



An
Bord
Pleanála

Inspector's Report ABP-302672-18

Development	Construction of a new dwelling-house, with access via existing entrance and driveway, and all ancillary site works.
Location	Reardnogy More, Rearcross, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	18600898
Applicant(s)	Phyllis Ryan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Phyllis Ryan
Observer(s)	None
Date of Site Inspection	6 th December 2018
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.068ha, is located within the village of Rearcross, in west Co. Tipperary. The site comprises grassed lawn – the level of which rises gently from west to east. Access to the site is from a shared driveway with a splayed access to the Shanbally road (L2115). The 50kph speed restriction applies on this road. Sight distance in both directions is somewhat restricted by pillars. There is a footpath on the opposite side of the road only, and there is no public lighting.
- 1.2. To the northeast, the site abuts a telecommunications service building – the boundary with which is a 1.6m high concrete block wall (uncapped and unplastered). To the east, the site abuts the curtilage of a pair of recently-constructed, part-two- and part-three-storey residential units – the boundary with which is a 1.6m high concrete block wall (uncapped and unplastered). To the south, the site abuts a private, cul-de-sac access road serving as rear access to three residential properties to the east (with main access from the R503 Anglesey Road) – the boundary with which is the carriageway edge. To the northwest, the site abuts commercial premises (creche) – the boundary with which is a 1.2m high timber post & rail fence on steeply-rising ground. There is a two-storey house immediately to the south, on the L2115. The level of the site is considerably above the level of this house.

2.0 Proposed Development

- 2.1. Permission sought on 13th July 2018, to construct a single-storey house of 50m². It is proposed to connect to the public watermains and the public foul sewer. Surface water is to be discharged to a soakway.
- 2.2. The application is accompanied by a letter from the applicant's son, the landowner – consenting to the making of the planning application. Right-of-way to access to the site will also be granted.

3.0 Planning Authority Decision

By Order dated 5th September 2018, Tipperary County Council issued a Notification of decision to refuse planning permission for one reason as follows-

It is considered that the proposed development would seriously injure the amenities of adjoining residential property and would depreciate the value of these properties by reason of eliminating their dedicated common open space and overdevelopment of the site. Furthermore, it is considered that the proposed development would result in a poor quality residential unit which would be substandard in terms of the provision of functional private amenity space and proximate car parking for occupants/visitors of the proposed dwelling. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.0 Planning History

Ref. 03511040: Refers to permission granted to David Ryan to construct 2 no. semi-detached dwellings and 1 no. detached dwelling on a larger site (of which the current appeal site forms part), on 2nd January 2004.

Ref. 04511602: Refers to permission granted on 27th January 2005, to David Ryan for modifications to previously approved grant of permission for three dwellings. This permission has been carried out.

5.0 Policy Context

5.1. Development Plan

The relevant document is the North Tipperary County Development Plan 2010-2016 (as varied) – Edition: December 2017. The village of Rearcross is designated a Local Service Centre in the Settlement Strategy for the county. The site is zoned 'Existing Residential'.

5.2. Natural Heritage Designations

The site is not located within any natural heritage designation. The Slieve Felim to Silvermines Mountains SPA (Site code 004165) comprises a patchwork of land in the

surrounds of this village – the closest point of which is on the opposite side of the L2115 access road.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal from John Joe Lewis Architectural Services, agent on behalf of the applicant, Phyllis Ryan, received by An Bord Pleanála on 2nd October 2018, can be summarised in bullet point format as follows-

- The three properties served by the open space on site already have open space areas to front and rear – rear areas being accessed by the driveway which will serve as access to the current appeal site. The relevant areas of private open space are 153m², 107m² and 212m². This is substantially above the 60m² private open space normally required for houses.
- There is 73m² of private open space to serve the proposed house – again, above the 60m² required.
- The site area of the entire development measures 2,030m².
- The remaining public open space area would still be 391m². This is 19.2% of the overall site.
- None of the neighbours have any objection to this house.
- There are many examples of similar-style, single-storey houses in the village.
- The car-parking space is located only 30m from the front door of the house.
- The applicant wishes to reside in close proximity to her sons. She currently resides in Co. Limerick; approximately 5km distant.

6.1.2. The appeal is accompanied by the following-

- Coloured map of area showing site and open space.
- Letter from applicant (dated 1st July 2018), outlining her current circumstances and desire to live close to her sons.

6.2. Planning Authority Response

The response of Tipperary County Council, received by An Bord Pleanála on 10th October 2018, indicated that the PA had nothing further to add.

7.0 Assessment

The principal issues of this appeal relate to residential amenity and traffic safety.

7.1. Development Plan

- 7.1.1. The site is zoned for residential use in the settlement strategy within the County Development Plan. In principle, the development is in accordance with the zoning.

