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Bord  
Pleanála

## Inspector's Report PL92.248126

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<b>Development</b>	Permission to retain: <ol style="list-style-type: none"><li>1. As built block and plastered domestic garage</li><li>2. As built timber framed and latted store / shed.</li></ol> All associated site works.
<b>Location</b>	Giantsgrave, Clonmel, Co Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	16600920.
<b>Applicant(s)</b>	Mary O Mahoney.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Liam and Philomena Walsh
<b>Date of Site Inspection</b>	26 <sup>th</sup> April 2017
<b>Inspector</b>	Bríd Maxwell.

## 1.0 **Site Location and Description**

- 1.1. The appeal site has a stated area of 0.2126 hectares and comprises a dwelling site fronting onto the R688 approximately 3km to the northwest of Clonmel, Co Tipperary. The site lies within an extensive and continuous line of ribbon development comprising of houses of varied style and design fronting onto the western side of the regional road and continuing along a local road which branches off approximately 60m to the north of the appeal site. The appeal site is occupied by a dormer type dwelling house and to its rear the two structures proposed for retention described as a garage and timber framed store / she. Site boundaries are defined by a mix of hedging, trees and fencing.
- 1.2. On the opposite side of the R688 to the east within the townland of Rathduff Lower is Recorded Monument TS077-077 Ringfort Rath.

## 2.0 **Proposed Development**

- 2.1 The application involves permission for retention of the as built block and plastered domestic garage (22.2m<sup>2</sup>) and timber framed and latted store shed (33.m<sup>2</sup>) and all associated site works.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Following a request for additional information and clarification of additional information in respect of the wastewater treatment system the Planning Authority decided to grant permission and applied 4 conditions which included the following of particular note.

Condition 2. Within 4 weeks of notification of decision to grant permission northern pipe outlet from the inspection manhole shall be blocked and sealed in accordance with details to be agreed in writing. Works to be supervised by appropriately qualified civil engineer and certification to be provided.

Condition 4. Garage to be used for purposes incidental to the enjoyment of the dwelling house and not for residential, commercial or industrial purposes.

#### 3.1.1. Planning Reports

The Local Authority Planner's final report noted that the wastewater treatment system details are satisfactory. Use of shed shall be restricted by condition.

#### 3.2. **Third Party Observations**

Submission from Tom Flynn, Consulting Engineer on behalf of the appellants, who reside in the neighbouring dwelling to the north of the appeal site. The submission outlines objection on grounds of adverse impact on residential amenity by reason of obstruction of views, overlooking and overshadowing. The design is deemed to be out of character. Surface water run-off arising increases potential for waterlogging on public road. The structure infringes on septic tank and health and safety risk arising from wandering animals are outlined.

#### 4.0 **Planning History**

**PL 04/703** Permission granted for a dormer dwelling site entrance to be utilised in conjunction with the adjacent dwelling. Enviropak effluent treatment system and to provide new septic tank and percolation area to adjoining dwelling. The permission was granted further to material contravention by resolution of South Tipperary County Council. The permission was subject to 27 conditions.

**PL04/706** Permission to retain temporary parking and use of a mobile home. Permission was granted subject to 5 conditions. Condition 2 restricted permission to 1 year.

**TID 16-132** Warning Letter issued 7<sup>th</sup> September 2016 regarding construction of detached timber garage / store on site.

## 5.0 Policy Context

### 5.1. Development Plan

The Clonmel and Environs Development Plan 2013 refers. The site is zoned 'Environs'. The objective is to protect lands for the future expansion of Clonmel.

### 5.2. Natural Heritage Designations

The site is approximately 3.7km from 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 Liam and Philomena Walsh, residents of the adjacent dwelling site to the north. Grounds of appeal are summarised as follows:

- Garage / shed proposed for retention is similar in size nature to mobile home conditioned for removal by virtue of permission 04/703.
- East facing windows overlook appellant's private garden.
- Impact on light.
- External finishes are out of character.
- Height of storage shed significant given location on elevated ground.
- Site suitability for effluent treatment system has not been demonstrated.
- Waterlogging on the public road may be exacerbated. No detail in terms of surface water disposal.
- Health and safety risk arising from wandering animals.

