



An
Coimisiún
Pleanála

Inspector's Report PL-500300-WD-25

Development	Demolition of existing single storey dwelling and construction of a two storey over basement dwelling.
Location	Convent Road , Dunmore East , Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2560425
Applicant(s)	William and Helen Boxwell
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	William and Helen Boxwell
Observer(s)	Frank McDonald Gail Shortle Roy Dooney
Date of Site Inspection	19 th February 2026
Inspector	Irené McCormack

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1.0 Site Location and Description

- 1.1. The site is located within the town of Dunmore East, south/southwest of Dunmore East Harbour and is approximately 100m from the harbour. The site has a stated site area of 0.107ha and is occupied by an existing detached single storey pitched roof dwelling, with a floor area of approximately 84 sqm. The appeal site fronts the Local Primary Road L4202 (Convent Road) to the west.
- 1.2. The site rises steeply from the road with a difference of 10m from the street level to the rear (east) of the site. The existing dwelling is positioned above road level with steps down to a pedestrian entrance to the public footpath. Neighbouring houses on Convent Road and to the rear of the site are predominantly single storey. There are two storey apartment buildings located on the opposite side of the road, but at a lower level, bounded by a 2m+ stone wall, with access from the north. Existing houses at a higher level above Convent Road, are accessed from a road above.
- 1.3. The southern (side) boundary with the adjoining site is formed by an existing wall which rises up the slope, the northern boundary has existing dense vegetation, while the western (rear) boundary consists of a c1.8m high wall.

2.0 Proposed Development

- 2.1. Permission is sought for the:

Demolition of an existing single storey dwelling and construct in its place a two storey over basement dwelling including alterations to existing boundary wall and all associated works.

- 2.1.1. A Request for Further Information (RFI) issued on 8th August 2025 and sought revised plans for a reduced scale dwelling, revised cross section and contiguous drawings, QBAR calculations, dished footpath at entrance and confirmation of feasibility from Uisce Eireann. A response was received on 1st October 2025. The response included some minor changes to the proposed dwelling.

3.0 Planning Authority Decision

- 3.1. **Decision**

By Order dated 24th October 2025, Waterford City and County Council issued notification of a decision to REFUSE permission for the proposed development for

one no. reason.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The initial report provides a summary of the proposed development and submissions received. The report reviews the characteristics of the site and the proposed development and various policies and provisions of the development plan.
- 3.2.2. The report notes the recent planning history and the refusal reason following first party appeal to An Coimisiun Pleanala, which related to the scale, massing and bulk of the previously proposed development. The report sets out that the Planning Authority (PA) do not consider that the developer has adequately addressed the reason for refusal of the previous application planning reference ABP ABP-319118-24/ WCCC 23/60171. RFI recommend as detailed in section 2.11 above.
- 3.2.3. Subsequent to the response to RFI, it was noted that no redesign of the proposed house to address the concerns raised was undertaken and the scale, massing and bulk of the proposed house has not been amended and therefore the serious concerns as raised by the PA were not addressed. The PA considered that the proposed house would be out of keeping with the character of the area and refusal was recommended.
- 3.2.4. Revised engineering details were submitted a deemed acceptable. A pre-connection enquiry application to Uisce Eireann, was received, however no confirmation of feasibility was submitted.
- 3.2.5. Refusal recommended for the following reason:

Having regard to the prominent location of the site within the village of Dunmore East, and to the scale, massing and bulk of the proposed development and the level of excavation required, it is considered that the proposed development would be out of character with the scale of development in this area and would be contrary to General Housing Policy Objective H 02 of the Waterford City and County Development Plan 2022- 2028, which states that the planning authority 'will ensure new residential development is appropriate in terms of a type, character, scale, form and density to that location'. Thus, the proposed development would be contrary to the policies and objectives of the Waterford City & County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area

3.2.6. Other Technical Reports

Roads Section (emailed dated 16th October 2025) – FI received acceptable.

Environment Section (6th August 2025) – No objection subject to conditions including Demolition Resource Waste Management Plan (RWMP) and Asbestos Survey.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The PA note three valid submissions were received. The issues raised a summarised as follows:

- Previous refusal of permission at the site.
- Impact on residential amenity of adjoining properties
- Design – Visual impact, scale of the proposed development, detract from streetscape, height relative to adjoining property, impact on character of the area and landscape.
- Level of excavation, impact on adjoining properties, lack of detail provided with application.
- Sightlines and traffic safety.
- Misleading photomontages
- Concerns regarding boundary treatments.

