

An
Coimisiún
Pleanála

Commission Order
PL-500235-TY-25

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2461152

Appeal by Ralph and Jane Gill against the decision made on the 2nd day of October 2025 by Tipperary County Council to grant, subject to conditions, a permission to Simon and Merle Phelan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Works to include an extension to the side of dwelling house with minor alterations to existing elevations, an extension to garage, a new vehicular entrance and access drive and to reduce the existing vehicular entrance to form a pedestrian entrance with all other associated site works at Roosca, Cahir, County Tipperary as amended by the further public notices received by the planning authority on the 5th day of September 2025.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. (a) Existing on-site wastewater treatment system: Section 4.12 'Domestic Extensions' of Volume 3 Appendix 6 of the Tipperary County Development Plan 2022-2028 requires, inter alia, that where an extension to an existing dwelling is proposed, and where the extension increase the potential occupancy of the dwelling, the applicant shall demonstrate that the existing on-site wastewater treatment system complies with the standards of the Environmental Protection Agency (EPA) Code of Practice for Domestic Wastewater Treatment Systems (EPA 2021). Having regard to the proposed significant increase in the floor area to the existing dwelling, which increases its potential occupancy, and also having regard to the insufficient information submitted at application stage and in response to the grounds of appeal as to the suitability and ability of the existing on-site wastewater treatment system to serve the enlarged dwelling on the site, it is considered that that the proposed development served off the existing wastewater treatment system would pose an unacceptable risk to public health and the receiving environment, including risk to the regionally important aquifer of extreme vulnerability, and fails to comply with the above-mentioned section 4.12 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- (b) Proposed new on-site wastewater treatment system: Having regard to the insufficient and incomplete information submitted at application stage (further information stage) in relation to the site characterisation, the applicants have failed to demonstrate that the proposed wastewater treatment system complies with the standards of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA 2021). It is therefore considered that the proposed development would pose an unacceptable risk to public

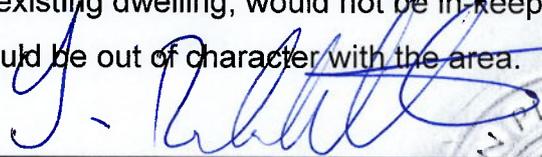
health and the receiving environment, including risk to the regionally important aquifer of extreme vulnerability. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale, height and massing of the proposed two-storey extension relative to the existing single-storey dwelling on the site, and also having regard to the elevational treatment that includes windows that do not reflect the proportions of the window openings in the existing dwelling, it is considered that the proposed extension is not subordinate to the main dwelling in either scale or design, and fails to appropriately integrate with the primary dwelling, as is required under section 4.12 'Domestic Extensions' of Volume 3 Appendix 6 of the Tipperary County Development Plan 2022-2028. The proposed development would be out of character with the existing dwelling on the site and would detract from the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission subject to conditions, the Commission was not satisfied that the existing on-site wastewater treatment system can comply with the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA 2021) and therefore, was not satisfied that the Inspector's recommended condition number 6 is enforceable. The Commission considered that there was insufficient information submitted at application stage and in the response to the grounds of appeal in relation to this existing on-site treatment system which, it appears, is over 50 years old. The proposed increase in the dwelling's floor area is considered significant and increases the occupancy potential of the dwelling. The Commission was not satisfied that the applicants had demonstrated that the existing treatment system can serve the proposed development, which is required for compliance with the EPA Code of Practice. The Commission

considered that the proposed development would pose an unacceptable risk to public health and the environment, and these matters could not be addressed by way of condition. Furthermore, the Commission agreed with the concerns expressed in the planning authority's Environment Section Memo (dated 30/09/2025), in relation to the proposed new on-site wastewater treatment system, regarding the lack of baseline information on whether the site can assimilate the wastewater loadings. The Commission further agrees with the Environment Section that there is a high risk to groundwater which is a regionally important aquifer with extreme vulnerability. The Commission agreed with the planning authority's decision to refuse permission for this part of the proposed development.

The Commission did not agree with the Inspector with regards to the design of the extension. The Commission considered that the design of the two-storey extension relative to the cottage on the site failed to appropriately integrate with the existing dwelling, the Commission also considered that other aspects of the design of the extension, including treatment of the proposed fenestration, did not have due regard to the elevational treatment of the existing dwelling. In that regard, the proposed extension failed to meet a number of the guidelines for the design of domestic extensions as provided at section 4.12 of Volume 3 Appendix 6 of the Tipperary County Development Plan 2022-2028. The Commission agreed with the appellant's observations that the extension would dwarf the existing dwelling, would not be in keeping with the style of the cottage and would be out of character with the area.



Tom Rabbette

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 2nd day of MARCH 2026