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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 2360069**

**Appeal** by Seán and Aimee O'Connell care of OBB Consulting Engineers Limited of O'Brien's Bridge, County Clare against the decision made on the 5<sup>th</sup> day of May, 2023 by Tipperary County Council to grant subject to conditions a permission to Alex and Melanie Schregardus care of Martin Shinnors of Albany House, Summerhill, Nenagh, County Tipperary in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of position of existing house on site as an amendment to the original planning permission Reference Number 03510887, all at Ard Rí, Boru Court, Ballina, 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 nature and location of the proposed development and to the pattern of development in the vicinity, it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential amenity of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars submitted with the planning application, as amended by the further plans and particulars submitted on the 11<sup>th</sup> day of April, 2023 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 within one month of the date of this permission and the development shall be retained and completed in accordance with the agreed particulars.

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

2. A revised landscape plan together with an accompanying planting schedule shall be submitted within one month of the date of this Order and shall be subject to the written agreement of the planning authority. The scheme shall provide for soft landscaping along the western boundary. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the landscaping, 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 the interests of residential and visual amenity.

3. All surface water run-off from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site by means of soakaways designed in accordance with BRE 365 Standards. Surface water run-off shall not be allowed to discharge onto the public road or adjoining properties.

**Reason:** To avoid interference with other properties and to prevent damage to the public road with consequent traffic hazard.

4. A design element shall be agreed with the planning authority and affixed to the rear facing dormer windows that will restrict views back towards the appellants' house in order to prevent overlooking. In the event that such a design element is not agreed then the rear facing dormer windows shall be permanently affixed with obscure glazing.

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

  

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**Liam Bergin**

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

**Dated this 25 day of September 2023.**