4.0 Planning History

ABP 319118-24 /WCCC 23/60171 – Permission refused on 30/08/2024 for the demolition of existing structure and construction of a replacement dwelling for the following reason:

Having regard to the prominent location of the site within the village of Dunmore East, to the scale, massing and bulk of the proposed development and the level of excavation required, it is considered that, while the site is capable of accommodating a contemporary style house, the proposed design as presented would be out of character with the scale of development in this area and would seriously be contrary

to General Housing Policy Objective H 02 of the Waterford City and County Development Plan 2022- 2028, which states that the planning authority “will ensure new residential development is appropriate in terms of a type, character, scale, form and density to that location”. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

5.0 Policy Context

5.1. Local

Waterford City and County Development Plan 2022-2028

Zoning

The subject site is zoned ‘RS’ - Existing Residential with a stated objective ‘*to provide for residential development and protect and improve residential amenity*’.

Other Designations

The site is situated within a 'Most Sensitive' Scenic Classification in the Landscape and Seascape Character Assessment as per Development Plan.

Record of Protected Structures: Dunmore Harbour House (1820) is nearby, (former hotel/convent, converted to apartments)

Relevant Policies and Objectives in the Development Plan include:

H02 General Housing Policy Objectives

H 02	<p>In granting planning permission, we will ensure new residential development:</p> <ul style="list-style-type: none"> • Is appropriate in terms of type, character, scale, form and density to that location. • Is serviceable by appropriate supporting social, economic and physical infrastructure. • Is serviceable by public transport and sustainable modes such as walking and cycling. • Is integrated and connected to the surrounding area in which it is located; and, • Is designed in accordance with the applicable guidance and standards of the time: <ul style="list-style-type: none"> • Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). • Delivering Homes, Sustaining Communities (2007). • Urban Design Manual A Best Practice (2009). • Permeability Best Practice NTA (2015); and, • Design Manual for Urban Roads (DMURS) (2020) or any update thereof. • National Disability Inclusion Strategy (NDIS) 2017-2022. • United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).
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- H20 Protection of existing residential amenity policy objectives
- Section 4.1(a) of the Landscape and Seascape Character Assessment states that “Most Sensitive Areas” Landscape Character Areas and features designated as “Most Sensitive” represent the principal features which create and sustain the character and distinctiveness of the surrounding landscape. To be considered for permission, development in or in the environs of these areas must be shown not to impinge in any significant way upon its character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the preservation of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites.”
- Landscape Policy Objectives

L 02 Protecting our Landscape and Seascape -We will protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape, in particular on or adjacent to the uplands, along river corridors, coastal or other distinctive character units.

L 03 Landscape and Seascape Character Assessment - We will assess all proposals for development outside of our settlements in terms of the 2020 Landscape and Seascape Character Assessment (Appendix 8) and the associated sensitivity of the particular location. We will require a Landscape and Visual Impact Assessment (LVIA) for proposed developments with the potential to impact on significant landscape features within the City and County. Proposals for significant development (e.g. renewable energy projects, telecommunications and other infrastructure and the extractive industry) shall be accompanied by a LVIA which includes Zones of Theoretical Visibility (ZTV) which indicate the landscape impact zone within which the proposed development may be seen. There will be a presumption against developments which are located on elevated and exposed sites and where the landscape cannot accommodate such development with reasonable and appropriate mitigation.

- Section - 7.12 Refurbishment, Extensions and Replacement of Existing Structures in Rural Areas.

- Volume 2 – Development Management Standards - Section 4.5 Replacement Dwellings -*The Council encourages the reuse, refurbishment, extension and upgrade of older vernacular rural dwellings which form an important part of our built heritage; for more information, please refer to Volume 1: Section 7.12 of the Development Plan.*

Appendix 8 of Development Plan: Landscape and Seascape Character Assessment

4.4(a) Least Sensitive Areas: A small area of Waterford City and County is designated least sensitive to landscape change. These are areas of concentrated existing development and infrastructure. Appropriate new development in these areas can reinforce the existing desirable land use patterns. Regard shall be had to site development standards namely density, building lines, height of structures and design standards. The overall aim is to ensure that the inherent character of city /town environs and town and village centres is maintained. In least sensitive areas:

- (a) New development shall sustain and reflect the character of the area;
- (b) Frontages on to the existing streets shall reflect the character of the street through careful design and use of materials; and
- (c) Development should reflect the character of the townscape generally but fresh approaches to design will be considered
- (d) New development should be encouraged as a means of improving the existing character of such areas.

