally submitted plans that accurately reflected what has been developed, they would have objected. Urge the Board to review the decisions made for this development to safeguard integrity of planning process and protect rural character of neighbourhood.

## 7.2. Applicant Response

- Appeal documents consider elements on site are the final works and levels, however parent permission works are still ongoing, as ground works etc are left to rear end of build
- All elements conditioned in parent permission (Ref 23/60073) will be executed, unless otherwise amended by condition of subject application
- Material in the appeal relating to parent's family home and business in Kilmovee should be disregarded as it bears no relevance to subject site
- Re reference to complaints having been made to Waterford City and County Council, regarding development of the site, confirms no Warning letter received

- I Taylor James Morrissey am the applicant, not my parents
- Always intended to apply for retention of changes to garage and for the change of use. Elevational changes sympathetic to streetscape, with fenestration same as main house.
- Changes in window and door opening sizes in main house as shown on further information drawings, are minor and may be considered exempt under Section 4.1.(h) of the Act
- Re height of main house and garage, appeal photographs show formation levels rather than finished ground level and therefore appeal makes unfounded assertion that height is higher than permitted. Height of house as constructed is as shown on application drawings
- Site drainage: On completion of works soakpits will be constructed for all surface water emanating from site, as shown on site layout plan for parent permission. Only storm water from subject site will be accommodated on site
- RFI response letter to Waterford City and County Council (WCCC) referred to discussion with adjoining land owner to south. Works to construct a land drain and soakpit on these lands now been completed
- Re retaining wall on site, wall has been constructed with land drain to rear which will discharge to soakpits. Backfilling of walls now complete and drain is operational
- Contends that contrary to appellants assertion, wall is exempt under Planning and Development Regulations 2001 as amended under Schedule 2, Part 1
- Disagrees with appeal assertion that storm water run-off from subject site flowed across public road to another house. Asserts storm water emanated from neighbouring house to west, following works to upgrade septic tank and percolation area
- Boundary Treatment: Intended to erect concrete post and panel fence on boundary with neighbour for privacy, however condition 5(b) required its removal. Confirms it will be removed and replaced with planting

- Southern boundary was breached during heavy storms. It was removed, works to replace it have commenced. Screen planting will be installed and all other landscaping features required in conditions will be complete
- Many issues raised in appeal by both parties are not directly relevant to subject file and reflect dissatisfaction with parent permission and should be disregarded
- Confirms games room/home office will not be used for habitational or commercial purposes

### **7.3. Planning Authority Response**

- None

### **7.4. Observations**

Responses were submitted by both third-party appellants on each other's appeals.

Doyles response to Kennys appeal:

- Supports Kennys health and safety concerns re boundary stability and lack of back filling on boundary wall, agrees it exposes tree roots and will damage trees
- From their observation, garage has plumbing and sewerage, suspects it is a standalone house. Concern extra plumbing may cause water problems
- Since appeal, noticed septic tank and percolation area have been added, but are much further forward than shown on plans, and percolation area is parallel to road rather than facing road. Urges Board to request new percolation tests and independent drainage report
- Loss of rural character: Query why rear ditch has been removed and replaced by low berm since appeal, with no planting, contrary to planning file which shows hedge retained. Berm also constructed to left [east] of house, is meant to have berm on right hand [west] side of house also.

Kennys response to Doyles appeal:

- Repeats some points raised by Doyles above

- Refers to Engineering report which accompanies Doyles appeal.
- Notes drain has been installed in land to south to redirect surface water from site, not in planning application, not clear what implications are for surrounding lands, including theirs. Urge the Board to request full drainage report to be submitted by qualified engineer
- Notes removal of ditch on southern boundary and replaced by berm and field drain with no planting, which alters drainage profile of site and contradicts original proposal to retain hedgerows. Loss of ecological value and also breach of Wildlife Act 1976 which prohibits removal of hedgerows during nesting season
- Septic tank and percolation area recently installed but not in correct location, which further reinforces Doyle's request for full drainage assessment etc.
- Soil/earth has been removed from site in June, impacting sites drainage characteristics
- Completion of wastewater installation directly to garage structure since Doyles appeal submission, suggests it may be used as separate dwelling unit or office. Additionally, site characterisation tests allowed for 6PE and this addition required 10PE as has capacity to be 2 bed structure with kitchen and bathroom
- Confirm that entrance has been moved to position shown on original application

## 7.5. Further Responses

None

## 8.0 Assessment

- 8.1. As outlined earlier, planning permission was granted for a dwelling and detached garage on this site in 2023 (Ref 23/60073) and construction of these structures is largely complete. The current application relates solely to the retention of elevational changes to permitted garage and change of use of the garage to games room/home

office, and associated site works. Having examined the application details and all other documentation on file, including the appeal documentation, the report of the local authority, having regard to the relevant policies and guidance and having inspected the site, I consider that the substantive issues to be considered in this appeal are as follows:

