

An
Bord
Pleanála

Board Order ABP-311303-21

Planning and Development Acts 2000 to 2021

Planning Authority: Tipperary County Council

Planning Register Reference Number: 21/425

Appeal by James Moloney and other residents of Rockfield and Glenconnor Cottages care of 38 Rockfield, Glenconnor, Clonmel, County Tipperary against the decision made on the 13th day of August, 2021 by Tipperary County Council to grant, subject to conditions a permission to Michael Flannery care of Will McGarry and Associates Limited of 15 Mary Street, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development Modify the permitted site layout on planning file reference 17/601007 by removal of the permitted pathway and construction of a boundary fence in its place, all at Ardgeeha, Glenconnor, Clonmel, County Tipperary, as revised by the further public notice received by the planning authority on the 22nd day of July, 2021.

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.

Reasons and Considerations

Having regard to the nature and limited scale of the proposed development, to the planning history pertaining to the site and to the policies and objectives, as set out in the Clonmel and Environs Development Plan 2013, as varied, and having regard to the submissions and the wider documents on file, including the Inspector's report and the assessment carried out by the planning authority, it is considered that the proposed development, subject to compliance with the conditions set out below, would comply with the policies and objectives, as set out in the Clonmel and Environs Development Plan 2013, as varied, and would not have an adverse impact upon the character of the area or the amenities of adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development for the area.

Conditions

1. (a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following condition. Where such condition requires 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.
- (b) This condition is subject to the terms and conditions of the relevant history permissions on this site including An Bord Pleanála Reference Number PL 92.245816 and Tipperary County Council Planning Register Reference Number 17/601007, except where altered by the particulars of the current application and the condition set out below.

Reason: In the interest of clarity.

2. (a) The proposed fence line shall be relocated to the southern side of the pathway line demarcated on Site Layout Plan PD-201. The area demarcated as a previously permitted pathway on the above referenced drawing shall remain free of any development and planting.
- (b) The boundary at the southern/southwestern end of the site where the previously permitted pathway terminates shall be constructed in a manner that it can be opened to allow pedestrian movement. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: To reflect the pathway committed to in the previously permitted development and to protect the amenities of the area.

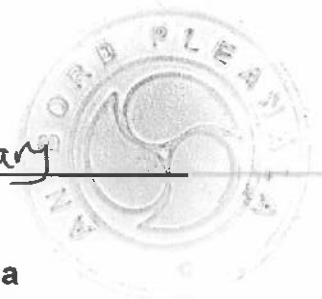
In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the concerns raised by the Inspector with regard to the loss of a permitted pathway and considered, having regard to the attachment of condition number two, similar to that attached by the planning authority in its decision to grant permission, that the pathway and associated pedestrian connectivity would not be lost and the proposed development (subject to compliance with condition number two) would not be injurious to the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 16 day of December 2022.