

Star Cottage ,

Ardmore,

Via Youghal,

Co Waterford,

P36 A028

Mon. Feb. 10th. 2020.

AN BORD PLEANÁLA	
LDG-	<u>024306-20</u>
ABP-	_____
12 FEB 2020	
Fee: €	<u>220</u> Type: <u>Cheque</u>
Time: <u>10:24</u>	By: <u>Post</u>

Bord Pleanála,
64 Marlborough St.,
Dublin 1,

Re; Section 5 Application no. D5/2019-15, dated 26/4/2019, to WCCC
A Chara,

I wish to appeal a Section 5 application for exemption addressed to Waterford City and County Council (WCCC) Planning Dept..

WCCC made no declaration within the allotted time period. Under the Acts, I may refer the matter to the Bord for a determination within four weeks of when WCCC should have made the determination. This is the subject matter of my appeal, herein.

I enclose the following;

1. A cheque for €220 being the appropriate fee.
2. A completed Planning Appeal form.
3. Copy of sketches of the proposed structure, background details of the property, copy of formal application to WCCC, photos of the site and the existing structure, and site location maps. (Essentially a copy of the full file with WCCC).

I look forward to an early reply.

Yours faithfully,

Richard Lincoln.



23

Mapm
23.12.19

Star Cottage ,
Ardmore,
Via Youghal,
Co Waterford,
P36 A028

Thurs. Dec. 19th 2019.

Att'n Brona O'Kennedy,
Planning Dept.,
Waterford City & County Council,
Civic Offices,
Dungarvan,
Co. Waterford.

WATERFORD CITY & COUNTY COUNCIL	
CRM REF:	
DATE:	19 DEC 2019
INITIAL:	F. I. Keen
DUNGARVAN	D5 2019/15

Re; Section 5 Application no. D5/2019-15, dated 26/4/2019.

A Chara,

Your letter, Request for Further Information (RFI) dated 11/12/2019 refers.

Section 5 declaration with respect to 'Mullarkeys' Cliff Road, Ardmore, Co. Waterford.

1. Your Point No 1 refers. Please find attached sketch plans and elevations of the proposed extension to the rear. You will note the addition of a porch of 2 square meters on the east side, with front door facing the roadway. In our opinion this porch is an exempt structure regardless of whether the front of the house faces the road way(S) or the sea (N). The proposed extension to the rear of the premises is 9 square meters. We have noted in WCCC website (in guidance notes section) that there is a reference to, 'front of house/ building line', apparently implying, that

AN BORD PLEANÁLA

12 FEB 2020

TR DATED _____

CB _____

FROM _____

these two descriptions are the same. The declaration we seek under Section 5 of the Planning Act is that the side of the building adjacent to and facing the roadside (South side) is the front of the building. I am claiming the exempted status by reference to Schedule 2, Part 1 of the Planning and Development Regulations.

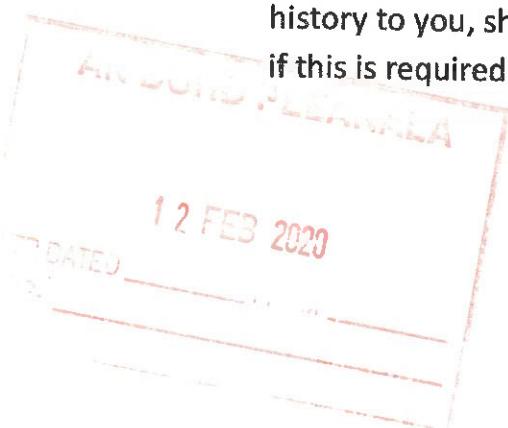
2. Your Point 2 refers. This building predates the Planning Acts. It was constructed and located on this site in 1910. It was purchased circa 1925 by Mini Dwyer (nee Foley) of Cork, the great grandmother of my wife, Mary Lincoln. Mini Dwyer gifted the property on her death to Snow and Amy Dwyer (her daughters) in circa 1935. Amy Dwyer gifted the property on her death in 1969, to her niece Ethne Brabazon. The property was gifted to Mary Lincoln (Ethne's daughter) on her mother's death in 2004

It has always been a domestic habitable building. Over the years, it has undergone many upgrades and modifications, but has always been of the same size and use, as today.

It is serviced and connected to the public water supply and sewer. It has an ESB/ electricity supply (MPRN No. 10 013 672 382). We have paid Local Property Tax (LPT) on it, as a domestic dwelling (Property ID 1768535NH). We have paid second home tax on it (when this was applied, prior to the introduction of LPT).

You will note in the older Ordnance Survey maps that it is clearly shown as existing (copy attached from 1924 edition).

During Amy & Snow Dwyers' ownership, it was used by their driver/ butler (John Mullarkey, hence the name of the building), as his residence. Meanwhile, Amy and Snow resided in Star Cottage (our current home), close by. Star Cottage was then their summer/ vacation home. This continued residency of Mullarkeys was continued by Ethne Barabazon and her family; (and we have continued its domestic use during our ownership). We would be happy to provide more of its history to you, should you so wish, (and an affidavit affirming the above, if this is required by you).



Please note that, it was the opinion of the Senior Planner, at the time, (earlier in 2019), that the proposed works would be regarded as being exempt from Planning.

Clearly, the premises have been in use as a residential property prior to 1/10/1964, and are therefore authorized as such, by virtue of the Local Government (Planning & Development) Act of 1963.

Needless to say, all works will be carried out in accordance with the Building Regulations.

As this matter has been in train since last May, I would appreciate a speedy response.

