



An
Coimisiún
Pleanála

Inspector's Report PL-501176-WD-26

Development	To convert existing outbuilding and store to a 2-storey dwelling and all associated site works.
Location	Talbot Place, Tramore, Co Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2597
Applicant	Anne Murray
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	First Party Normal Planning Appeal against condition.
Appellant	Anne Murray
Observers	None
Date of Site Inspection	19 th June 2026
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.35 hectares is located at Talbot Place, Tramore, Co Waterford. It is situated in the centre of Tramore to the south of the Market Square and the town library. Talbot Place is accessed from Market Square via a narrow lane and from Doneraile Place to the west.
- 1.2. The site adjoins Talbot Place to the north and west. It has frontage of c.42m along Talbot Place. The roadside boundary is defined by a capped wall c.1.8m in height. The site contains a two-storey building with a stated area of 85sq m and a single storey garage with a floor area of 34sq m.
- 1.3. To the north-east of the site there is an existing dwelling which is access from a gated yard which adjoins the site. The site adjoins undeveloped lands to the south and east. There are three detached residential properties to the east of the site which front onto Church Road. No. 1 Church Road is directly opposite the subject property it is situated circa 30m away. No. 2 Church Road is situated to the east of the subject property and circa 21m away at the closest point. No. 3 Church Road is situated to the south-east of the appeal site and circa 38m from the subject building at the closest point.

2.0 Proposed Development

- 2.1. To convert existing outbuilding and store to a 2-storey dwelling, including a single storey extension to side of existing store as part of the proposed new dwelling and all ancillary works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Waterford City and County Council decided to grant permission by Order dated 25th of March 2026. The permission is subject to 7 no. conditions.
- 3.1.2. Condition no. 2

The first windows to the 'south eastern elevation' as identified in the plans submitted to the Planning Authority on the 25th July 2025 shall be omitted. The windows shall be removed and the associated opes shall be filled in/blocked up and area finished to match finishes to remainder of the elevation. The windows shall be removed and the opes filled in blocked up prior to the residential unit permitted herein being occupied.

Reason: In the interest of residential amenity of the neighbouring east property and of the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Planner's Report dated 10/09/2025 – It was recommended that further information be requested.

3.2.3. Further Information was requested on the 11/09/2025 in relation to the following;

1. The Planning Authority is not favourably disposed to the proposed new entrance to the site at the proposed location. A single new entrance only which will also provide future access to the larger undeveloped lands at this location will be given favourable consideration only. The new access should be located to the south of the site at the junction of Doneraile Place and Talbot Place and subject to sightlines in accordance with DMURS.
2. The proposed 2 no. first floor windows serving the kitchen/living room to the SE elevation will give rise to undue overlooking of the private amenity spaces of the neighbouring eastern property. Submit revised plans to address this.
3. Submit surface water proposals to deal with surface water from the proposed development.
4. The submitted plans indicate an existing external stair to be removed however the stairs are not included within the site boundary. Submit a revised site layout plan indicating all proposed works within the site boundary.
5. Submit a Certificate of Exemption from the provisions of Section 96 of the Act or proposals to comply with Part V of the Planning and Development Act 2000, as amended.

3.2.4. Planner's Report dated 20/3/2026 – Following the submission of further information the Planning Authority was satisfied that the matters raised were generally addressed and a grant of permission was recommended with the attachment of conditions.

3.2.5. Other Technical Reports

3.2.6. District Engineer: report as detailed in the report of the Planning Officer dated 10/09/2025 – Further details required in relation to access and the overall landholding. They were not in favour of the proposed entrance to the site and remainder of the undeveloped lands should be from the west of the site.

3.3. Third Party Observations

3.3.1. The Planning Authority received one submission in relation to the application. The submission stated that there was no objection to the proposed development, however they were not in favour of the loss of existing car parking spaces to provide new entrance to the site.

