



An  
Bord  
Pleanála

**Board Order  
PL 92.248126**

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## **Planning and Development Acts 2000 to 2016**

**Planning Authority: Tipperary County**

**Planning Register Reference Number: 16600920**

**Appeal** by Liam and Philomena Walsh of Giantsgrave, Clonmel, County Tipperary against the decision made on the 7<sup>th</sup> day of February, 2017 by Tipperary County Council to grant permission to Mary O'Mahoney of Giantsgrave, Clonmel, County Tipperary for development comprising the retention of (1) as built block and plastered domestic garage and (2) as built timber framed and latted store/shed, including all associated site works at Giantsgrave, Clonmel, County Tipperary in accordance with the plans and particulars lodged with the said Council.

## **Decision**

**GRANT permission for the retention of an as built block and plastered domestic garage and associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for an as built timber framed and latted store/shed, including all associated site works based on the reasons and considerations marked (2) under.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations (1)**

Having regard to the pattern of development in the area and to the design and nature of the development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development proposed for retention shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted on the 13<sup>th</sup> day of January, 2017, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The garage shall be used for purposes ancillary to the enjoyment of the dwelling house as such and not for human habitation.

**Reason:** In the interest of residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

5. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (i) the establishment of a hedgerow along all side and rear boundaries of the site. Any plants which die are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape in the interest of visual amenity.

## **Reasons and Considerations (2)**

It is considered that the shed/store which is proposed to be retained is visually obtrusive and would seriously injure the visual amenities of adjoining properties. Furthermore, the location of the store/shed in close proximity to the percolation area and wastewater treatment unit is unacceptable and would be prejudicial to public health. The proposed store/shed would therefore, be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of     2017**