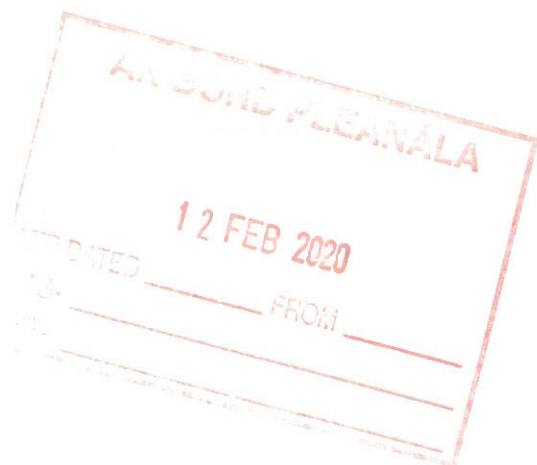
Yours faithfully,

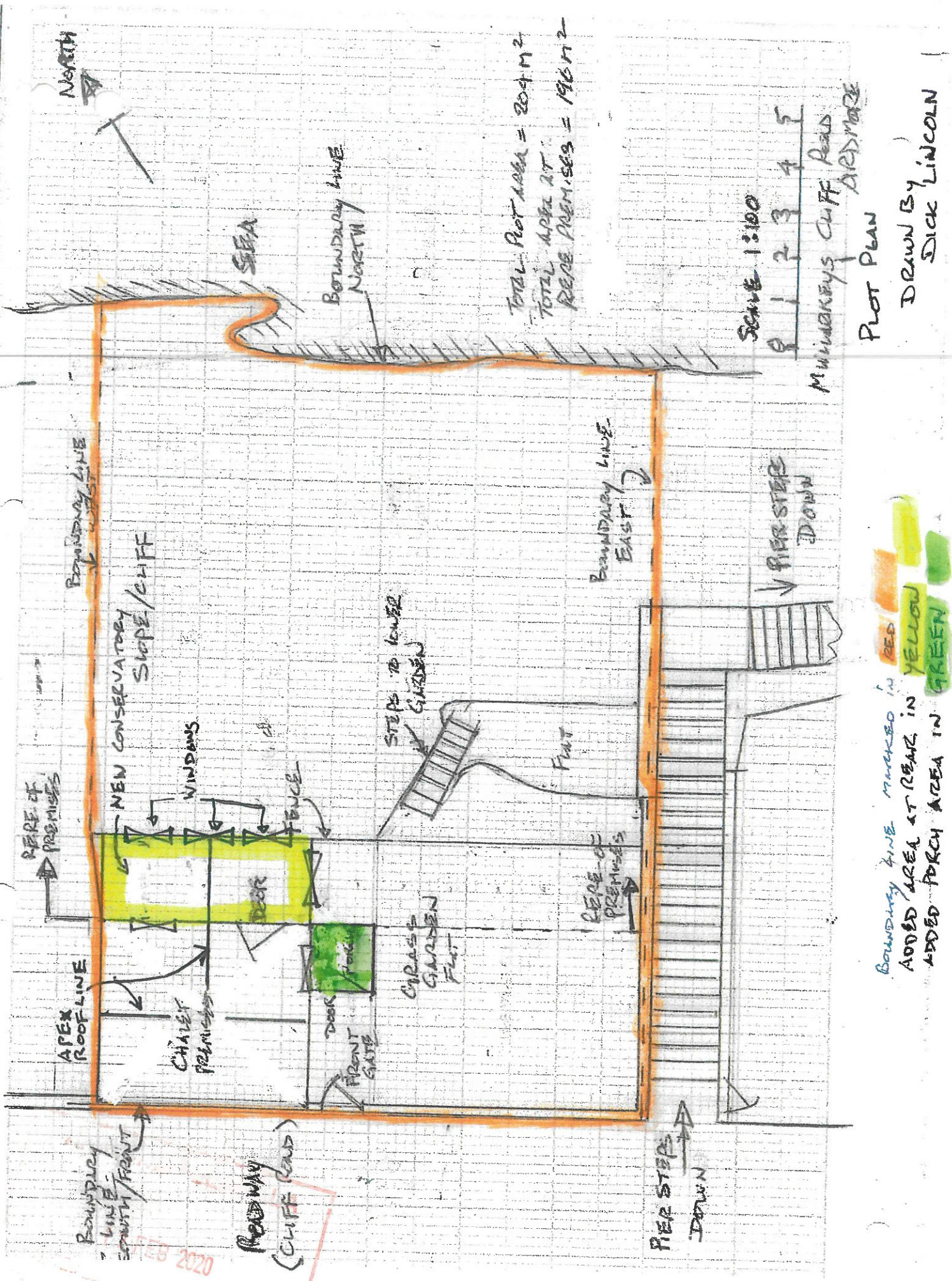
Dick Lincoln.



Attachments

- 1 Sketch showing overall site plan.
- 2 Building plan sketch, showing proposed added extensions.
- 3 East elevation sketch plan.
- 4 North elevation sketch plan.
- 5 Extract from Ordnance Survey Map, Edition of 1924, showing the 'Mullarkey' building, being extant.





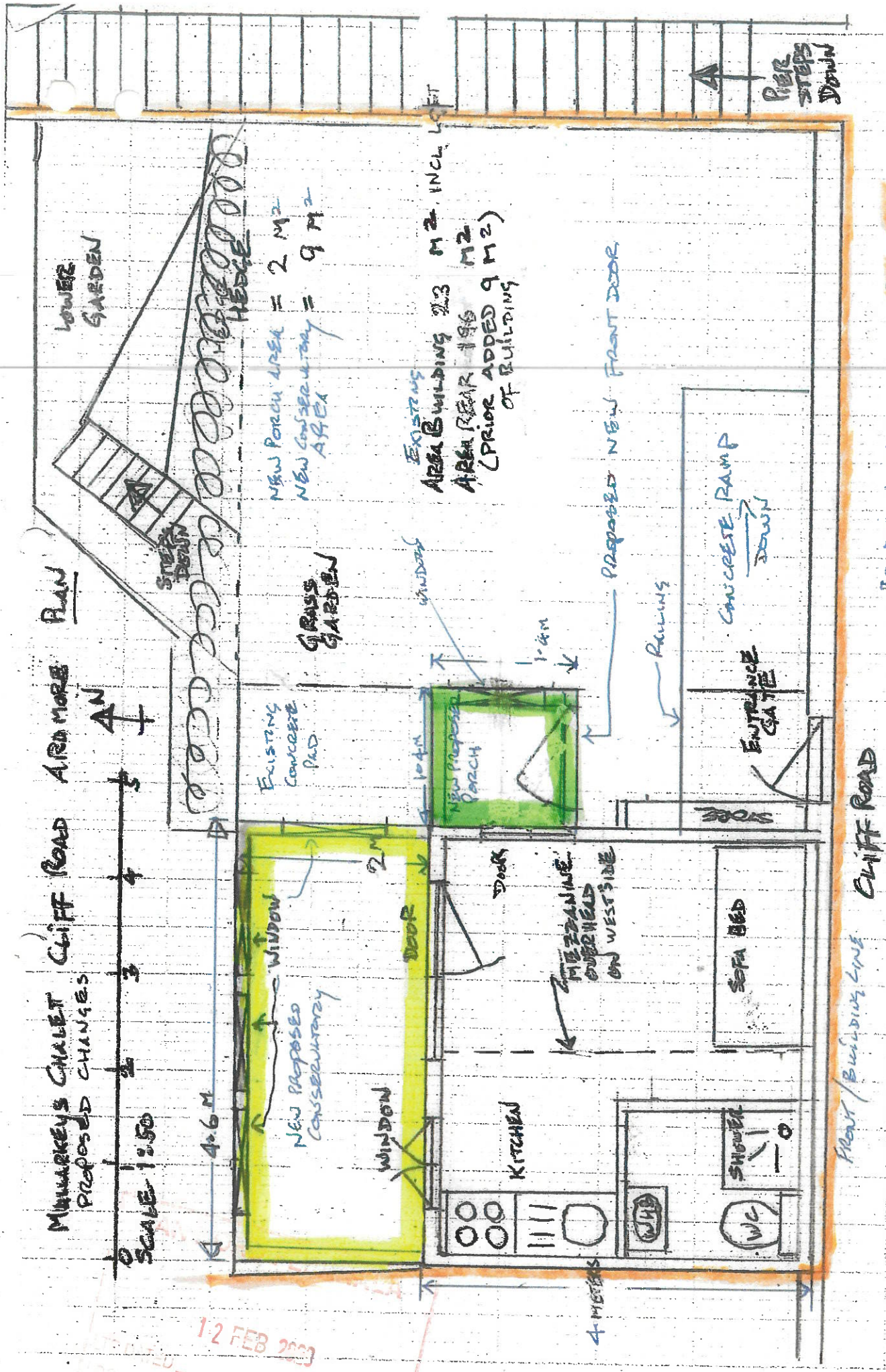
MUMKEYS CHALET
Cliff Road
Proposed Changes

SCALE 1:50



Plan

Area More



NEW PORCH AREA = 2 M²
 NEW CONSERVATORY = 9 M²

EXISTING AREA BUILDING 2.3 M² INCL LOFT
 AREA REAR 1.9 M²
 (PRIOR ADDED 9 M²)
 OF BUILDING

EXISTING CONCRETE PAD

GRASS GARDEN

PROPOSED NEW FRONT DOOR

CONCRETE RAMP DOWN

ENTRANCE GATE

CLIFF ROAD

Plant/Building Line

BUILDING PLAN

BOUNDARY LINE MARKED IN RED
 NEW ADDED AREAS HIGHLIGHTED IN BLUE
 ADDED PORCH AREA HIGHLIGHTED IN GREEN
 DRAWN BY DICK LINCOLN