- Development has an adverse impact on the character and amenities of the area and the adjoining property in contravention of the Clonmel and Environs Development Plan 2014 and South Tipperary Rural Design Guide.

## 6.2. Applicant Response

The first party response notes schedule one of Council's notification indicating that the development complies with the policies and objectives of the Clonmel and Environs Development Plan 2013, and does not adversely impact on the character of the area or amenities of adjoining properties.

## 6.3 Planning Authority Response

The Planning Authority response notes that the development proposed for retention was assessed on its merits. The shed has negligible overlooking impacts which can be addressed by additional planting. Overshadowing is not an issue. Location of shed is unobtrusive and it is not visible from the public road. As regards the wastewater treatment system the planning authority note that the as constructed percolation area is in excess of the requirements and the cancellation of the northern run is acceptable. Surface water can be accommodated by on site soakways. Wandering dogs are not a planning issue, The Planning Authority request the Board to uphold the decision to grant permission to retain the structures.

## 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 principle and use of the proposed structures and their visual impact and impact on the residential and other amenities of the area. The matter of the on-site wastewater treatment system also needs to be addressed.
- 7.2 I acknowledge the third party submissions in regard to the planning history on the site, in particular conditions requiring the removal of temporary or unauthorised

structures offsite however I consider that the development proposed for retention should be assessed on its own merit. The garage proposed for retention is of standard design extending to 22sq m and is tucked to the rear of the dwelling and stepped back 3m from the northern site boundary. The structure is of standard block construction with a slated pitched roof. The third party appellant raises no specific concerns in respect of this structure and I see no particular issues arising. As regards the timber framed store / shed I note that whilst it is on elevated ground and is not a standard garage / store structure it is stepped back 5m from the northern boundary and is relatively inconspicuous in this location. There are no windows on the northern elevation and the boundary hedge / trees provides that significant overlooking of the adjacent dwelling site is not plausible. Furthermore, there is no significant impact in terms of overshadowing and its visual impact can be addressed by further landscaping. I consider that subject to use as domestic shed / store the proposal will not give rise to undue impact on amenity in terms of noise or other impacts.

7.3 As regards the wastewater treatment system I note that details outline that the dwelling is served by a *Klargester* Packaged Treatment System consisting of a tank, an aeration system and pump. In the construction of the system a total of 108 linear metres of percolation trenching was provided. This is in excess of the requirement under the EPA Code of Practice and based on the suite suitability assessment carried out at the time of the original application and theoretical dwelling occupancy. As the timber framed and clad store was constructed over one run of 36m percolation trench, it is now proposed to decommission this length of percolation trenching. I consider that this proposal is satisfactory and these works should be carried out under the supervision of a suitably qualified person. I consider that the issues of surface water run-off can be addressed by way of on-site soakways. I conclude that having regard to the size and layout of the site, and subject to the use of the structures as ancillary to the use of the dwellinghouse as such the development proposed for retention would not seriously injure subject to 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.

- 7.4 As regards the issue of Appropriate Assessment having regard to the nature and scale of the development proposed for retention 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 development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention 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 proposed for retention shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted on 13<sup>th</sup> January 2017 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 and shed /store shall be used for purposes ancillary to the enjoyment of the dwelling house as such and not for human habitation.

**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. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

5. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This scheme shall include the following:
  - (i) the establishment of a hedgerow along all side and rear boundaries of the site.

Any plants which die are removed or become seriously damaged or diseased within a period of 5 years from the completion of the development, 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 order to screen the development and assimilate it into the surrounding rural landscape in the interest of visual amenity.

6. Within 4 weeks of the date of permission, the northernmost percolation trench shall be decommissioned. The works shall be supervised by a suitably qualified person. Within two months of the permission the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system is working in a satisfactory manner in accordance with the standards set out in the



document "Wastewater Treatment Manual: Treatment Systems for Single Houses" EPA 2009.

Reason: In the interest of public health.

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Brid Maxwell  
Planning Inspector  
29<sup>th</sup> May 2017