4.0 Planning History

4.1.1. Reg. Ref. 08/216 – Permission was granted to renovate two existing buildings. The first building, a stable is to be converted into a dwelling which includes a two storey extension to the side, retention of 4 roof lights and elevation amendments. For the second building permission is sought to construct a single storey extension which would be used as a stable and first floor hayloft is to be converted into an office space which also includes retention for 2 roof lights and elevation amendments. The proposed development is to have a central courtyard at Talbot Square.

4.1.2. Condition no. 3 specified – The proposed office for a purpose incidental to the enjoyment of the principal dwelling or integrated as part of the main dwelling. The structure shall not be let, sold, leased, used for any commercial activity.

Reason: To protect the amenities of the area and to control the intensity of the use of the site.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022 – 2028 (As Varied)

- 5.1.1. The appeal site at Talbot Place, Tramore, Co. Waterford is located on lands zoned objective 'RS' Existing Residential. The objective is to provide for residential development and protect and improve residential amenity.
- 5.1.2. Tramore Architectural Conservation Area - The ACA encompasses the main historic core. This area is bounded by Lower Branch Road, Turkey Road, up from Strand to Main Street and encompassing Market Street, The Square, Queen Street and Upper Branch Road. The appeal site at Talbot Place, Tramore is located within Tramore ACA.
- 5.1.3. Volume 2 – Development Management Standards
- 5.1.4. Section 3.0 – Residential Development
- 5.1.5. Section 3.4.2 refers to General Residential Development Design Standards
- 5.1.6. Table 3.1 – General Standards for New Residential Development in Urban Areas
- 5.1.7. Privacy is an essential factor in residential layout.
- 5.1.8. Privacy can be ensured by attention to the alignment of new residential buildings and their relationship to each other.
- 5.1.9. Good design in housing layouts, the configuration of houses and their relationship to each other, to open spaces and roads, should aim to provide layouts with adequate private open space and screening so as to achieve freedom from observation.

5.2. Natural Heritage Designations

- 5.2.1. Tramore Backstrand SPA (Site Code 004027) is situated 1.36km to the east of the appeal site.
- 5.2.2. Tramore Dunes and Backstrand SAC (Site Code 000671) is situated 1.48km to the east of the appeal site.
- 5.2.3. Mid-Waterford Coast SPA (Site Code 004193) is situated 2.18km to the south of the appeal site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 in the Appendix of this report). 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)

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal was submitted by Peter Thomson Planning Solutions on behalf of the applicant Anne Murray. The issues raised are as follows;

- The appeal is made against condition no. 2 of the notification of decision to grant planning application Ref. 25/97.
- The appeal is made under the provisions of Section 139 of the Planning and Development Act, 2000 (as amended).
- It is highlighted that no objections were raised from third parties concerning overlooking or loss of privacy from the existing first-floor windows referred to in Condition no. 2.
- The windows are currently permitted office windows which provide natural light to the first-floor accommodation in the mornings. They already overlook the open area to the east which is outside the curtilage of the house. The area remains in the ownership and control of the applicant. It is only the parts of the open area immediately to the front of the windows which are visible as the windows are set forward of the internal walls of the office space by 300mm. This limits the immediate line of vision left and right. It is stated that this situation will not change when a change of use from permitted offices to habitable accommodation is carried out.
- There are no direct lines of sight from the windows to the south-facing ground or first-floor windows to the applicant's adjoining house. It is stated that the tenants in the adjoining house tend to sit out on the small south facing

balcony to the rear at first floor level, which is not in the line of vision of the windows at first floor level which the applicant wishes to keep.