12 FEB 2003
 FROM

MULLARKEY'S CHURCH
CLIFF ROAD AND MORE
VIEW FROM EAST

PROPOSED CHANGES

NEW ADDED AREAS
HIGHLIGHTED IN YELLOW

NEW PORCH AREA HIGHLIGHTED
IN GREEN
BOUNDARY LINE IN RED

CLADDING
TO MATCH
EXISTING

LOWER GARDEN

CLIFF

Drawn by Dick Lincan

0 1 2 3 4 5

SCALE 1:50

NEW Lux
ROOF
LIGHT

SLOTTED TO MATCH EXISTING

NEW WINDOW

NEW CONSERVATORY

NEW WINDOW

NEW PORCH

NEW FRONT
DOOR

2.0M

1.4M

4.0M

CONCRETE
RAMP
DOWN

1.2M

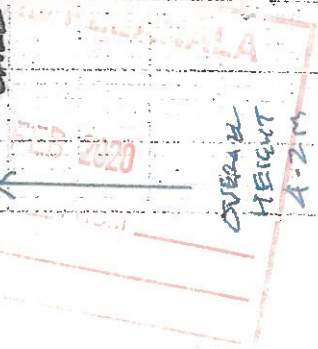
RAILING

PUBLIC ROAD

FRONT OF
HOUSE / BUILDING LINE

OVERALL
HEIGHT
4.2M

6.



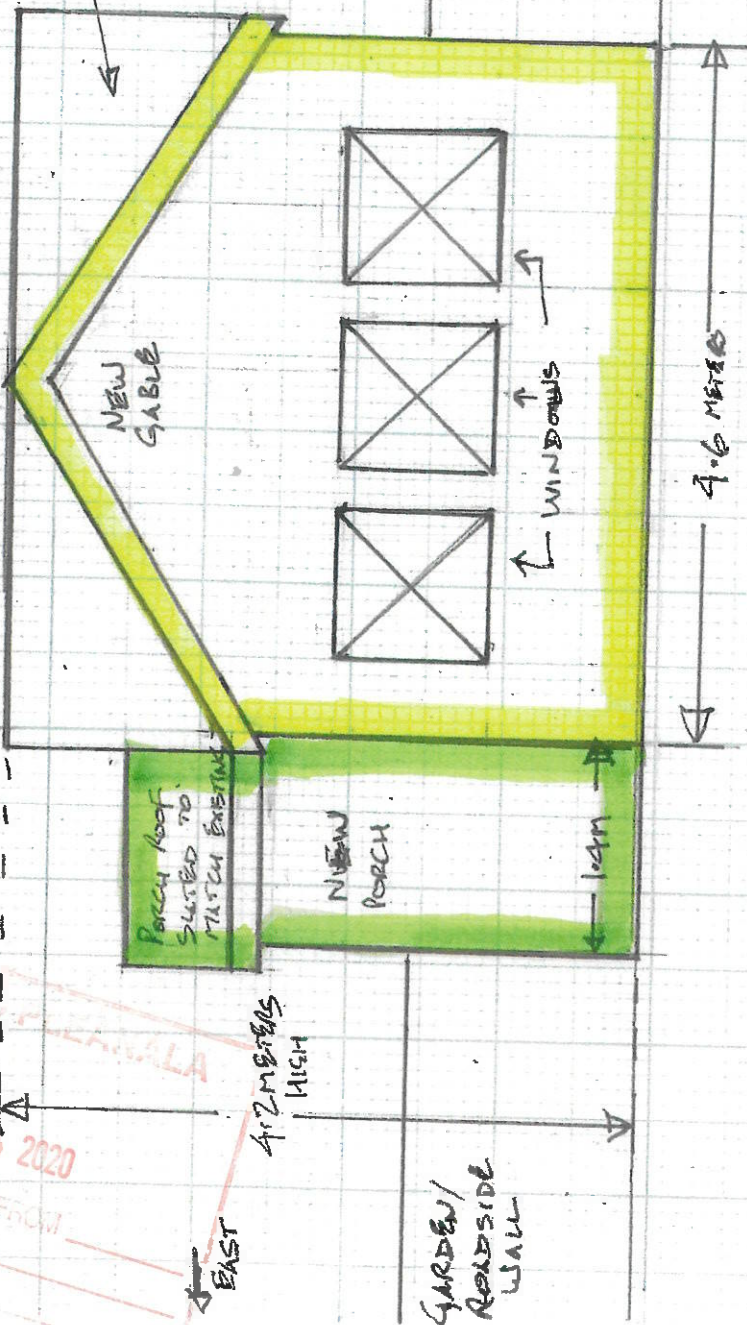
MUMUKHYS CHALET CLIFF ROAD ARDMORE

ELEVATION FROM SEA (NORTH)

