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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 18/600435**

**Appeal** by John Ryan of Mountain View, Cappagh, Cappawhite, County Tipperary against the decision made on the 2<sup>nd</sup> day of April, 2019 by Tipperary County Council to grant subject to conditions a permission to Sean Clancy of Cappagh, Cappaghwhite, County Tipperary in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission for retention of works already carried out to (a) a completed garage, (b) entrance and (c) garage partially constructed and planning permission to complete garage partially constructed and all associated site works, all at Cappagh, Cappawhite, County Tipperary.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

**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**

Having regard to the residential use of the site and the proposed reduction in the floor area of the garage for retention and completion, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would seriously injure the residential amenities of the area, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 7<sup>th</sup> day of March, 2019, 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.

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

2. The roller-shutter door in the northern elevation of the garage proposed for retention/completion shall be omitted, and the northern elevation plastered to match the other walls of the garage structure.

**Reason:** In the interest of the residential amenities of adjoining property.

3. The garage structures on the site shall be used solely for purposes incidental to the enjoyment of the dwellinghouse on the site and shall not be used for the repair and/or dismantling of vehicles or for any other non-domestic related purposes.

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

4. Surface water from the garage structures on the site shall be discharged to soakaways.

**Reason:** In the interest of public health and to avoid flooding of adjoining property.

5. The extent of the percolation area associated with the septic tank within the rear garden area of this house, shall be fenced-off from the remainder of the site, in order to prevent damage to percolation pipes.

**Reason:** In the interest of public health.

6. All existing vehicles, metal and other materials, other than the applicant's personal cars vehicles, shall be removed from the site within six months from the date of this order.

**Reason:** To protect the residential amenity of the adjoining property.

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**Terry Ó Niadh**

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

**Dated this            day of            2019.**