- The subject windows rise from floor level to a height of 1.4m, which is below the line of vision of the average person when standing up. It is stated that people sitting on chairs inside the open plan living/kitchen area and facing the windows will have views over the top of the houses on Church Road towards Tramore Beach, Tramore Bay and Sandhills.
- The houses to the east on Church Road are 30m from the windows in question. Therefore, there will be no loss of privacy to those properties.
- The property is located within Tramore Architectural Conservation Area (ACA). The office is currently tied to the house permitted under Reg. Ref. 08/216 and cannot be let, sold, leased or used for any commercial activity. This is set out under condition no. 3 of Reg. Ref. 08/216.
- It is stated that the building has not been used as an office for a number of years since the applicant's brother moved out from the adjacent house. The building has never been let, sold, leased or used for any commercial activity.
- It is submitted that the most positive contribution the building can make to the ACA is for it to remain, be maintained and used. This is what the proposed development seeks to do. However, the omission of the two windows as per condition no. 2 will not provide the level of residential amenity the applicant requires for her home. Should condition no. 2 remained attached to the grant of permission, then it is unlikely to proceed. The building, remaining unoccupied with no practical or viable use is not in the interest of conservation.
- The history of the building is highlighted. The site forms part of a larger landholding associated with the original Murray family. The family home was demolished to widen what was Talbot Street and is now Talbot Place. The building proposed to be converted into a house was in use as a blacksmith's shop in the 1920's.
- Reference is made to an application for an extension at a property at the corner of Church Street and James's Hill (Reg. Ref. 20/42 & ABP 307069-20).

The proposal involved works to an existing house including replacing two bedroom windows at an upper level to the rear of the property with a single picture window proposed to serve the kitchen/living space in the former bedroom space which would look out over properties to the east towards the beach at Tramore.

- A nearby neighbour had concerns that the new window would overlook the rear of their home and garden. The applicant in that case argued that the larger single window was designed to take advantage of the view and that many other houses in the vicinity enjoyed such views. It was highlighted that the site was a town centre site and that as such houses do not necessarily enjoy the same levels of privacy as might otherwise be achieved outside town centre locations. The Inspector in their assessment of the case acknowledged that the bedrooms would not typically have been occupied during the day. They did not consider this to present an impediment to granting permission for the living/dining space and the Board permitted the large picture window.
- In relation to the subject building, the office space when it was in use would have been occupied throughout the day and occasionally in the evenings. The applicant is proposing to retain the two existing windows with their limited lines of vision rather than replacing them with larger windows to capture wider views.
- It is highlighted that there are numerous terraced, semi-detached and flatted properties in and around Tramore town centre and elsewhere in the town where the rear of the properties face eastwards towards the sea with upper floor windows positioned over neighbouring gardens.
- In such situations to avoid unacceptable loss of privacy the aim should be to ensure minimum separation distances between opposing first floor windows of habitable rooms observe 16m and where possible to avoid overlooking of more private sitting out areas, as opposed to rear gardens in general. It is stated that the current proposal observes minimum separation distances between opposing first floor windows in habitable rooms, and there is no direct overlooking of the private sitting out area at the back of the applicant's adjacent rental house.

- It is submitted that the decision not to permit the east facing first floor windows is inconsistent with another recent decision at a nearby property on Church Road. Under Reg. Ref. 25/60080 a first floor east facing window in a first-floor extension to an existing bungalow was permitted. In that case the extension faced eastwards towards the rear of a house 10m away and within 3.3m of its rear garden. It is considered that the aim in that case was to capture the view of Tramore Beach, Tramore Bay and Sandhills from the proposed east facing living room window over the roof of the property in front. This was considered acceptable by the Planning Authority.
- In conclusion, it is respectfully submitted that the existing east-facing first-floor windows, currently serving the permitted first-floor office space, being used to serve the proposed living room and kitchen and will not unacceptably overlook neighbouring property.
- There is a built and cultural heritage justification for retaining the windows in the building, which is located in the Tramore ACA.
- It is considered that the Planning Authority was inconsistent and unreasonable in attaching condition no. 2.
- The Commission is requested to direct the Planning Authority to omit condition no. 2 of the permission.

7.2. Planning Authority Response

- None received

8.0 Assessment

Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Scope of appeal
- Condition no. 2

8.1. Scope of appeal

- 8.1.1. The proposed development entails permission to convert an existing outbuilding and store to a 2-storey dwelling, including a single storey extension to the side of the existing store as part of the proposed new dwelling and all ancillary works. I have read all of the documentation attached to this file including the appeal and the report of the Planning Authority, in addition to having visited the site. The appellant has specifically requested that the appeal is considered in accordance with Section 139 of the Planning and Development Act 2000 (as amended). Accordingly, I am satisfied that the appeal is against the imposition of Condition No. 2 of the decision to grant permission. I consider it is appropriate that the appeal should be confined to Condition No. 2 only and I am satisfied that the determination by the Commission of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate for the Commission to use the provisions of Section 139 of the Planning and Development Act 2000, as amended, in this case.