DRAWN BY DICK LING

Scale 1:50

0 1 2 3 4 5



EXISTING SLATE ROOF

NEW GABLE

Porch roof SUITED TO MATCH EXISTING

NEW PORCH

ROADSIDE WALL

WINDOWS

EAST

4.2 METERS HIGH

GARDEN/Roadside WALL

4.6 METERS

N

NEW PORCH IN GREEN
NEW ADDED CONSERVATORY AT REAR IN YELLOW

WEST

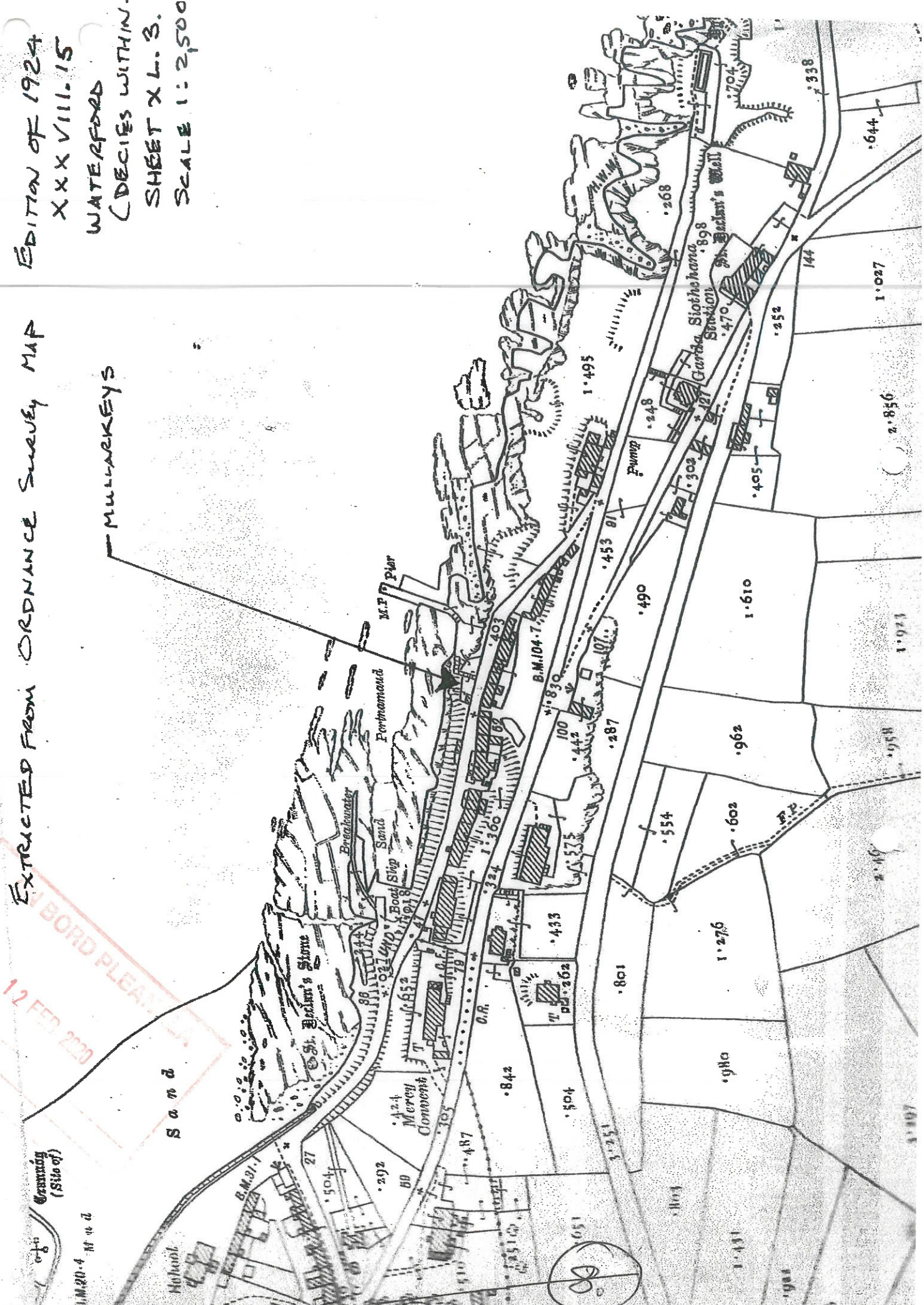
EXTRACTED FROM ORDNANCE SURVEY MAP

EDITION OF 1924
XX VIII.15

WATERFORD
(DECIES WITHIN.)
SHEET XL.3.
SCALE 1:2,500

MULLACKEYS

WATERFORD
12 FEB 1920



Star Cottage ,
Ardmore,
Via Youghal,
Co Waterford,
P36 A028
Thurs. Dec. 19th 2019.
(Second letter)

Att'n Brona O'Kennedy,
Planning Dept.,
Waterford City & County Council,
Civic Offices,
Dungarvan,
Co. Waterford.

Re; Section 5 Application no. D5/2019-15, dated 26/4/2019.

Additional Unsolicited Supplementary Information.

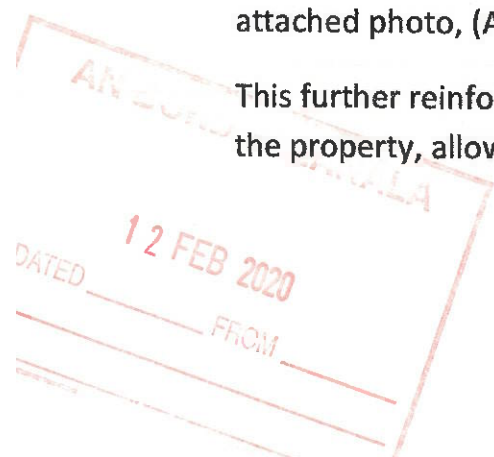
A Chara,

Your letter, Request for Further Information (RFI) dated 11/12/2019 refers.

Section 5 declaration with respect to 'Mullarkeys' Cliff Road, Ardmore, Co. Waterford.

The south side (or roadside) of the property is also the main and only access point, via pedestrian gate, to the curtilage of the property. Please see attached photo, (Attachment no. 6).

This further reinforces our contention that the south/ roadside is the front of the property, allowing the proposed changes outlined in my earlier letter of



today (19/12/2019), to be considered exempt under the Planning Regulations 2001.

I look forward to hearing from you.

Yours faithfully,

Dick Lincoln.



Attachment

No 6 Photo of roadside of property known as 'Mullarkeys', Cliff Road.

ANLEORD PLEANÁLA

12 FEB 2020



View of south side, being
the main point of access
to the curtilage of the
property

AROUND CLEARING
12 FEB 2020
DELETED FROM

ATTACHMENT No 6

PK/LMG/D5 2019/15

16th December 19

Richard Lincoln,
Star Cottage,
Ardmore,
Via Youghal,
Co. Waterford.

RE: Section 5 Application - 'Mullarkeys' Cliff Road, Ardmore, Co. Waterford.

Ref. No. D5201/15

Dear Sir/Madam;

I wish to acknowledge receipt of your correspondence dated 28th November 2019 and received 29th November 2019. This correspondence has been passed to Hazel O'Shea, Senior Executive Planner for a response.

Yours faithfully,


P. Kelly,
Admin. Officer.

RECEIVED
12 FEB 2020

Star Cottage ,
Ardmore,
Via Youghal,
Co Waterford,
P36 A028

Thurs. Nov 28th 2019

Att'n Director of Services Planning,

Planning Dept.,

Waterford City & County Council,

Menapia Building,

The Mall,

Waterford City.

DEAR MR MICHAEL QUINN

Re; Section 5 Application no. D5/2019-15, dated 26/4/2019.

I wrote to your Dept. on Wed. Nov 13th (two weeks ago), in relation to the above application.

I enclose a copy of the letter, sent via Registered Post.

Can you help me with the following;

- 1 Has your Dept. received my letter ?
- 2 Is it possible for you to confirm that it has been received ?
- 3 Please respond to my query, namely; Should I forward the Sect 5 Application to Bord Pleanala?

Please place a copy of this letter on the planning file.

Yours faithfully,

Richard Lincoln.

Yvonne
pl. call + state
that the correspondence
has been forwarded to L.M. Green



AN BORD PLEANALA

12 FEB 2020

RECEIVED

12 FEB 2020

Star Cottage ,
Ardmore,
Via Youghal,
Co Waterford,
P36 A028

Wed. Nov 13th 2019

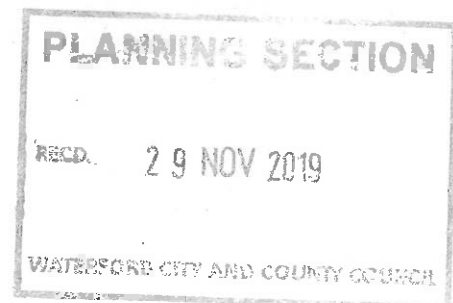
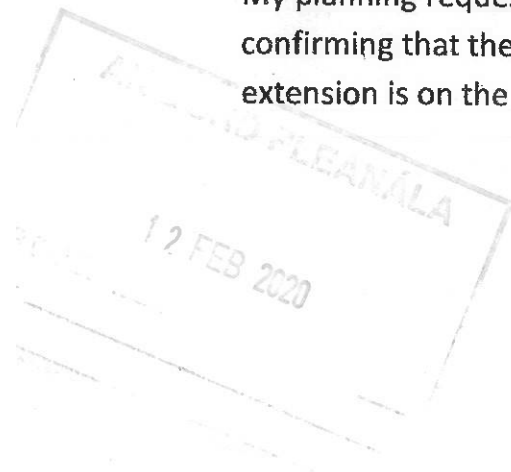
Att'n Yvonne Devereux,
Planning Dept.,
Waterford City & County Council,
Menapia Building,
The Mall,
Waterford City.

Re; Section 5 Application no. D5/2019-15, dated 26/4/2019.

I spoke to you on the phone on midday Fri Nov 8th in relation to the above application.