4.4 (b) Areas Designated as Least Sensitive

- Continuous Urban Fabric
- Discontinuous Urban Fabric
- Industrial or Commercial Units
- Airports

Table Ab.3 Sensitivity classification and areas

4. **Least Sensitive** Areas of existing development and infrastructure. New development reinforces existing desirable land use patterns.

Discontinuous Urban Fabric: Waterford City, Dungarvan, Carrick-on-Suir Environs, Clonmel Environs, Cheekpoint, **Dunmore East**, Tramore, Kilmacthomas, Cappoquin, Lismore, Tallow, Ardmore.

5.2. **Other relevant Section 28 Guidelines**

- Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024.

SPPR 1 - Separation Distances: It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level.

5.3. **Natural Heritage Designations**

5.3.1. The proposed development is not located within or immediately adjacent to any European Site. The following are in close proximity to the site

- Tramore Back Strand SPA Special Protection Area (Site Code: 004027) is located 5.03km west of the site.
- The River Barrow and River Nore SAC Special Area of Conservation (Site Code: 002162) is located 3.56km south of the site.

5.4. **EIA Screening**

5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1: Form 1 and Form 2 of this report. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required

6.0 **The Appeal**

6.1. **Grounds of Appeal – First Party**

A first-party appeal has been lodged only against the decision of Waterford City and County Council decision to refuse planning permission for the proposed development. The grounds of appeal as summarised as follows:

Material Redesign of the Proposed Development

It is set out that the statements in the planners report that 'no redesign has occurred' is disingenuous and fails to have regard to the revised proposal in the context of the previous refusal and which constitutes a material change when compared to the previous proposal including:

- A reduction in floor area from c.402sqm to 328sqm (18%) reducing the scale and visual presence.
- Reduction in building footprint -reduce depth, width and terrace projection.
- Reduction in excavation and retaining structures. The lower ground floor has been reduced by c. 50%. The overall depth of intervention into the slope is significantly less.
- Upper floor has been redesigned as a dormer . This ensures the dwelling reads as a two storey from Convent Road.
- Room sizes, terrace and external works have been reduced
- The revised design employs stepped massing that respects the natural slope.

The Planning Authority failed to Consider the Previous Assessment of An Coimisiún Pleanála

The appeal argues that the PA failed to

- Consider the Inspector's acceptance of a contemporary design approach .
- Consider the Inspector's acceptance of residential amenity impacts.
- Assess the revised excavation against the Inspector's findings and the substantially reduced extent of cut and materially smaller retaining walls.
- Have regard to the revised design which replaces the third storey with a dormer style third level which significantly reduces the perceived height dominance and the excess visual massing referred to in the Inspector's report.
- Have regard to the reduced footprint which serves to reduce the massing of the

development in a contextual context noting the concerns in this regard raised in the Inspector's report.

- Consider a reduced design as referenced in the Inspector's report.
- Carry out a comparative assessment of the proposal with respect to the Commission's decision.

Inconsistent Interpretation of policy to that of An Bord Coimisiún Pleanála

- Referring to the overlapping and inconsistent landscape classification to the Dunmore East coastal area as identified in the previous Inspector's Report it is set out that the PA proceeded as if the highest sensitivity designation applied unequivocally to the site.
- It is set out that the Inspector's report acceptable the proposed of the development.
- The revised design is consistent with the landscape sensitivity policies, and the PA assessment does not assess the revised design against the criteria.
- It is argued that the PA failed to recognise the Inspector's acceptance of redevelopment subject to scale adjustments and that this is design specific and not location specific.
- Concern is raised that the PA applied a disproportionate emphasis on landscape sensitivity and not the RS zoning objective.

Universal Design Compliance

- It is set out that the development represents an improvement in terms of universal access, energy consumption and sustainability.

