



An  
Bord  
Pleanála

Board Order  
ABP-313291-22

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 22/61**

**Appeal** by Michael and Mary Maher care of Will McGarry and Associates of 15 Mary Street, Clonmel, County Tipperary against the decision made on the 16<sup>th</sup> day of March, 2022 by Tipperary County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a detached dwelling in addition to the six number dwellings granted under planning register reference number 20/1147 and all associated site works at Drangan, Thurles, 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.**

## Reasons and Considerations

Having regard to the planning history and the residential land use that applies to the site under the Tipperary County Development Plan 2022 - 2028, under which residential development is acceptable, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the character of the area and would not seriously injure the residential amenities of property in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted condition 1 (c) of planning authority's decision under planning register reference number 20/1147, the Board considered that this condition provided for a different access and in-curtilage carparking arrangement to that shown in the current application, the details of which were to be submitted for the written agreement of the planning authority prior to commencement of development. Having considered the reports on file, in particular the report from the District Engineer dated the 23<sup>rd</sup> day of February, 2022, the Board considered the permitted access arrangement to be a more appropriate design solution having regard to traffic safety.

For the avoidance of doubt this permission is for an additional unit only and does not amend the access or parking arrangements permitted under planning register reference number 20/1147.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 12<sup>th</sup> day of April, 2022, 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 approved house shall not be occupied prior to the completion of works associated with planning register reference number 20/1147, including the site access arrangements, footpaths, public open space and landscaping, street lighting, boundary treatments, parking and underground services, including surface water drainage.

For the avoidance of doubt, the access and parking arrangements shall be as permitted under planning register reference number 20/1147, and compliance drawings required by condition number 1(c) of that decision and not Drawing Reference Number PD-002.

**Reason:** In the interests of orderly development and traffic safety.

3. (a) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The first-floor window at the stairwell in the side elevation shall be obscure glass only.

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

4. Boundary types shall be as per the details submitted on the Site Layout Plan (Drawing Number PD-002 dated the 26<sup>th</sup> of January, 2022). Boundary walls shall be fully capped and dashed/plastered and shall match those permitted under planning register reference number 20/1147.

**Reason:** In the interests of clarity and residential amenity.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water).

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

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. This shall include the removal and relocation of the existing pylon from the site boundaries.

**Reason:** In the interests of orderly development and the visual amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management and noise reduction measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. This shall include a contribution of €6,000 in lieu of 2 parking spaces. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

  
\_\_\_\_\_  
**Mary Henchy**

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

Dated this 21<sup>st</sup> day of July 2023.