



An
Bord
Pleanála

Inspector's Report PL92.248045

Development	Demolition of domestic garage, construction of a vehicular entrance / workshop, with storage and recreational area above new structure.
Location	2 Connolly Park, Clonmel. Co Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	16601093.
Applicant(s)	Noreen and Gerard O Mahoney.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Kieran Ryan
Date of Site Inspection	26 th April 2017
Inspector	Brid Maxwell.

1.0 **Site Location and Description**

1.1. The appeal site has a stated area of 288 square metres and comprises a terraced dwelling site fronting onto Western Road in Clonmel, Co Tipperary. The site lies to the north of St Stephen's Cemetery and the rear of the residential property is accessed via a laneway eastwards off St Stephen's Place.

2.0 **Proposed Development**

2.1 The application involves permission for the demolition of an existing domestic garage of 25.63 sq.m and permission to construct a vehicular entrance, a workshop with storage and recreational area above (52.76 sq.m) and all associated site works.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission and applied 7 conditions which included the following of particular note.

Condition 1b. Permission is not granted for the first floor window on the south gable elevation. The window and ope shall be omitted.

Condition 2. Development to be used for purposes incidental to the enjoyment of the dwelling and shall not be used for any residential, commercial or industrial purpose.

Condition 7. Archaeological monitoring of topsoil stripping and ground disturbance.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Local Authority Planner's report notes no objection to the proposal subject to use for domestic purposes and omission of window to southern gable. Overlooking, overbearing and overshadowing are not envisaged having regard to site topography.

3.3. Third Party Observations

Submission from Kieran Ryan, the appellant, objects on grounds of adverse impact on residential amenity by reason of noise disturbance, overlooking, loss of privacy and overshadowing. Security cameras are an invasion of privacy.

4.0 Planning History

05/550075 Permission granted for retention of vehicular entrance.

Adjoining

10/550043 Permission for construction of domestic garage in the rear garden (b) existing side (car) entrance to be relocated to the front of the propose garage, remove existing garage and part of the boundary wall and all associated site works.

5.0 Policy Context

5.1. Development Plan

The Clonmel and Environs Development Plan 2013 refers. The site is zoned “existing residential” the relevant objective is “To preserve and enhance existing residential amenity including avoiding excessive overlooking, reduction in general safety and the reduction in the general usability and security of existing public and private open space.

The site is within a zone of archaeological interest and adjacent to St Stephen’s Graveyard which is on the record of protected structures RPS 287 “Detached church, pre 1700, in ruinous condition; graveyard with eighteenth and nineteenth century gravestones” and RPS 288 “Graveyard with headstones from eighteenth and nineteenth century”.

5.2. Natural Heritage Designations

The site is within 220m of the Lower River Suir SAC

Other Natura 2000 sites within 15km of the site are the Nier Valley Woodlands SAC and Comeragh Mountains SAC.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal is submitted by Kieran Ryan, 1 Connolly Park. Grounds of appeal are summarised as follows:

- On basis of reference to a workshop within application, application should have been assessed as a commercial development.
- Details of intended use unclear.
- Potential for noise and other nuisance arising.
- Access road inadequate to accommodate proposal.
- Single storey structure only is appropriate.
- Proposal will give rise to significant visual impact.
- Fire safety, waste management issues.
- Negative impact on privacy.

6.2. **Applicant Response**

The response by Damien Hyland on behalf of the first party is summarised as follows:

- The term workshop refers to a domestic workshop for the purpose of facilitating the woodwork hobby. No intended commercial use.
- Scale of proposal is appropriate.
- Cameras are provided on the site for security purposes.

6.3. **Planning Authority Response**

The Planning Authority response to the appeal was received outside the appropriate period.

7.0 Assessment

- 7.1. From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the key focus for assessment relates to the use of the proposed structure and its visual impact and impact on the residential and other amenities of the area.
- 7.2 The proposed garage has a similar footprint to the existing garage structure proposed for demolition however it extends to a ridge height of 5.7m. while the existing structure is 3.8m in height. I consider that having regard to the topography and character of the site, as illustrated on Section Drawing No 3, the structure can be assimilated into the site without significant visual impact. I would tend to concur with the local authority assessment that the impact on established residential amenity will not be significant. As regards the proposed first floor level window to the southern gable elevation, I consider that as this overlooks the laneway and St Stephen's graveyard its omission is not necessary in the interest of protecting residential amenity. Indeed, I consider that the provision of perceived passive surveillance is positive in this context.
- 7.3 The application outlines that the structure is intended for the purposes of facilitating the hobby of the First Party that being woodwork and not for commercial purposes. I consider that subject to this use the proposal will not give rise to undue impact on amenity in terms of noise or other impacts. I conclude that having regard to the size and layout of the site, scale and proposed use of the structure the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area. The level of traffic movement arising is not significant and in my view will not give rise to traffic hazard. Issues raised in submission of the third party regarding prevent use of security cameras are not relevant to the consideration of the appeal proposal.
- 7.4 As regards the issue of Appropriate Assessment I note that the site is within the drainage catchment and within 220m of the Lower River Suir SAC 002137. Having regard to the nature and scale of the proposed development and nature of the receiving environment, no appropriate assessment issues arise and it is not

considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

REASONS AND CONSIDERATIONS

Having regard to the pattern of development in the area, the design and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The garage shall be used for purposes ancillary to the enjoyment of the dwellinghouse as such.

Reason: In the interest of residential amenity.

3. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

4. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall
 - (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) Employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) The nature and location of archaeological material on the site
- (ii) The impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority and arising from this assessment, the developer shall agree in writing with the planning authority such details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination/

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in situ or by record) and protection of any archaeological remains that may exist within the site,

Brid Maxwell
Planning Inspector

15th May 2017