6.2. Planning Authority Response

6.2.1. A response from the Planning Authority was received on 15th December 2025. The response notes the following:

- The response reiterates the recommendation and sets out that the PA considered the development contrary to the policies and objectives of the WCCDP 2022-2028.
- The PA note that the sustentative issues raised in the first party appeal were also raised in the documentation submitted in support of the application, at both initial

application stage and further information response stage. The PA also had regard to the details of the previous refusal 23/60171 /ABP 319118-24 in the assessment of the application.

- The PA remain unfavourably disposed to the proposed development.

6.3. Observations

6.3.1. Three no. observation were received. The following concerns were raised :

- Design -scale and bulk. Contrary to Objective H 02.
- Overdevelopment of the site and visually obtrusive.
- Level of excavation and potential risks. Reference made to planning application WCCC 25/60725 for cliff stabilisation works in proximity to the site and highlights the structural weaknesses within the rock face in this area.
- Impacts on residential amenity, loss of privacy, overlooking
- No details as regards the western boundary treatment provided.
- Construction implications.

6.4. Further Responses

None

7.0 Assessment

7.1. Introduction

7.1.1. Having inspected the site and examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Design Strategy & Visual Impact
- Residential Amenity

7.2. Principle of Development

7.2.1. As set out in the previous Inspector's Report ABP 319118-24, the site is within the existing development boundary of Dunmore East and is zoned 'existing residential'

with an objective to 'Provide for residential development and protect and improve residential amenity'. The replacement of an existing dwelling with a new dwelling is therefore consistent with the primary zoning objective.

- 7.2.2. The first party argue that the PA did not apply sufficient weight to the principle 'RS' zoning of the site and that the PA applied a disproportionate emphasis on landscape sensitivity and failed to carry out a comparative assessment of the proposal with respect to the Commission's decision. As regard zoning, the Commission will note that the PA do not dispute the principle of residential on this site and while the principle of residential development is consistent with the zoning this is not the only relevant consideration in the assessment of the planning application. The Commission will also note that WCCC's recommendation to refuse relates to the *General Housing Policy Objective* H02 and not landscape sensitivity, Policy Objective L 02 *Protecting our Landscape and Seascape*. I will address this matter more detail in section 7.3 below. The PA in response to the appeal reiterate their recommendation and set out that the PA consider the development contrary to the policies and objectives of the WCCDP 2022-2028.
- 7.2.3. As regards reference in the first party appeal to the previous planning application, in particular, the Inspector's Report, in the first instance the Commission will note that while my assessment will have regard to the planning history on the site, this application will be assessed on its own merits with regard to the zoning and other relevant policies and objectives as set out in the WCCDP 2022-2028 and relevant guidelines as applicable.

Conclusion

- 7.2.4. In summary, the Development Plan confirms that 'Residential' is permitted in principle in this zoning. In this regard, I am satisfied that the proposed development would be consistent with the land use land-use zoning objectives 'RS' as set out in the Development Plan 2022-2028 subject to detailed consideration below.

7.3. Design Strategy & Visual Impact

- 7.3.1. It is proposed to demolish the existing single storey house which has a stated floor area of 83.65 sq.m and construct a new three storey house at with a stated floor area of 328 sq.m.

Context

- 7.3.2. WCCC recommended refusal on the grounds of the scale, massing and bulk of the proposed development and the level of excavation required to facilitate the development which would be contrary to Objective H 02 of the Waterford City and County Development Plan 2022- 2028.
- 7.3.3. Policy Objective H 02 sets out that in granting planning permission new residential development shall ensure that it:
- *‘Is appropriate in terms of type, character, scale, form and density to that location.*
 - *Is serviceable by appropriate supporting social, economic and physical infrastructure.*
 - *Is serviceable by public transport and sustainable modes such as walking and cycling.*
 - *Is integrated and connected to the surrounding area in which it is located; and,*
 - *Is designed in accordance with the applicable guidance and standards....’*
- 7.3.4. The first party grounds of appeal argue that the Planning Authority failed to consider the previous assessment of An Coimisiún Pleanála and the contents of the Inspector’s Report.
- 7.3.5. The Commission will note that the previous application ABP 319118-24 was refused for reasons of massing and bulk and the level of excavation required and while it was acknowledged that the site is capable of accommodating a contemporary style house, the proposed design as presented would be out of character with the scale of development in this area and would seriously be contrary to General Housing Policy Objective H 02 of the Waterford City and County Development Plan 2022- 2028.
- 7.3.6. The first party contend that the revised design responds to the issues raised in the assessment under ABP 319118-24. In this regard, I note the previous Inspector acknowledged that ‘there is some latitude for the site to accommodate a larger replacement dwelling of contemporary design’, however the report clearly states that this was dependent on the form and design ‘such that it can be assimilated into the existing streetscape and landscape in a respectful manner.’