7.2. Layout & Design

- 7.2.1. The proposed one-bedroom house is small, at only 50m², but is acceptable. It is indicated that the applicant is to occupy it – the site being owned by her son.
- 7.2.2. Planning permission has been granted for three houses immediately to the northeast of the appeal site. The reason for refusal refers to elimination of dedicated common open space for these houses. The open space, on which the house is to be located is; due to its layout, sloping nature, and division by an access drive; of no practical recreational use: the only value it might have is visual. Drawings for file ref. 03511040 indicate two areas of private open space – one of which is the site on which the house is to be constructed; and the second incorporates part of the area at the head of the access drive; the location of the proposed car-parking space. This second area of open space is more usable. I noted on the date of site inspection that this area has been incorporated into the garden curtilage of one of the three houses. The proposed development would materially contravene condition no. 1 of permission ref. 03511040, which required that the development be carried out in accordance with drawings and documentation submitted with the planning application on 2nd October 2003. Permission should be refused for this reason.
- 7.2.3. The 1st Party appeal indicated private open space to serve the proposed development. That to the north and east of the house is of no amenity use whatever – sandwiched between the proposed house and boundary walls: that area to the

west is of no use either – given the steeply sloping nature of the ground and exposure to view from the L2115 and the creche site on higher ground to the north. This house has no private amenity open space. With regard to the area marked as public open space, it is of no practical amenity value – being steeply sloping and fenced-off by a timber post & rail fence. Private and public open space provision for the house is substandard, and permission should be refused for this reason.

7.3. Access & Parking

- 7.3.1. The access to the site is from an existing access driveway which serves as rear access to three, recently-constructed houses on the R503 Anglesey road. The entrance is recessed, and discharges to the L2115 Shanbally road at a point where the 50kph speed restriction applies. There is a footpath on the opposite side of the road; but no public lighting. Sight distance in either direction is restricted by the presence of two pillars. Having regard to the existence of the entrance within the speed-restricted zone of the village, I would not consider that the additional traffic generated by one small house would have a significant impact on traffic safety. It would be possible to require that the height of the pillars be reduced to not greater than 1.2m, by way of condition attached to any grant of planning permission.
- 7.3.2. The reason for refusal referred to inadequacy of car-parking. There is no parking space provided adjacent to the proposed house. The space is to be provided at the end of the access avenue – approximately 30m from the house. There is no proper turning area in this vicinity: and this would necessitate complicated reversing manoeuvres on a steeply sloping site, which would not be in the interests of traffic safety or residential amenity. Permission should be refused for this reason.

7.4. Water

7.4.1. Water Supply

It is stated that water supply is to be from the public mains. There is no drawing submitted to indicate the location of the connection. There is no Water Services report from Tipperary County Council. There is no report on file from Irish Water.

7.4.2. Foul Waste

It is stated that foul waste is to be discharge to the public mains. There is no drawing submitted to indicate the location of the proposed connection. There are no Water Services or District Engineer reports from Tipperary County Council. There is no report on file from Irish Water.

7.4.3. Surface Water

It is stated that surface water is to be discharged to a soakway. There is no drawing submitted to indicate the location of such a soakway, or any tests to indicate the suitability of the soil. The site slopes down to the public road.

7.4.4. In the absence of information, permission should be refused on grounds of public health impact – notwithstanding that this was not included as a reason for refusal in the Notification which issued from Tipperary County Council.

7.5. **Other Issues**

7.5.1. Development Contribution

As permission was refused, there was no indication given of the level of development contribution which would be required by Tipperary County Council. Should the Board be minded to grant planning permission, a condition should be attached requiring payment of a development contribution in accordance with the Tipperary County Council Development Contribution Scheme 2015-2019.

7.5.2. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

7.5.3. Appropriate Assessment

The site is not located within any European site. The Slieve Felim to Silvermines Mountains SPA comprises a patchwork of land in the surrounds of this village – the closest point of which is on the opposite side of the access road. The application was screened for appropriate assessment by Tipperary County Council, and it was determined that appropriate assessment was not required. Having regard to the

nature and scale of the proposed development within the built-up area of Rearcross village, 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 an European site.

8.0 Recommendation

I recommend that permission be refused for the Reasons and Considerations below.

9.0 Reasons and Considerations

1. The proposed development would materially contravene condition no. 1 of permission ref. 03511040, which required that the development be carried out in accordance with drawings and documentation submitted with the planning application on 2nd October 2003 – particularly in relation to provision of public open space. The proposed development would be detrimental to the residential amenities of existing houses, and would be contrary to the proper planning and sustainable development of the area.
2. The private amenity space proposed is substandard in terms of quantum, location and usability. It would be overlooked from the adjoining creche site (on higher ground to the north) and from the L2115 public road. The proposed development would not be in the interests of residential amenities of future occupants.
3. The layout and location of the proposed parking space to serve the development is located too far from the house, and would necessitate manoeuvring which would result in traffic hazard, arising from the absence of any means of turning a vehicle within the site as outlined in red.
4. The proposed development would be prejudicial to public health, arising from the absence of any drawings to indicate the location of connections to public watermains and foul sewers; any evidence to indicate the suitability of the site for disposal of surface water to soakway(s); or any indication of where such soakway(s) might be located – so as not to result in discharge of surface water onto adjoining sites to the south or onto the public road to the southwest.

**Michael Dillon,
Planning Inspectorate.**

12th December 2018