



An
Bord
Pleanála

Board Order ABP-320152-24

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 24/30

Appeal by Joseph and Elaine Broderick care of Áine Ryan Consulting of 29 Rath Uillórd, Bonnettsrath Road, Kilkenny against the decision made on the 17th day of June, 2024 by Tipperary County Council to grant subject to conditions a permission to Robert and Ciara Hannon care of B.M. Architectural Design Limited of Rathronan, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwellinghouse, separate domestic garage, septic tank with percolation area, block up and relocate an existing entrance to create a new recessed entrance, plus all associated site works, all at Rathronan, Clonmel, County Tipperary, as amended by the further public notices received by the planning authority on the 23rd day of May, 2024.

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 provisions of the Tipperary County Development Plan 2022-2028 and the Clonmel and Environs Local Area Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or character of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 the planning authority on the 17th day of April, 2024 and the 10th day of May, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling when completed shall be first occupied as a place of permanent residence by the applicant and shall remain so occupied for a period of at least seven years thereafter.
- (b) Within two months of the occupation of the proposed dwelling, a written statement of confirmation of the first occupation of the dwelling shall be submitted to the planning authority in accordance with paragraph (a) and the date of such occupation.
- (c) This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale.

Reason: To ensure to ensure that development in this rural area is appropriately restricted to meeting essential social and economic need in the interest of the proper planning and sustainable development of the area.

3. (a) The external finishes of the proposed dwelling and garage shall be in accordance with those indicated on the submitted plans.
- (b) The colour of the roof slates shall be dark in colour.
- (c) Facing material shall be neutral in colour and texture and render finishes shall be painted or pigmented prior to occupation.
- (d) Local stone only shall be used on the elevations as indicated.

Reason: In the interest of visual amenity.

4. The proposed garage shall be used for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any residential, commercial or industrial purpose.

Reason: In order to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

5. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a landscaping plan which provides details of the planting of native hedging on the site boundaries to the north (behind sightline triangle) and east.

Reason: In the interest of visual amenity and to promote biodiversity.

6. (a) Sightlines shall be taken from a point 2.4 metres back from the road edge at the centre of the proposed access to a point 98 metres to the west and 70 metres to the east, at the nearside road edge. The sightlines shall be demonstrated on-site and agreed in writing with the planning authority prior to commencement of development. Once agreed, all hedges and trees within the sight triangle shall be set back behind same and the existing bank shall be reduced as per the Site Layout Plan received by the planning authority on the 17th day of April, 2024. Sightlines shall be delivered prior to further works taking place on site.

- (b) Where roadside boundary is removed, a new roadside boundary shall be put in place (behind sightline triangle) which shall comprise an earthen bank to a consolidated height of 1.2 metres which shall be planted with shrubs suitable for hedging and common to the locality (e.g. holly, hawthorn, blackthorn, ash, elder, bramble etc.). All landscaping and planting shall take place in the first planting season following occupation of the dwellinghouse. Details of the proposed roadside boundary treatment shall be included in the landscaping details to be submitted to the planning authority.

- (c) ESB, telecom poles or services connections on the roadside shall be removed and either setback to the new fence line or laid underground in agreement with the service provider.
- (d) The area between the road boundary and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and, thereafter, maintained without obstruction.

Reason: In the interest of traffic safety and in the interest of visual amenity.

- 7. (a) The vehicular access shall be recessed six metres from the existing roadside boundary and shall have a minimum width of three metres at the inside piers increasing via splay walls to a maximum opening of 13 metres at the existing roadside boundary. The height of the splay walls shall not exceed 1.2 metres and shall not impede the required sightline. At the entrance, a drainage kerb/cattle grid or approved equivalent surface water cut-off drain shall be set back a minimum distance of three metres behind the roadside boundary, the surface level of which shall be a minimum of 100 millimetres below the level of the edge of the adjacent public road and it shall discharge to a stone filled sump located within the site.
- (b) The access, driveway and hard surfaced areas within the site shall be surfaced using permeable finishes.
- (c) Wing walls shall be of sod and stone, stone-faced masonry or dry-stone masonry.

Reason: In the interest of traffic safety and visual amenity.

- 8. The developer shall enter into a water connection agreement with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

9. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency, 2021'.
- (b) The location, construction and commissioning of the proposed treatment system shall be supervised by a Civil Engineer or appropriately qualified individual, who upon completion of works/commissioning shall submit to the planning authority certification (to include photographs) that the system has been laid out and constructed in accordance with the 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency, 2021', within three months of installation.
- (c) The developer shall be responsible for the maintenance of the treatment system.

Reason: In the interest of public health and environmental protection.

10. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. All service cables associated with the proposed development (such as electrical, television and telephone cables) shall be run in underground ducts.

Reason: To preserve the visual amenities of the area.

12. (a) The developer shall ensure that all demolition/construction works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.
- (b) The developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a clean, tidy and safe condition. Any damage to or interference with the roadside drainage shall be made good without delay at the developer's expense to the satisfaction of the planning authority.
- (c) Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 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 amenities of property in the vicinity.

13. 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. 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.



Liam Bergin

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

Dated this 19th day of December 2024.