Proposed Design

7.3.7. The previous proposal was a contemporary modern flat roofed design over three floors with the top floor recessed and an overall ridge height of c.9.4m. The current proposals is a hybrid of traditional and contemporary incorporating pitched roof elements and traditional windows opes to reflect the adjoining pattern of development. Similar to the previous proposal the design is spread over three levels; lower ground, ground and first floor with the first floor now a dormer when viewed from Convent Road with maximum ridge height of 9.6m.

7.3.8. It is the applicant's contention that the design represents a material redesign of the proposed development including:

- 'A reduction in floor area from c.402sqm to 328sqm (18%) reducing the scale and visual presence.
- Reduction in building footprint -reduce depth, width and terrace projection.
- Reduction in excavation and retaining structures. The lower ground floor has been reduced by c. 50%. The overall depth of intervention into the slope is significantly less.
- Upper floor has been redesigned as a dormer. This ensures the dwelling reads as a two storey from Convent Road.
- Room sizes, terrace and external works have been reduced.'

7.3.9. I would agree that the design is materially different for the previous proposal. However, and notwithstanding, the material change to the design proposed, the Commission will note that the PA issued RFI requesting the applicant to submit revised plans for a dwelling of a reduced scale, massing and height, eliminating the need for such extensive excavations (including the omission of the lower ground floor). In response to the RFI the following amendments were made:

'1. Revised gable design to clearly define a traditional gable ended house. Resulting in the set-back of the rear bedroom ground floor wall, finished in local stone, blending with the contemporary extension to the rear.

2. Change of material at rear first floor elevation from slate finish to standing seam metal to contrast with the main traditional architectural style.

3. Outdoor hard paving area reduced outside Bedroom 2.

4. An articulate colour palette to render finishes is proposed with variation of block colours. Refer to drawing '22.1188.PP.3.32 (1/2)' for 3D visual.

5. Tree planting to south gable. Refer to drawing '22.1188.PP.3.32 (2/2)' for 3D visual.'

7.3.10. Consistent with the opinion of the PA, I agree that no significant amendments were made in response to the RFI to reduce the scale and bulk of the proposed development. In my opinion the proposed design, while materially different from the previous proposal retains a scale and mass that is significant on the site. However, I am of the opinion that any dwelling of increased floor area on this elevated site would reflect an increase in scale and mass over and above the existing single storey modest cottage. Furthermore, in the immediate and wider urban context there are numerous dwellings of similar scale and mass on elevated sites overlooking the harbour. The proposed dwelling would not be unusual in this context.

7.3.11. As regards the specific design, the Commission will note that the overall ridge height is slightly above that of previously proposed. However, the design introduces a dormer roof profile to reflect consistency and legibility with the adjoining pitched and hipped roofs immediate to the site along Convent Road. In addition, the linear profile has been broken up by the central glazed link which provides a step in both the roof and plan profiles and combined with the RFI proposals to introduce a standing seam metal finish to the central link and use of natural stone finish serve to successfully reduce and breakdown the scale and mass of the development. Noting the proposal to vary the render colour of the front elevation, I do not consider this appropriate and would serve only to highlight the building, a consistent colour finish would be more appropriate in my opinion. I am satisfied that this can be addressed by condition should the Commission be minded to grant planning permission.

7.3.12. I note the concerns of the PA with respect to the lower ground floor level, and I agree that this level serves to increase the scale and mass of the dwelling. However, site inspection determined that the adjoining property to the south also has a lower ground floor element and vehicular access and while I accept that the proposed lower ground floor occupies a larger area than that of the property to the south, combined with the reduced excavation works to the south of the site, the proposed dormer roof profile and roadside boundary treatment, I am satisfied that the increase in scale and bulk can be absorbed at this location. In addition, the principle of a lower ground floor level

has been established by the adjoining property, and this level will provide universal access to the property which is currently only accessible by series of steps from the public road.

