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## Inspector's Report ABP – 300065-17.

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<b>Development</b>	Retention for the revised location on site from that of an existing timber framed and latted store / shed including all associated site works.
<b>Location</b>	Giantsgrave Clonmel, Co Tipperary
<b>Planning Authority</b>	Tipperary County Council.
<b>Planning Authority Reg. Ref.</b>	17/600897
<b>Applicant(s)</b>	Mary O Mahoney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission subject to conditions.
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v Permission
<b>Appellant(s)</b>	Liam & Philomena Walsh
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> January 2018.
<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 two structures a garage and timber framed store / shed (subject to application for retention). 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 seeks permission for retention of an existing timber framed and latted store / shed 33.6m<sup>2</sup> at a revised location on the site and all associated site works. The proposal involves relocation of the shed approximately 11m west on the site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 2 October 2017 Tipperary County Council issued its decision to grant permission for retention and 4 conditions were attached which included the following of particular note.

Condition 1. Shed to be relocated within 6 weeks of permission.

Condition 2. Surface water to be disposed of within the curtilage of the site by means of soakpits of suitable design.

Condition 3. Shed to be used for purposes incidental to the enjoyment of the dwelling house as such and not for residential, commercial or industrial purposes.

Condition 4. A 1:500 scale planting plan together with an accompanying planting schedule shall be subject to the written agreement of the planning authority within 3 weeks of the 3 weeks of permission.

#### 3.1.1. Planning Reports

The Local Authority Planner's report notes that the revised location increases separation distance to adjacent dwelling and recommends permission subject to conditions.

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

Submission from the appellants, who reside in the neighbouring dwelling to the north of the appeal site outline objection on grounds of adverse impact on residential amenity by reason of negative visual impact. Note that retention of structure was rejected by Board PL92.248126. The structure comprises a mobile is visually obtrusive and out of character. Waterlogging on the public road is a significant issue.

#### 4.0 **Planning History**

**PL952.248126 Split decision.** Board granted permission for retention of an as built block and plastered domestic garage and associated site works and refused permission for the as built timber framed and latted store / shed. Refusal was on the grounds that the store / shed was deemed visually obtrusive and injurious to the visual amenities of adjoining property and on ground of its location in proximity to the percolation area and wastewater treatment unit.

**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:

- Retention of the structure previously refused by the Board on grounds of visual amenity and prejudice to public health based on proximity to percolation area.
- Proposed relocation would be render the structure more visually obtrusive and injurious to their property.
- Relocated structure remains too close to wastewater treatment unit percolation area.

- Stormwater run-off is problematic. Waterlogging on public road will be exacerbated resulting in traffic hazard.
- Garage / shed proposed for retention is designed and intended for residential, commercial or industrial purposes which is not in the interest of proper planning and development.
- 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.
- Impact on Conmel environs Regional Water Supply scheme.
- 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 responses assert that it is the intention to ensure that the shed is not visually obtrusive therefore it is proposed to relocate and reduce the ground level by 500mm. Shed is over 36 metres away.

Proposal is to plant indigenous species and hedging to the north and west boundaries.

Proposed revised location is away from percolation area.

Photos showing flooding on public road are over 8 years old. Measures implemented on site to prevent surface water runoff to road.

Structure is not intended for use as a mobile home. The intended use is for storage of garden maintenance equipment and outdoor toys.

### **6.3 Planning Authority Response**

The Planning Authority consider that the proposed development would not be visually obtrusive, would not injure adjoining residential amenity and would not impact on the wastewater disposal system on site. The use of planting to provide screening is a commonplace arrangement. Matter of drainage on the public road is a separate matter to the proposal. The application site has adequate drainage infrastructure to prevent surface water draining onto the public road. Conditions attached to 04/703 and 04/706 are not relevant to the proposal.

### **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 visual impact of the structure proposed for retention and impact on the residential and other amenities of the area.
- 7.2 I have noted the planning history on the site and in particular the Board's recent refusal of permission for retention of the structure on site on the basis of its impact on the residential amenity of the adjacent dwelling and unacceptable proximity to the percolation area and waste water treatment system. To address this decision, the first party now proposes to relocate the structure approximately 11m towards the western / rear boundary of the site. Ground level at the revised location is proposed to be reduced by 500mm to mitigate visual impact. It is proposed to provide for landscaping with indigenous species along the side and rear boundaries of the site. I consider that the revised location of the structure will reduce visual impact to an acceptable degree. There are no windows on the northern elevation of the structure and the proposed boundary hedge / trees will ensure that overlooking of the adjacent dwelling site will not be possible. Given the separation distance of approximately 35m from the adjacent dwellinghouse, I consider that the revised location will further mitigate visual impact. I note that the appellants have suggested that the use of the structure is for residential, commercial or industrial purposes however the first party has indicated that the proposed use is for storage of garden equipment and

children's outdoor toys. 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 I consider that the issues of surface water run-off can be addressed by way of on-site soakways. As regards impact on wastewater treatment system and percolation area I note that the revised location will not impact on the system. I conclude that having regard to the size and layout of the site, and subject to the use of the structure as ancillary to the use of the dwellinghouse as such, the development proposed for retention in its revised location 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.

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 and relocation, 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, 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. Within 6 weeks of the e date of permission, the shed / store shall relocated to its revised position on the site.

**Reason:** In the interest of visual amenity.

- 3 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.

4. 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.

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

**Reason:** In the interest of traffic safety.

6. 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.

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Brid Maxwell

Planning Inspector

25<sup>th</sup> January 2018.