It is just over six months since I made this application. Nothing has happened on the file since then, other than WCCC acknowledgement on 7/5/2019. You informed me that there was no further activity on the file. In fact, I later confirmed this, when I called to WCCC Planning office in Waterford City, and received a full copy of its contents from you. I find this lack of activity extraordinary.

My planning request is essentially, seeking a ruling from the planners confirming that the front of the house is the side facing the road. My proposed extension is on the side furthest from the road, the side facing the sea.



You informed me that the planner dealing with the matter (Mr A Walsh) is away for two weeks. You will pass the matter to Ms Hazel O'Shea immediately (a more senior planner in WCCC), who will allocate the file to another planner, with a view to progressing the matter.

I am concerned about the elapse of time, and nothing apparently happening. It is extremely frustrating and stressful.

Am I now to expect an RFI (Request for Further information), followed by another 3 to 6 month further delay, before WCCC move to action the file ?

Perhaps I have been remiss, in not following the clear advice on WCCC web site; that states that I should have sent the matter to Bord Pleanala, should WCCC have not responded within 4 weeks.

Extract from WCCC web site

' Establishing a Requirement for Planning Permission

A formal declaration can be sought from Waterford City & County Council to establish if full planning permission is required for a specific development proposal under Section 5 of the Planning & Development Act 2000 (as amended). A completed [application form](#) accompanied by a Site Location Map, a fee of €80.00, and as much detail as possible outlining your proposal (drawings and photos etc.) should be submitted to the above address. A decision will generally be issued within four weeks. If the Planning Authority fails to issue a declaration within 4 weeks or the applicant is not satisfied with the decision of the Planning Authority, the applicant may refer the matter to [An Bord Pleanála](#).

Please advise, am I to do this (refer the matter to Bord Pleanala).

Please place a copy of this letter on the planning file.

Yours faithfully,

Richard Lincoln.

P.S. Please note that the planning reference no. is incorrectly identified on your acknowledgement letter dated 7/5/2019.

RECEIVED
7 FEB 2020
FmOut



Our Ref No: D52019/15

Dick Lincoln,
Cliff Road,
Ardmore,
Co. Waterford.

copy

11th December, 2019.

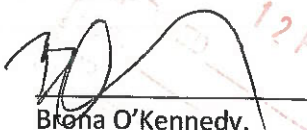
RE: Declaration under Section 5 of the Planning and Development Act 2000 (as amended)
"Mullarkeys", Cliff Road, Ardmore, Co. Waterford.

Dear Sir or Madam:

I refer to your request for a Declaration under Section 5 of the Planning and Development Act 2000, which was received on 30/04/2019. Unfortunately the documents submitted are not sufficient to enable a decision to be made on the Request. The following further information is, therefore, requested in accordance with Section 5(2)(b) of the Planning and Development Act 2000, as amended.

1. The details of the development / extension itself submitted are unclear. It is stated that the existing chalet is 23sqm and a 9sqm extension is proposed to the rear, this does not seem to be detailed on the submitted drawings, please address.
2. Having reviewed the planning history of the subject site it appears that the existing chalet is unauthorised and does not have the benefit of planning permission. The applicant is requested to provide evidence that the existing chalet has the benefit of planning permission, in the absence of same the proposed extension would not avail of an exemption as same would consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use and the restrictions under Article 9 of the Planning and Development Regulations 2001, as amended, would apply.

Yours faithfully,


Bróna O'Kennedy,
Staff Officer,
Planning Department.

AN BORD PLEANÁLA
12 FEB 2020



BO'K/LMG/D5/20192-15

7th May 19

Dick Lincoln,
Cliff Road,
Ardmore,
Co. Waterford.

RE: 'Mullarkeys' Cliff Road, Ardmore, Co. Waterford.
Section 5 Declaration

Dear Sir or Madam:

I wish to acknowledge receipt of your application for Section 5 Declaration relating to the above mentioned property and enclose receipt herewith.

Yours faithfully,

B. O'Kennedy,
Staff Officer.

AN BORD PLEANÁLA

12 FEB 2020



15

Mapa A 3.17.19
Waterford City and County Council

PLANNING FILE
No.
RECD. 30 APR 2019
WATERFORD CITY AND COUNTY COUNCIL

Planning Department, The Menapia Building, The Mall Waterford

Telephone : 0761 102020

Fax : 0761099701

Email : planning@waterfordcouncil.ie

Application for Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000, as amended

1. Name of Applicant: Dick Lincoln

Address: Cliff Road, Ardmore County Waterford

[Redacted]

[Redacted]

*See - Am.
3.4.9*

3. Postal Address of

Site or Building "Mullarkeys" Cliff Road, Ardmore County Waterford

4. Applicants Interest in Site: Freehold Owner

(If applicant is not freehold owner of the property in question, please provide the name and address of owner)

5. Full Description of the proposed development Extension of chalet to rear of structure by 9m2.

Finishes to match existing structure. New entrance door to Eastern Elevation

6. If the proposed development is an extension to a dwelling house, please include the following floor

areas

(i)	Proposed Extension	9 Sq. metres
(ii)	Existing Structure	23 Sq. metres
(iii)	Rear private open space	196 Sq. metres

7. If the proposed development is for the erection of Garage/Shed/Store etc.,

Please include the following:

(i)	Proposed Garage/Shed/Store etc.	Sq. metres	N/A
(ii)	Existing Structure	Sq. metres	N/A

RECEIVED
FEB 23 2019

(iii) Rear private open space

Sq. metres N/A

8. For any building(s) to be retained on site, or for a change of use of the property

(a) Please indicate the existing use N/A

(b) Please indicate the proposed use N/A

9. Documents to be included with this application form to be submitted to the Planning Authority:

Site Location Map

Site Layout Map

Scale 1:1000 or 1:2500

Scale 1:200 or 1:500

Floor Plans and Elevations

Fee €80

10. Site History: Planning reference number(s): N/A

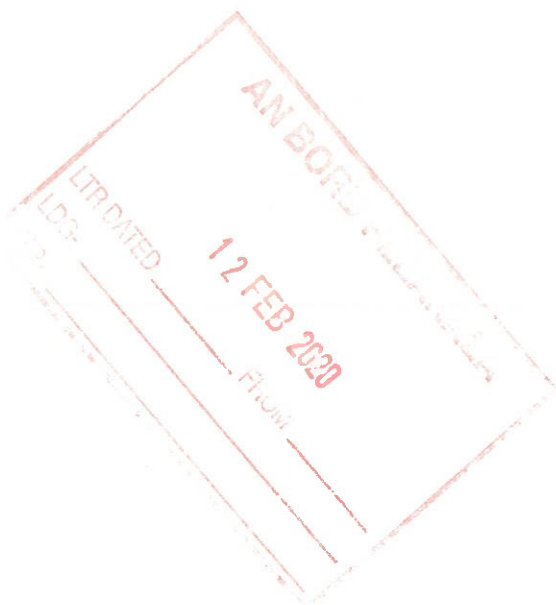
I hereby declare that the information given on this form is correct.