- 7.3.13. I am satisfied that the design is acceptable in the context of the site and the established and evolving pattern of development and is in accordance with Policy Objective H 02 and 'appropriate in terms of type, character, scale, form and density to that location...' and would not represent overdevelopment of the site.

Excavation Works

- 7.3.14. The PA in their reason for refusal and the third party observers raised concerns about the level of excavation proposed. As set out in the previous Inspector's Report, the site is steeply sloping with underlying rock and similar to the original proposal the proposed development requires a considerable amount of excavation including the northern part of the site, which is currently a grassed slope to accommodate the proposed development and to create a vehicular entrance at street level. This is a direct consequence of developing the site.

- 7.3.15. The first party acknowledge the concerns of the excavation required for this development. The application was accompanied by a Structural Engineering Construction Method Statement Report and a Geotechnical Report. The proposed development will involve an excavation of approximately 3m into the existing rock mass on the site on the northern side of the site and no excavation to the southern end of the site. The revised scheme has moved the line of excavation further to the east and north away from neighbouring boundaries. The excavation to the west of the site will not extend beyond the line of the existing rock outcrop on the site. Furthermore, the excavation for the revised scheme is outside the permanent zone of influence of the site to the rear of the existing property. The permanent zone of influence is the zone within which the stress and stability of the soil can be influenced if disturbed or moved. This is typically taken as 2:1 for cohesive soils and much steeper for a rock mass. Figure 4 of the Structural Engineering Construction Method Statement Report indicates that, even if the overburden were cohesive in nature and not underlain by a rock mass, that the excavation would be outside the zone of influence of the property to the rear of the existing site and would not impact on the stability of that site nor the wider area.

- 7.3.16. The reports concludes that the proposed development will not impact on site stability or the stability of the ground and/or properties in the vicinity of the site. It is set out that the proposed floor area has been reduced by 28% from the previous proposal. This in turn has reduced the excavation for the house from 806m² to 402m² a reduction of 50%. This is calculated with Revit modelling of the site and the proposed house.
- 7.3.17. The proposed excavation works would be undertaken by a specialist excavation contractor under the supervision of a Chartered Geotechnical Engineer. The exposed rock face would be observed by the Geotechnical Engineer as the excavation proceeds and temporary works measures employed if necessary.
- 7.3.18. While I accept that the excavation works are required to facilitate the development and would not occur otherwise, I am satisfied the revised proposal has sought to minimise excavation works and direct impacts of neighbouring properties and as such I am satisfied that the proposed excavation works are acceptable in the context of the provision of residential development on zoned lands in an urban area.
- 7.3.19. Noting the third party observations with respect to a planning application for cliff stabilisation works in proximity to the site, the Commission will note that these works are removed form an independent of the site. The PA raised no concerns in this regard.

Visual Impact

- 7.3.20. The Commission will note that the previous Inspector noted an inconsistency in the landscape classification to the Dunmore East costal area. The Waterford landscape and Seascape Character Assessment 2020 and associated sensitivity assessment (Volume 2 of the Development Plan, Appendix 8) identified an area running parallel to the coastline of Waterford shown on Figure 10.1 of the Development Plan, which includes Dunmore East, is designated as 'Most Sensitive. This designation is qualified in Part 4 of Appendix 8 of Development Plan: *Landscape and Seascape Character Assessment*, which designates existing listed settlements, including Dunmore East, as 'Least Sensitive' to change. 'Least Sensitive' are areas 'of concentrated existing development and infrastructure.'. The requirement in least sensitive areas is that new development 'shall sustain and reflect the character of the area' and 'should reflect the townscape generally but fresh approaches to design will be considered' (Appendix 8, 4.4(a) Least Sensitive Areas).