8.2. Condition no. 2

- 8.2.1. Condition No. 2 specifies;

“The first windows to the ‘south eastern elevation’ as identified in the plans submitted to the Planning Authority on the 25th July 2025 shall be omitted. The windows shall be removed and the associated opes shall be filled in/blocked up and area finished to match finishes to remainder of the elevation. The windows shall be removed and the opes filled in blocked up prior to the residential unit permitted herein being occupied.

Reason: In the interest of residential amenity of the neighbouring east property and of the proper planning and sustainable development of the area.”

- 8.2.2. I note that the wording of the condition as issued refers to “The first windows to the ‘south eastern elevation’”. Having regard to the details on file including application drawings, it would appear that the word ‘floor’ may have been omitted in error following the wording ‘The first’ in the description of the location of the subject windows in the condition. I note this matter for clarification purposes. However, the wording and the intention of the condition would infer that it refers to the two first floor windows to the south-eastern elevation of the property. Furthermore, I note that

item no. 2 of the request for further information stated, the proposed 2 no. first floor windows serving the kitchen/living room to the south-eastern elevation will give rise to undue overlooking of the private amenity spaces of the neighbouring eastern property and it was specified that the applicant address the matter.

- 8.2.3. It is submitted in the appeal that condition no. 2 should be removed on the basis that the windows would not result in any undue overlooking of neighbouring properties.
- 8.2.4. In relation to the location, siting and design of the subject windows they are situated in the south-eastern elevation at first floor level. The permitted use of the first floor of the existing building which was granted under Reg. Ref. 08/216 is an office. The two windows are of the same size and design having a height of 1300mm and a width of 900mm.
- 8.2.5. It is highlighted in the appeal that the windows already overlook the open area to the east which is outside the curtilage of the house. It is noted in the appeal that the area remains in the ownership and control of the applicant. Regarding overlooking from the subject windows, it is stated in the appeal, that only the parts of the open area immediately to the front of the windows are visible as the windows are set forward of the internal walls of the office space by 300mm. Therefore, the immediate line of vision left and right is limited. It is highlighted in the appeal that it is not proposed to change the height or width of the windows and therefore the visibility from them will remain the same.
- 8.2.6. There is an existing dwelling to the north-east of the site. As detailed in the appeal this property is in the ownership of the applicant and is currently rented to tenants. In relation to the matter of overlooking from the subject windows, it is stated in the appeal that there is no direct overlooking of the private sitting out area at the back of the dwelling. I note this dwelling is situated 2m from the corner of the subject building. As detailed in the appeal there is a small south facing balcony at first floor level which serves the dwelling. It is stated in the appeal that the balcony is not within the line of vision of the subject first floor windows.
- 8.2.7. Having regard to location of the subject windows relative to the balcony to the existing dwelling to the north-east and also the limited lines of vision from the windows due to their design, I am satisfied that there would be no direct overlooking of the private amenity space of that neighbouring dwelling.