Signature of applicant/agent:

Richard Walsh

Date:

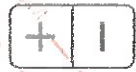
26/4/2019



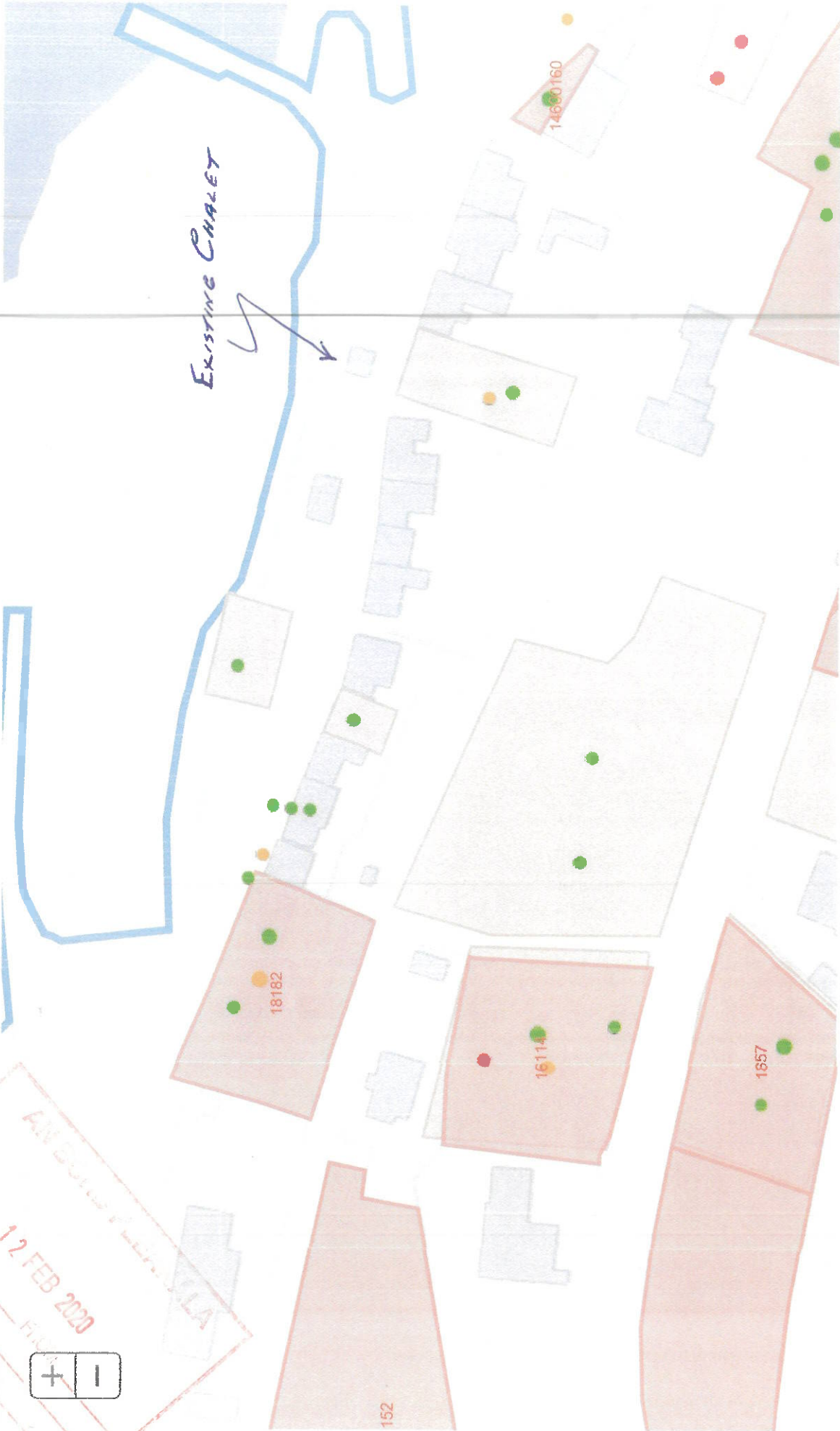


Legend

- Green circle: Granted
- Red circle: Refused
- Orange circle: Other
- Red outline: Site Boundaries
- Yellow square: Council Developments



Planning Applications Finder



North

SEA

Boundary Line NORTH

TOTAL Plot AREA = 204 M²
TOTAL AREA AT REAR PREMISES = 196 M²
FRONT AREA AT REAR = 37 M²

SCALE 1:100

0 1 2 3 4 5

MURRAY'S CUFF ROAD
AEDRHOE

Boundary Line WEST

SLOPE/CUFF

Boundary Line EAST

PIER STEPS DOWN

REAR OF PREMISES

WINDOW

PATIO

DECK

FENCE

STEPS TO LOWER GARDEN

FRONT

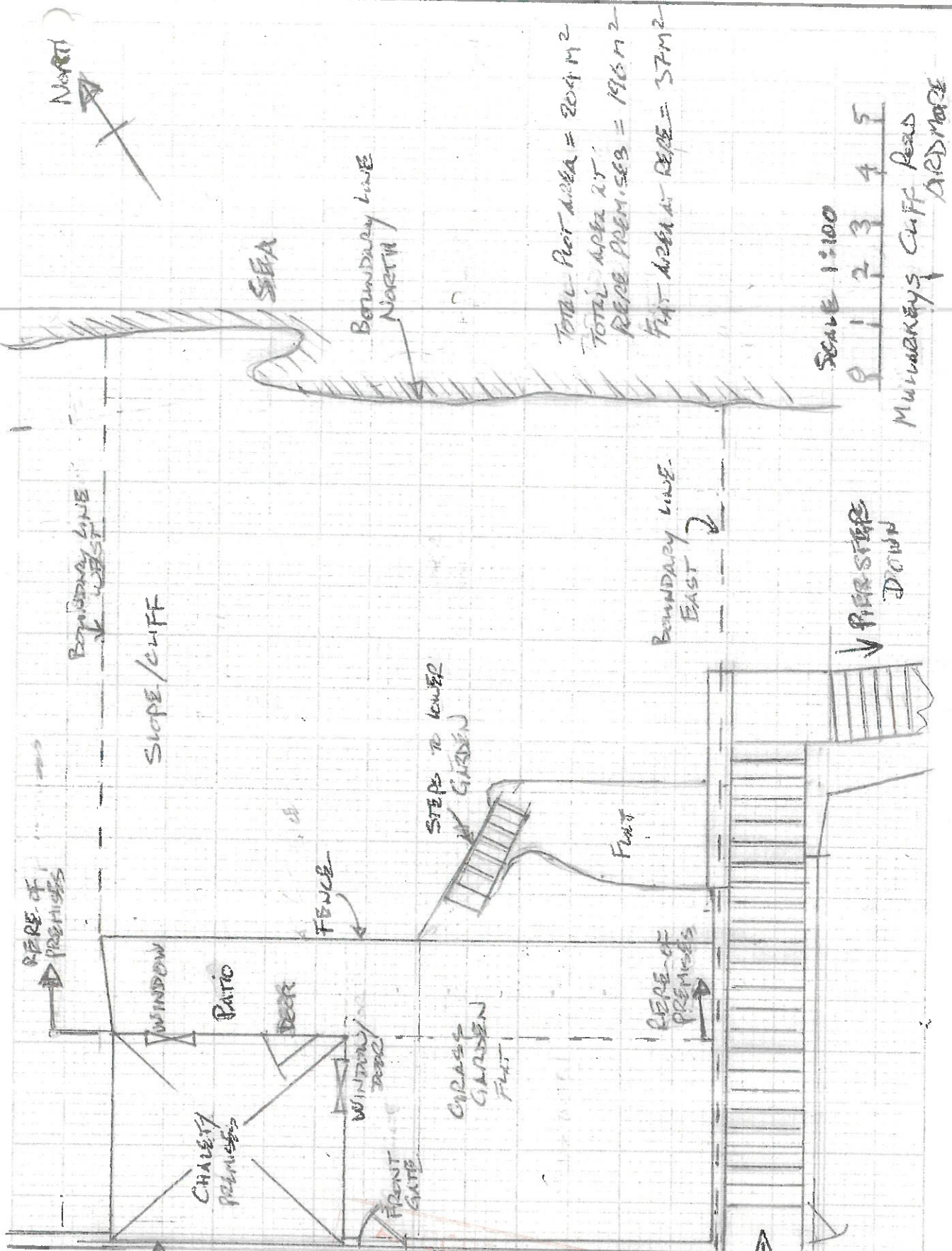
REAR OF PREMISES

Boundary Line SOUTH / FRONT

ROADWAY (CUFF ROAD)