- Visual and amenity impact
- Layout and proposed use
- Other matters
- Planning Authority conditions

## **8.2. Visual and amenity impact**

- 8.2.1. The overall floor area and height of the garage structure appear to be very similar to that permitted. Its position may have been brought forward (northwards) from that shown on permitted drawings vis a vis the position of the dwelling (or the dwelling may be positioned slightly further south). In my opinion the location has not changed to a material degree and does not have a significant visual impact on the overall development, with the garage set back behind the main front building line of the house, as proposed in the governing permission.
- 8.3. The elevational changes made to the permitted garage design consist of the replacement of the solid garage door in the front elevation with two windows, installation of a glazed sliding double door in the west elevation, the omission of the door in west elevation and installation of a window mid-way in the side (western) elevation. I consider the changes to be in character with the design of the dwelling and acceptable from a visual impact perspective.
- 8.4. The glazed double door faces westwards towards the rear garden of the neighbouring house and concerns were expressed that it could impact on the privacy the appellants' rear garden. The structure is located towards the eastern side of the site and is over 30m from the western boundary with the appellants property. I am satisfied that taking account of the distance and screen planting as required in Planning Authority condition No 5(a), the elevational changes and proposed change



of use will not have a negative impact on the residential amenity of neighbouring properties.

## **8.5. Layout and proposed use**

- 8.5.1. The interior of the structure is still under construction; it is plastered but flooring is incomplete. Submitted floor plans show the interior as a single room taking up the entire floorspace. On inspection I found that it has been subdivided internally to form two main rooms. The second main room has what appears to be a bathroom off it, and is plumbed for water and wastewater connections. A small windowless room adjoins the bathroom, possibly intended for storage. There is a 'trapdoor' to the attic from here, with access via a type pulldown ladder, and there is no indication that the attic is intended use other than storage.
- 8.5.2. As well as changes to propose layout, I note the structure has been provided with water and wastewater connections, which are not indicated in the current application or the governing permission. If the use is as proposed and is incidental to the use of the dwelling, the installation of wastewater services to the structure to be retained is unlikely to significantly increase the load on the wastewater system, which was already designed to treat the wastewater from the dwelling.
- 8.5.3. I note the appellants' concerns that the structure might be used as a separate dwelling or as a commercial office. This application refers solely to its use as games room or home office, and its use for another purpose, other than uses incidental to the use of the dwelling, would have to be the subject of a separate planning application. The governing permission excludes other uses under condition No 1(b). The Planning Authority condition No 4 to the current application requires that the structure be used for purposes ancillary to the use of the dwelling and shall not be used for commercial purposes. I recommend that this be amended to include that it not be used for habitable accommodation, in the interests of clarity and to align with condition 1(b) of the parent permission.

## **8.6. Other matters**

- 8.6.1. The appellants raise a number of matters relating to the governing permission for the dwelling on the site and allege unauthorised development. These include issues

relating to level changes, boundaries with neighbouring properties, surface water disposal, location of access, modifications in number and size of windows etc in permitted dwelling. These concerns relate primarily to the governing permission for the dwelling, rather than to the current application, and are therefore not for consideration by the Commission as part of this appeal.

8.6.2. I note that since the appeals were lodged, further works have progressed on the site that may ease some of the concerns:

- The construction access has been closed and a new entrance located as permitted in governing permission, with site boundary still to be constructed
- The wastewater treatment system and percolation area have been constructed on the eastern side of the site
- An earthen berm has been constructed along the rear (southern boundary) of the site and a french drain and soakpit constructed in the adjoining field to cater for off-site surface water and prevent it entering the site
- An earthen berm has been constructed along part of the eastern boundary
- The retaining wall along the western boundary, (which has a land water drain running behind it) has been largely backfilled, although it is not fully complete. The partially constructed concrete post and rail fence remains in place.

8.6.3. The applicant has also confirmed in response to the appeal that siteworks are ongoing as part of the permitted development and states that soakpits will be constructed for all surface water emanating from site, as shown on site layout plan for parent permission, and that landscaping and planting will take place on the site boundaries.

8.6.4. Enforcement of alleged non-compliance with the governing permission or of unauthorised development is a matter for the Planning Authority, rather than the Commission. Property related issues concerning the boundaries may fall to be addressed between the property owners themselves.

8.6.5. The appellants raise concerns in relation to the validity of the application as the application documents do not include permission of the landowners, which the appellant states are the applicant's parents. I note the Planning Authority considered the application to be valid and processed it. On the assumption that the appellants

are correct and the applicant's parents are the landowners, given the familial relationship, I believe it is reasonable to conclude that the applicant had sufficient standing to make the application.

