



Planning and Development Acts 2000 to 2019

Planning Authority: Tipperary County Council

Planning Register Reference Number: 19/600555

APPEAL by Christy and Breeda Cormican care of Planning Consultancy Services of Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 22nd day of January, 2020 by Tipperary County Council to grant subject to conditions a permission to Colla McMahon care of Limford Architectural Services of 21 The Orchard, Millersbrook, Nenagh, County Tipperary.

Proposed Development: Construction of a single storey dwellinghouse, domestic garage, road entrance, site specific wastewater treatment system and percolation area to Environmental Protection Agency Guidelines, 2009 and all ancillary site works at Lahesseragh, Coolbawn, Nenagh, County Tipperary. Further public notices were received by the planning authority on the 22nd day of November, 2019 which included the following: Appropriate Assessment Screening and Natura impact statement, revised site layout design, visual impact assessment, landscape plan and report and sightline and road assessment.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. Having regard to the location of the site within a rural area not under urban influence, and to National Policy Objective 19 of the National Planning Framework (February, 2018) which, for rural areas not under urban influence, seeks to facilitate the provision of single housing in the countryside having regard to the viability of smaller towns and rural settlements, it is considered that, having regard to the viability of smaller towns and rural settlements, the proposed development would not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within a 'Designated Primary Amenity Area' as set out in the current development plan for the area, where emphasis is placed on the importance of protecting the visual amenity and the landscape quality and character of the area and, having regard to the importance of Lough Derg as an amenity area, these objectives are considered to be reasonable. Having regard to the pattern of development in the area, the topography of the site and the elevated positioning of the proposed development, together with its design and layout, it is considered that the proposed development would be out of character with the area and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2020.