- 7.3.21. The wider area consists of a mix of architectural styles, and the proposal will not be a prominent feature in this context when viewed from Convent Road and in a wider context when viewed from the harbour, nor will the proposal break the skyline, the roof profile and ridge line is consistent with the adjoining properties. While I note the northern roof profile will be visible from the northern approach along Convent Road, site inspection determined that the gable of the existing house is also visible. I am satisfied that the proposed use of natural slate hanging to the gable end at first floor level will assist in assimilating the dwelling on this approach to the site.
- 7.3.22. I refer the Commission to the photomontages submitted with the application which established the proposed development in context. I am satisfied having regard to the revised design as outlined above and with regard to the urban context and pattern of development immediate and in the wider environs of the site, that the proposed development is acceptable in terms of visual amenity and consistent with the Development Plan to reinforce 'existing desirable land use patterns.'
- 7.3.23. On balance, I am satisfied that the proposed development is consistent with Policy Objective L02 of the Development Plan which seeks 'to protect landscape and natural assets by ensuring developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area' and that they are 'not unduly visually obtrusive in the landscape in particular adjacent to the uplands, along river corridors, coastal....'

Conclusion

- 7.3.24. Having regard to the design and layout of the proposed development, I am satisfied that the proposed development is acceptable in the context of the site including the excavation works proposed. While the excavation works are a direct consequence of developing the site such excavation would not be unusual in a coastal settlement context and is evident throughout the town of Dunmore East. Similarly, I am satisfied that the visual impact is acceptable in the context of the site and the general character of the area, and the development would not represent an unacceptable visual intrusion. I am satisfied that the development is consistent with Policy Objective H 02- General Housing Policy and Objective L02- Protecting our Landscape and Seascape of the Development Plan.

7.4. Residential Amenity

- 7.4.1. The observers raised an member of concerns regarding impact of residential amenity. I note the PA raised no concerns in this regard.
- 7.4.2. As regards overlooking the proposed development is at a lower level that the more elevated properties to the west of the site and as such will not result in direct overlooking of any property to the west (rear) of the site.
- 7.4.3. In terms of the property to the south, this is a single storey over lower ground floor with a staggered building line. The proposed first floor (dormer level) includes a roof terrace on the southern elevation overlooking the property to the south and a garden terrace area accessed from the first floor, both of which are elevated above the property to the south. However, the stagged building line of the property to the south means that these areas are not located beyond the rear building line of the house of the south and therefore do not overlook any private amenity space associated with this property. I further note that the revised dwelling is positioned c. 5m further north of the location of the current cottage on the site thereby enhancing the separation distance between the two properties.
- 7.4.4. While I accept that the development may result in a perceived sense of loss of privacy, however, the site is located in an urban context and I am satisfied that the development will not have a detrimental negative impact on the privacy and amenity of the adjoining properties, this is with regard to the established context and the already exposed and open nature of the garden area of the property to the south which is clearly visible by users of the public road.
- 7.4.5. All other properties including the apartments of the opposite side of Convent Road are c. 22m from the proposed development well in excess of the 16m between opposing first floor windows as set to in the Compact Settlement Guidelines (2024).
- 7.4.6. Similarly, having regard to the location of the development at the lower level that the development to the west and to the north of the existing property to the south any over shadowing is unlikely.
- 7.4.7. I note concerns were raised as regards the western boundary treatment and I am satisfied that in the event the Commission is minded to grant permission this can be addressed by way of condition.

- 7.4.8. As regards concerns raised with respect to construction activity. Construction activity will be limited to the site and for a limited time only and is therefore acceptable subject to appropriate management. In the event the Commission is minded to grant permission, I recommend a suitable condition requiring a Construction and Demolition Waste Management Plan and a Construction & Environmental Management Plan be attached to any grant of planning permission.

Conclusion

- 7.4.9. In conclusion, I am satisfied that the proposed development will not have a detrimental impact on the established residential amenities of the adjoining properties.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 8.2. The closest Natura 2000 sites are the River Barrow and River Nore SAC Special Area of Conservation (Site Code: 002162) located 3.56km south of the site and Tramore Back Strand SPA Special Protection Area (Site Code: 004027) located 5.03km west of the site. The proposed development comprises the demolition of an existing dwelling and the construction of a replacement house. Refer to Section 2 of this report for further details.

- 8.3. No nature conservation concerns were raised in the planning application/appeal. 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.

- 8.4. The reason for this conclusion is as follows insert as relevant:

- Nature of works e.g. small scale and residential nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account screening determination by the PA

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.