- 8.6.6. The appellants also raised issues relating to compliance with rural housing need policy in the Development Plan. This was assessed and conditioned as part of the governing permission and is not a matter for this appeal to consider. Likewise, issues relating to other properties in the ownership of the applicant's family are not relevant to this appeal.

### 8.7. **Planning Authority conditions**

- 8.7.1. If the Commission is minded to grant permission, I recommend the substance of the conditions attached to the decision of the Planning Authority be included, save for the amendments set out below. I have already referred to a recommended amendment to condition No 4 relating to uses in section 8.5.3 above.

- 8.7.2. Further information documents received on 1<sup>st</sup> April 2025 are not referenced in condition No1. Therefore, I recommended the condition be amended to include reference to them.

- 8.7.3. I recommend omission of condition No 2, as the construction access has already been closed up and a new entrance located in the permitted position.

- 8.7.4. Condition No 3 reads:

"All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site and otherwise in accordance with surface water drainage details date-stamped **15th April 205**. Surface water runoff shall not be allowed to discharge onto the public road or adjoining properties".

The text I have highlighted includes a typographical error in the year, and there is no documentation available on the file dated 15<sup>th</sup> April 2025. The response to further information submitted on 1<sup>st</sup> April 2025 includes material addressing site drainage. I assume the date quoted in the condition is an error and I therefore recommend an amendment to the wording to refer to the correct date.

## 9.0 AA Screening

- 9.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is 3.2km south of Lower River Suir SAC (002137). The proposed development comprises retention of elevational alterations, permission for change of use from garage to games room/home office with all associated site works.
- 9.2. Having considered the nature, scale and location of the project, 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:
- The small scale and nature of the development
  - Distance from nearest European site and lack of connections
- 9.3. 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 (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive Screening

- 10.1. The subject site is located in Hacketstown approximately 3km from Portlaw and is 1.47km north-east of the Ballyshunnock Reservoir (wetlands area), 3.2 km south of the River Suir and 384m south of the Kilbunny stream, a tributary of the River Suir.
- 10.2. The proposed development comprises retention of elevational changes to garage permitted under Ref 23/60073 and change of use of garage to games room/home office.
- 10.3. I have assessed the development to be retained and proposed change of use 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.

10.4. The reason for this conclusion is as follows:

- The small scale and nature of the development
- The distance from nearest water bodies and lack of hydrological connections.

10.5. Conclusion

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.

## **11.0 Recommendation**

11.1. Grant of permission for retention of alterations and permission for change of use is recommended, subject to the conditions set out below.

## **12.0 Reasons and Considerations**

12.1. Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, the planning history of the site, the nature and scale of the development and to the existing pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	<p>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 1st April 2025 and on the 9<sup>th</sup> April 2025, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site and otherwise in accordance with surface water drainage details submitted on 1<sup>st</sup> April 2025. Surface water shall not be allowed to discharge onto the public road or adjoining properties.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
3.	<p>The games room/home office permitted under this permission shall be used for purposes ancillary to the enjoyment of the dwelling. It shall not be used for habitation or for commercial purposes.</p> <p>Reason: In the interest of clarity and to manage the intensity of use on the site</p>
4.	<p>(a) Screen planting shall be undertaken along the western and southern site boundaries. Such planting shall comprise a mixture of naturalised trees/hedgerow along the outer perimeter of the retaining wall. The planting shall be carried out in the first planting season following the completion of the dwelling. When planted the trees shall be adequately protected from damage by animals or wind. Any failures within 5 years shall be replaced and the trees allowed to grow to maturity.</p> <p>(b) The partially constructed concrete post and concrete panel fence on the western boundary shall be removed from the site unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of visual amenity and preservation of the natural character of the area.</p>

5	<p>Save as to comply with above stated conditions, the conditions pertaining to the governing permission for the development (Ref: 23/60073) shall otherwise apply.</p> <p>Reason: In the interest of clarity and proper planning and sustainable development.</p>
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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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Ann Bogan  
Planning Inspector

28<sup>th</sup> July 2025

## Appendix 1 - Form 1 EIA Pre-Screening

<b>Case Reference</b>	ABP 322635
<b>Proposed Development Summary</b>	Retention of elevational changes, change of use from garage to games room/home office and associated site works
<b>Development Address</b>	Hacketstown, Portlaw, Co Waterford
	<b>In all cases check box /or leave blank</b>
<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.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, 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>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<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>	<b>State the Class and state the relevant threshold</b>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</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>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: Ann Bogan Date: 28<sup>th</sup> July 2025