- 8.2.8. There are three detached residential properties to the east of the site which front onto Church Road. No. 1 Church Road is directly opposite the subject property. I note that the separation distance provided between the subject rear windows and the rear of No. 1 Church Road is approximately 30m. No. 2 Church Road is situated to the east of the subject property and circa 21m away at the closest point. I note that No. 2 Church Road is located to the south of the gable of the subject building and therefore there are no directly opposing windows. No. 3 Church Road is situated further to the south-east of the appeal site and circa 38m from the subject building at the closest point.
- 8.2.9. Accordingly, having regard to the location of the subject first floor windows relative to neighbouring residential properties specifically the separation distance in excess of 30m to the opposing rear windows of the dwelling immediately to the east, I would conclude that the subject first floor windows would not seriously injure the amenities of adjoining residential property by reason of undue overlooking.
- 8.2.10. It is set out in the appeal that the removal of the two first floor windows would result in a loss of residential amenity for future residents of the dwelling which is permitted under Reg. Ref. 25/97 in terms of a reduction of natural light to serve the kitchen/living room under the permitted layout. The kitchen/living would be served by two existing gable windows on the southern and northern side of the building. However, I would accept that point that the removal the two existing windows in the south-eastern elevation would reduce the natural light to main habitable area of the property. Accordingly, I do not consider that it is appropriate to remove the existing windows as it would negatively impact the amenity of future residents of the property.
- 8.2.11. The appeal refers to two relatively recent applications for extensions/alterations to dwellings in the locality. Under Reg. Ref. 20/42 & ABP 307069-20 permission was granted for alterations to a property at the corner of Church Street and James's Hill. This site is located 58m to the east of the appeal site. The proposal involved works to an existing house including replacing 2 no. bedroom windows at an upper level to the rear of the property with a single picture window. This site adjoined a residential property to the east and permission was granted for the proposed alterations including the picture window. Under Reg. Ref. 25/60080 permission was granted for extensions to a single storey house comprising the raising of the existing roof and addition of 3 no. dormer windows. This site at Church Road is located 56m to the

south of the appeal site. I note these two cited examples and would accept the point made in the appeal that those examples relate to properties in the vicinity where extensions and alterations to dwellings have been permitted and where a reduction in the level of privacy to existing properties was deemed acceptable in the context of the town centre location. While, I note those cited examples, in the case of the subject windows, I do not consider that their location would result in a reduction in the level of privacy to neighbouring residential properties.

- 8.2.12. In conclusion, I consider that the subject first floor windows to the south-eastern elevation of the building would not seriously injure the amenities of adjoining residential property by reason of undue overlooking having regard to their siting and design and the separation distances between the windows and neighbouring residential properties. Accordingly, I would recommend that condition no. 2 of the grant of permission issued by the Planning Authority under Reg. Ref. 25/97 be removed.

9.0 AA Screening

- 9.1. I have considered the proposed development considering the requirements S177U of the Planning and Development Act 2000, as amended.
- 9.1.1. Tramore Backstrand SPA (Site Code 004027) is situated 1.36km to the east of the appeal site. Tramore Dunes and Backstrand SAC (Site Code 000671) is situated 1.48km to the east of the appeal site. Mid-Waterford Coast SPA (Site Code 004193) is situated 2.18km to the south of the appeal site.
- 9.2. The proposed development comprises the conversion existing outbuilding and store to a 2-storey dwelling including a single storey extension to side of existing store as part of the proposed new dwelling and all ancillary works.
- 9.3. No nature conservation concerns were raised in the planning appeal.
- 9.4. No streams/watercourses are identified on site.
- 9.5. 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 European site. The reason for this conclusion is as follows:
- The small scale and nature of the development.

- The distance to the nearest European sites, and the absence of any hydrological or other pathways

9.6. Considering the screening report of Waterford City and County Council.

9.7. I conclude based on 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.

10.0 **Water Framework Directive**

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.

10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

10.3. The proposed development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.

10.4. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.

10.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. Having regard to the above assessment, I recommended that Condition no. 2 of the grant of permission be REMOVED, for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the location of the subject first floor windows relative to neighbouring residential properties, specifically the separation distance in excess of 30m to the dwelling immediately to the east, it is considered that the subject first floor windows would not seriously injure the amenities of adjoining residential property by reason of undue overlooking and would otherwise be in accordance with the proper planning and sustainable development of the area. I therefore recommend that condition no. 2 be removed.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Siobhan Carroll
Planning Inspector

23rd of July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL 501176-WD-26
Proposed Development Summary	Talbot Place, Tramore, Co Waterford.
Development Address	Convert existing outbuilding and store to a 2-storey dwelling including a single storey extension to side of existing store as part of the proposed new dwelling and all ancillary works.
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	

2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☐ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ 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)	
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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