DATE 12 FEB 2020

PIER STEPS DOWN

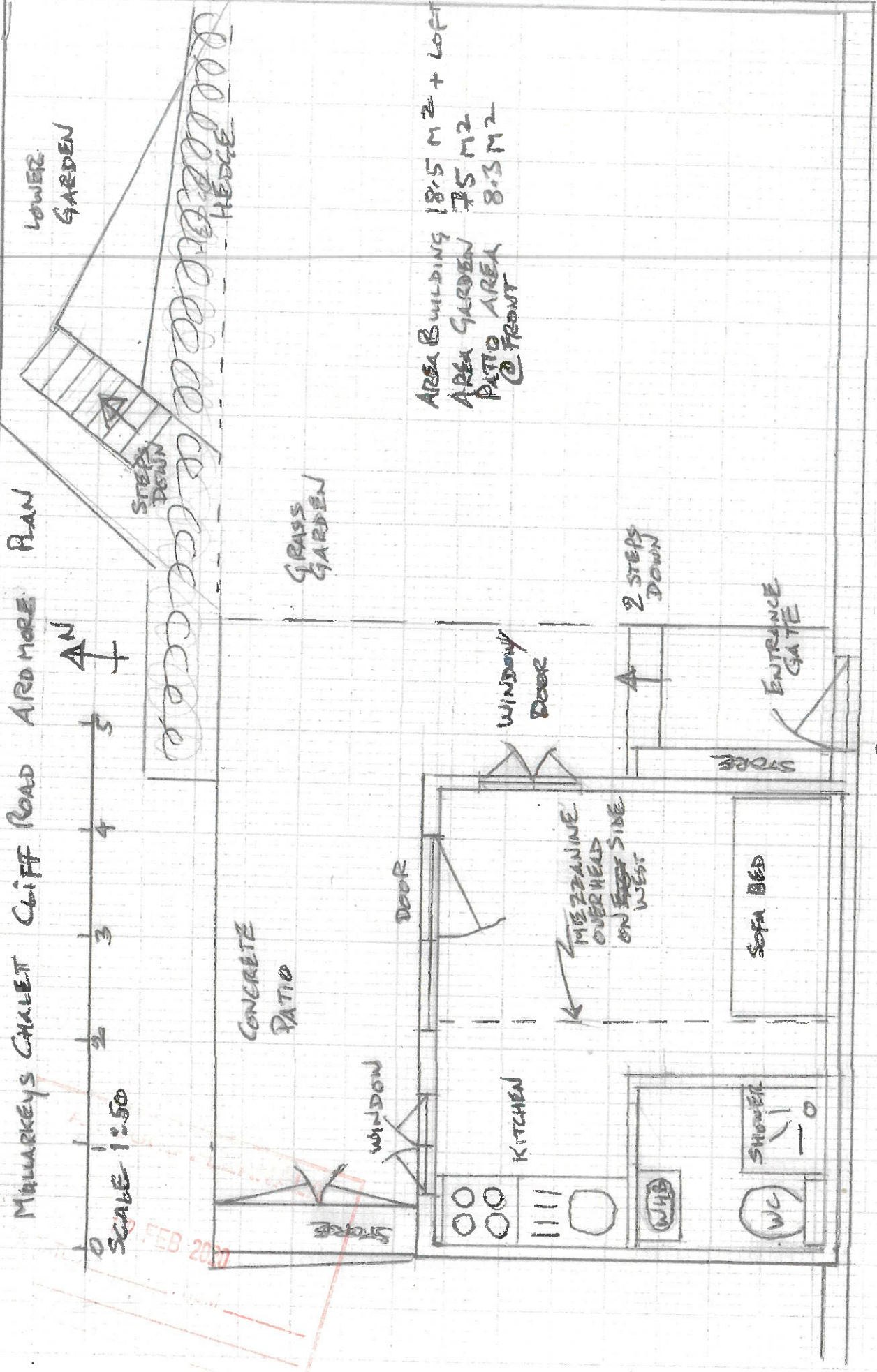


MILLARKEYS CHALET CLIFF ROAD ARDMORE PLAN

SCALE 1:50

FEB 2020

0 1 2 3 4 5



AREA BUILDING 18.5 M² + LOFT (8M²)
AREA GARDEN 7.5 M²
PATIO AREA 8.3 M²
@ FRONT

↑
P/R
STEPS
DOWN

2 STEPS
DOWN

ENTRANCE
GATE

CLIFF ROAD

STORE

DOOR

WINDY
DOOR

MEZZANINE
OVER HEAD
ON WEST
SIDE

SOFA BED

SHOWER

WC

STORE

LOWER
GARDEN

GRASS
GARDEN

HEDGE

STEPS
DOWN

MULLARKEY'S CHALET
CLIFF ROAD AREDMORE
VIEW FROM EAST



0 1 2 3 4 5

SCALE 1:50

VELUX
ROOF
LIGHT

12 FEB 2020

MEZZANINE FLOOR

EAT STORAGE

PATIO

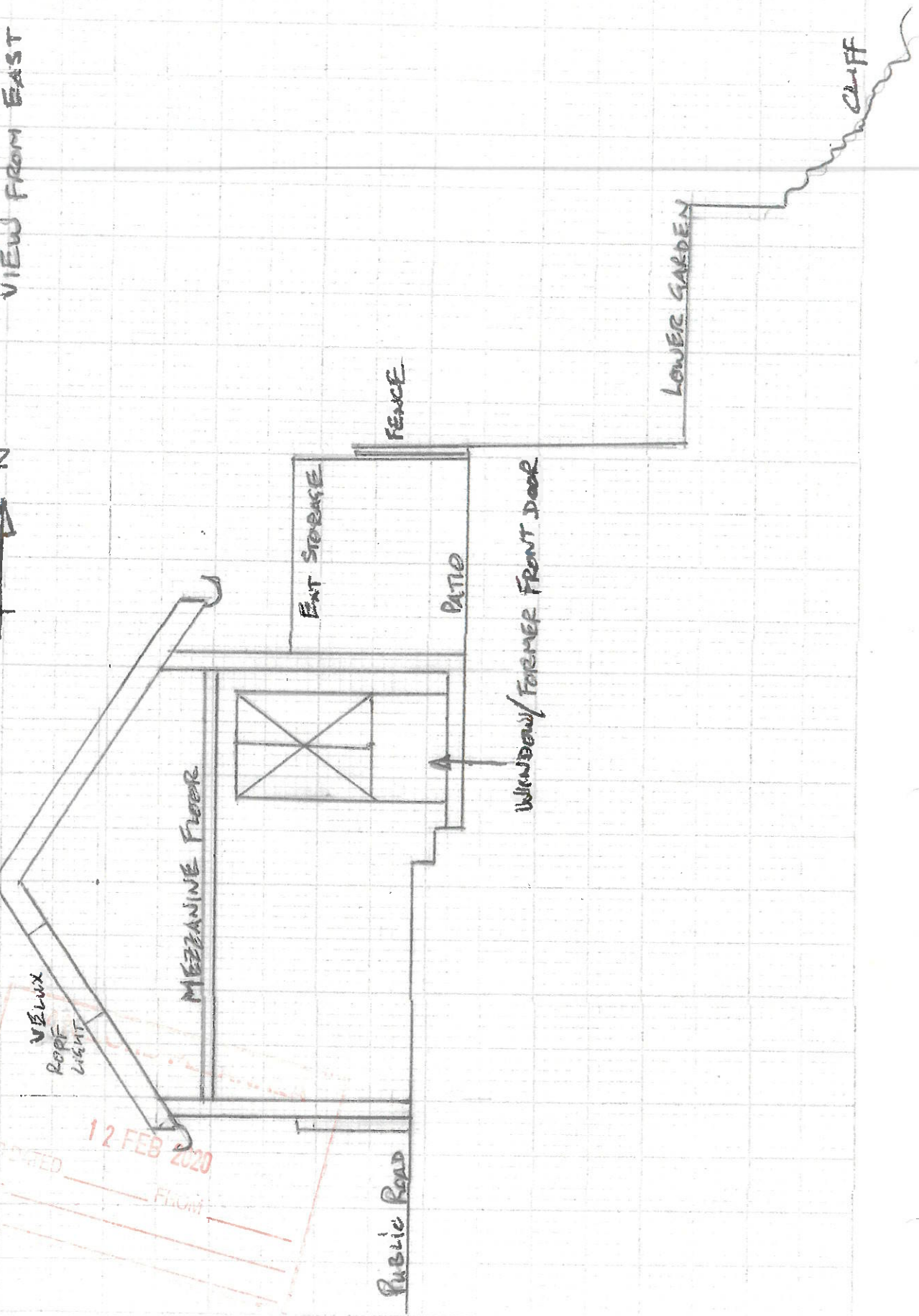
WINDOW/FORMER FRONT DOOR

Public Road

FENCE

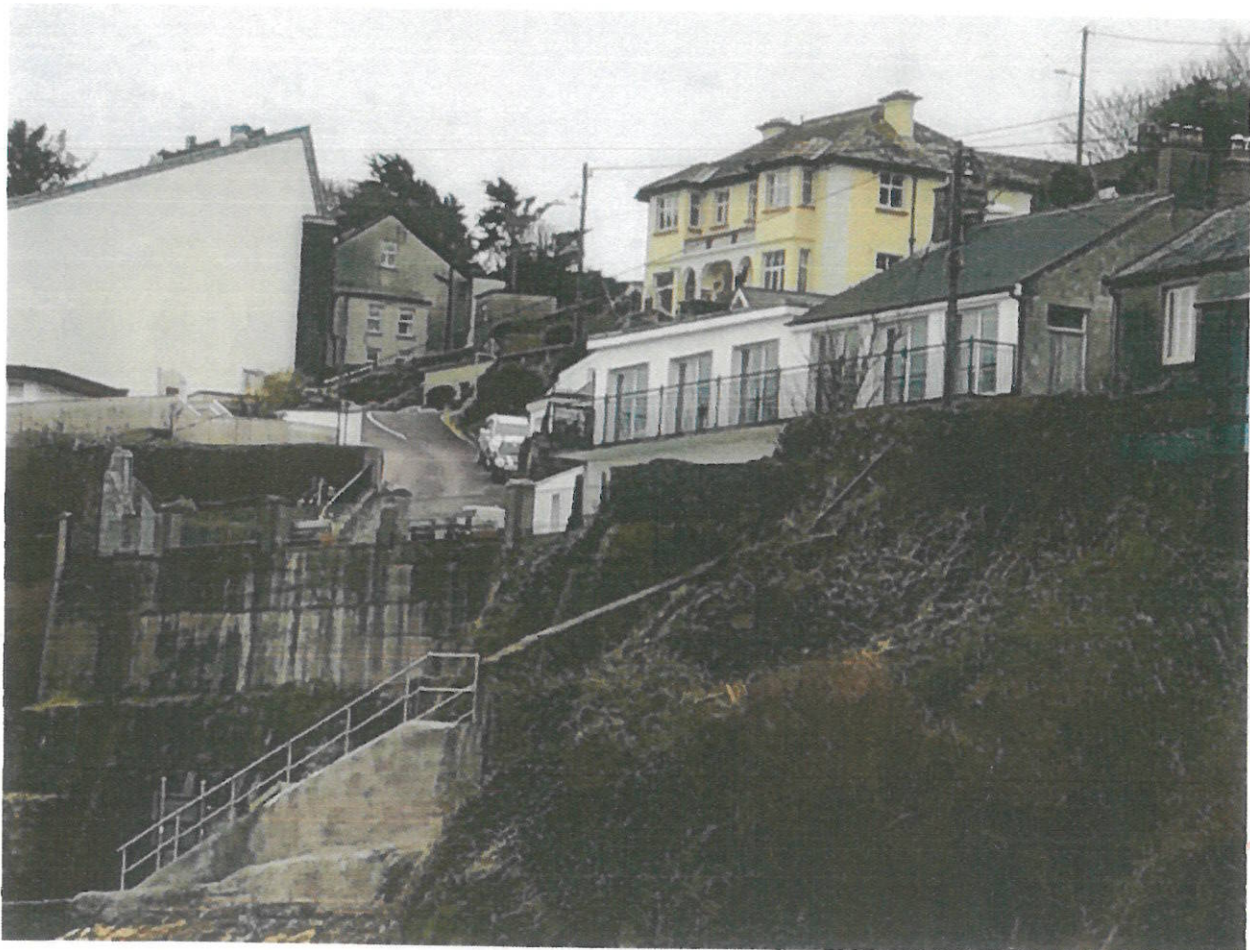
LOWER GARDEN

CLIFF

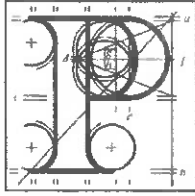


Mullarkeys Photos





TEKSTI



An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Richard Lincoln

(b) Address

Star Cottage,
Ardmore,
Co. Waterford,
P36A028

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not Applicable

(b) Agent's address

Not Applicable

PLANNING APPEAL FORM
April 2019

2020

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Waterford City and County Council

(b) Planning authority register reference number

(for example: 18/0123)

D5/2019-15

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Mullarkeys Chalet
Cliff Road,
Ardmore, Co Waterford.



ANECOM GENERALA
12 FEB 2020
Planning Appeal Form
April 2019

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

I applied on 30/4/2019 to WCCC (Waterford Council) for a determination on a proposed extension to the rear of our chalet; I seek a determination/ confirmation that the proposed development is exempt under Section 5 of the Planning Acts/ Regulations.

WCCC failed to respond by the requisite decision date of 17/1/2020. The Acts under Section 5 (3) (b) state, (inter alia), that in the event of no declaration by the planning authority, I may refer the matter to the Bord for determination.

This is the subject matter of my appeal.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct **fee** is included with your appeal. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

Oral hearing request

9. If you wish to [request the Board to hold an oral hearing](#) on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

Planning Appeal Form
April 2019


**Plain
English**
Approved by NALA

Oral hearing request

3. If you wish to request the Board to hold an oral hearing on your appeal, please tick the 'Yes, I wish to request an oral hearing' box below.

Please note you will have to pay an additional non-refundable fee of £50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the 'No, I do not wish to request an oral hearing' box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing



Plain English is a registered charity. For more information, visit www.plainenglish.org.uk

Planning Appeal Form
April 2019