9.0 Water Framework Directive

- 9.1.1. The subject site is located c63m west Waterford Harbour, Coastal Waterbody (IE_SE_100_0000) (good water body status), and the groundwater body is IE_SE_G_057 Dunmore East Groundwater body (good water body status).
- 9.1.2. The proposed development comprises the demolition of an existing dwelling and the construction of a replacement house
- 9.1.3. I have assessed the proposed dwelling 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.
- 9.1.4. It is proposed to connect to the public watermain and public sewer. The surface water network is designed for the 100-year storm event plus a 20% storage allowance for climate change + 10 % creep to minimise the downstream impact. The development includes the following SuDs measures to be implemented are as follows:
- Bioretention system (rain garden) – This system collects runoff, allowing it to pond temporarily on the surface before filtering through the vegetation and underlying soils treating runoff while encouraging biodiversity. Furthermore, the underlying layer is constructed of stone filling which provides treatment of the runoff through filtration.
 - Attenuation tank – The proposed system will collect and store storm water runoff during periods of high precipitation and then release that water gradually over an extended period, thereby slowing its progress to any watercourse of concern.
- 9.1.5. 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. The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development.
 - Location-distance from nearest water bodies and lack of direct hydrological connections.

9.1.6. 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.

10.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

11.0 Reasons and Considerations

Having regard to Policy Objective H 02- General Housing Policy and Objective L02- Protecting our Landscape and Seascape and development standards of the Waterford City and County Council Development Plan 2022-2028, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 information received by the planning authority on the 1st October 2025, 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.</p> <p>Reason: In the interest of clarity</p>
2	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to</p>

	<p>commencement of development. This scheme shall include the following:</p> <p>(a) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes;</p> <p>(b) proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(c) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: In the interest of the preservation of residential amenity and to ensure the satisfactory landscaping of the site in accordance with proper planning and sustainable development.</p>
3	<p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water and wastewater facilities.</p>
4	<p>Details of the materials, colours and textures of all the external finishes, including a sample, if required, of the proposed timber cladding, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The colour render on the front elevation shall be consistent throughout.</p> <p>Reason: In the interest of visual amenity</p>
5	<p>All public services to the permitted development, including electrical, telephone cables and associated equipment shall be located underground</p>

	<p>throughout the entire site.</p> <p>Reason: In the interest of amenity</p>
6	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity</p>
7	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource and Demolition Waste Management Plan (RDWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RDWMP shall include specific proposals as to how the RDWMP(including excavated material) will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RDWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RDWMP shall be made available for inspection at the site office at all times. The RDWMP shall include an Asbestos Survey.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
8	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p>

	<ul style="list-style-type: none"> • Excavation Management Plan incorporating how it is proposed to manage excavated material. All excavation works shall be undertaken by a specialist excavation contractor under the supervision of a Chartered Geotechnical Engineer. • Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; • Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; • Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; <ul style="list-style-type: none"> • Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. • A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority. <p>Reason: In the interest of environmental protection, residential amenities, public health and safety, and environmental protection.</p>
9	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p>

	Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.
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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.

Irené McCormack

24th February 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-500300-WD-25
Proposed Development Summary	Demolition of existing single storey dwelling and construction of a two storey over basement dwelling.
Development Address	Convent Road, Dunmore East, Co. Waterford.
	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.	
<input 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 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. Screening Required	No	
<input checked="" 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)		Class 10 (b) (i) >500 dwellings

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)

Form 2 - EIA Preliminary Examination

Case Reference	PL-500300-WD-252
Proposed Development Summary	Demolition of existing single storey dwelling and construction of a two storey over basement dwelling.
Development Address	Convent Road, Dunmore East, Co. Waterford.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The nature and size of the development (1 residential unit) is not exceptional in the context of the existing residential cluster environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised construction impacts will be temporary.</p> <p>The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster. Excavation works associated with the development will be undertaken by a specialist excavation contractor under the supervision of a Chartered Geotechnical Engineer. The exposed rock face would be observed by the Geotechnical Engineer as the excavation proceeds and temporary works measures employed if necessary.</p> <p>The increased height and scale are not considered to result in significant environmental effects. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g., wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is located in a Coastal landscape, at an elevated Coastal location. The development would form part of the established urban backdrop. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity</p>	<p>There is no real likelihood of significant effects on the environment arising from the proposed development. There</p>

and complexity, duration, cumulative effects and opportunities for mitigation).	is no real likelihood of significant cumulative effects having regard to existing or permitted projects
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.