

An
Bord
Pleanála

Board Direction
BD-018643-25
ABP-319839-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/01/2025.

The Board decided to refuse permission (on a split 2:1 vote), generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

The proposed development is considered to be contrary to the Clonmel and Environs Local area Plan 2024 policies 2.1 and 2.3 and the Tipperary County Development Plan policies 3-3, 3-6, 5-9 and 5-18, in relation to replacement dwellings and the provision of new dwellings, whereby the applicant has not provided sufficient information to adequately demonstrate that retrofitting is unfeasible, or redevelopment of the site would provide positive carbon impact through the redesign, construction and use stages of a new building, compared with retrofitting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Note:

The Board did not attach the inspector's remaining three remaining recommended refusal reasons based on the following:

1. In respect of **recommended reason number two**, the Board considered the house design, two-storey in scale with a single storey to the rear, as amended at further information submitted to the planning authority, and the available separation distances from the adjoining bungalow to the west, and given the context of the existing two-storey house on site, which the proposed house would replace, did not agree that it would be overbearing on this house because of scale and massing of the proposed house (bungalow) or that it would reduce the residential amenity of this house accordingly. This is particularly so as the proposed house, albeit that it would be larger in scale, would achieve a slightly larger separation distance from this adjoining bungalow to the west.
2. In respect of **recommended reason number three**, the Board, noting the existing two-storey house on site, the current and proposed separation distances in respect of the proposed replacement dwelling, and the orientation, concluded that there would be no unacceptable compromise to the existing residential amenity because of loss of light to the adjacent house (bungalow) to its west and accordingly did not agree that it would fail to accord with the zoning objective accordingly.
3. In respect of **recommended reason number four**, the Board was satisfied that the proposed secondary treatment unit with a minimum capacity to cater for a design population equivalent (PE) of 7, would provide for the intended occupancy of the proposed house, based on 5 bedrooms, by reference to Table 3.2 (Calculation of design capacity based on size of dwelling served) of the EPA Code of Practice for Domestic Waste Water Treatment Systems (PW<10)

2021 which sets out that 5 bedrooms equates to a design PE of 7. The Board was also satisfied that the proposal for a packaged secondary treatment system and a tertiary treatment filter would provide for a higher level of effluent treatment than currently serves the existing house on site and that the new /upgraded system would therefore improve the protection of the groundwater resource with a positive impact on water quality.

Board Member


Patricia Calleary

Date: 14/01/2025