

An
Coimisiún
Pleanála

Commission Order
ACP-323163-25

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2460864

Appeal by Siobhan Harrahill against the decision made on the 2nd day of July, 2025 by Tipperary County Council to grant, subject to conditions, a permission to Marty Properties Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain the construction of a block wall to the north of existing open yard to subdivide the yard from existing properties and provision of a pedestrian door way to the rear yard of property numbers 26A, 27C, 28, 29A and 33 Sarsfield Street. Retain the clearing of overgrown vegetation from existing large open yard and installation of 50 millimetres layer of blinding over existing hardcore, retain a single storey extension to the rear of existing house number 28, retain a single storey extension to the rear of existing house number 29A, retain two storey extension to the rear of house number 27 (now known as 27A) consisting of two apartments – one at ground floor level (27C) and one at first floor level (27B) which are both accessed off existing pedestrian accessway serving the development, retain installation of pole with CCTV mounted camera covering existing pedestrian access and open yard, retain the construction of three number garden sheds together with

together with all associated site works at existing large open yard adjacent to Johns Lane Public Car Park at 26A, 27A, 27B, 27C, 28, 29A and 33 Sarsfield Street, Nenagh, County Tipperary, as amended by the further public notices received by the planning authority on the 11th day of June, 2025.

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 of the development, the existing residential use on the site, the design, nature and scale of the proposed development and the pattern and character of development in the vicinity and to the provisions of the Nenagh and Environs Development Plan 2024-2030 and the Tipperary Sustainable Residential Development and Compact Guidelines for Planning Authorities issued by Department of Housing, Local Government and Heritage in 2024, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property 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 development shall be retained, 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 13th day of May, 2025 and further by the plans and particulars received by the Commission on the 24th day of February 2026, in response to the section 132 notice, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) The 'bolt on' balcony and associated alterations to the rear elevation, and the wall dividing the private open space between units 27B and 27C, shall be omitted from this grant of planning permission.
 - (b) The 'undivided' private open space shall be allocated to unit 27C.
 - (c) The rear boundary line shown on Plan PO1 B (in response to the section 132 notice) received on the 24th day of February 2026, indicating the pedestrian access to the rear of the new walls, shall be extended across the site in a straight line, from the side boundary behind the private open space of unit 26 (shown within the redline) to the eastern site boundary.
 - (d) The resulting space to accommodate additional sheds/storage and communal open space for all permitted units.

- (e) Site plans showing the above amendments (a-e), allocations and landscaping of the communal area and boundaries shall be submitted to the planning authority for agreement, within three months of the date of this Order.
- (f) The development shall provide for revised daylight provision for property number 29A by the provision of a rooflight as indicated on drawing ACP04 received by An Coimisiún Pleanála on the 24th day of February, 2026.

Reason: To clarify the terms of the permission, to provide an improved level of residential amenity for occupants and in the interest of proper planning and sustainable development.

- 3. The garden sheds hereby permitted shall be used solely for the purposes detailed in the approved plans and particulars. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, no change of use shall take place without a prior grant of planning permission.

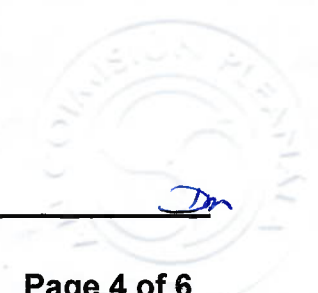
Reason: In the interest of the proper planning and sustainable development.

- 4. Water supply and drainage arrangements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

- 5. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.



6.
 - (a) The lighting as indicated on the submitted drawings shall be directed downwards and the direction and intensity shall be adjusted to comply with the requirements of the planning authority.
 - (b) The developer shall provide directional hoods or other cut-off devices to ensure that the lights do not shine onto adjoining properties, nor shine so as to provide a hazard to users of the road.
 - (c) In the event that the planning authority identifies concerns in relation to light spillage, the planning authority may request the carrying out of a survey, by a suitably qualified person, of light emanating from the lights permitted by this permission. In the event that it is found that the lighting is resulting in an unacceptable nuisance, the operator of the facility shall take such steps as are required to adequately address issued identified.

Reason: In the interest of traffic safety and in the interest of the proper planning and sustainable development.

7. The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage areas on the application site.

Reason: In the interest of clarity and in the interest of visual amenity.

8. 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 within three months of the date of this Order 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 Coimisiún 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.



Declan Moore

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this *25th* day of *JUNE* 2026.

