



An
Bord
Pleanála

Inspector's Report

ABP-304847-19

Development	Construction of Single Storey Dwelling
Location	Western Road, Clonmel County Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	18601479
Applicant(s)	Joe and Margaret O Sullivan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Helen O'Rourke
Observer(s)	None
Date of Site Inspection	5 th of November 2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is 0.067Ha located in a mature residential area of Clonmel town, within a ten-minute walking distance of the town centre.
- 1.2. The site forms a portion of a large garden area to the detached dwelling fronting Western Road. It adjoins a large plot of disused land to the rear of terraced housing along Abraham's Lane (St. Patrick's Terrace).
- 1.3. The site is accessed by a laneway that provides access to the rear of the terraced houses, and some lock up garages.
- 1.4. The site is overgrown, flat and L-shaped with no definitive site boundaries apart from the laneway. There is an existing access to the site off the laneway, where the proposed entrance to the dwelling house is located.
- 1.5. The laneway is a public lane and has two access points, Abbey Road and Western Road. The main access to the site will be from the north, i.e. western road because the proposed access is in close proximity to the junction, and there is a turning area beside the site at this location.

2.0 Proposed Development

- 2.1. The proposed development is a modest single storey dwelling consisting of two bedrooms, a kitchen/ living room area, a snug and bathrooms. The total floor area of the dwelling is 121sq.m. and ridge height 5.2metres.
- 2.2. The external finishes include, blue/ black slates or tile son the roof, nap plaster finish in the external walls, uPVC windows.
- 2.3. The layout includes for an access off northern site boundary, and a long narrow garden area on the western portion of the site.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted the proposed development subject to 8No. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report is in line with the decision to grant planning permission for the development. The issue of the access been within the site boundary and not the land ownership boundary was addressed by way of further information to the satisfaction of the planning authority.

3.2.2. Other Technical Reports

Housing: Part V does not apply.

District Engineer: The laneway is a public road L-37075-6, and no issue with additional traffic.

3.3. Third Party Observations

A number of residents from St. Patrick's Terrace objected to the development on the grounds that:

- The lane serves St. Patricks Terrace since 1934
- There are inadequate sightlines at both junctions of the laneway
- Precedent
- There is no room for parking on the lane it will block access to their houses
- Additional traffic movements
- Laneway is private and applicants do not have consent
- Planning history

4.0 Planning History

There was planning permission refused for a dwelling on the site in 2008 under planning reference 08/550075 for traffic reasons

5.0 Policy Context

5.1. Development Plan

Clonmel and Environs Development Plan 2013 as varied:

The site is zoned *Residential* under the Clonmel and Environs Development Plan 2013, and Residential development is permitted in principle.

5.2. Natural Heritage Designations

Special Area of Conservation: Lower River Suir SAC

SITECODE 002137

is located 400metres south of the site.

5.3. EIA Screening

Having regard to the brownfield nature of the subject site, together with the modest scale of the proposed development, 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 and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 Substandard nature of existing lane

The proposed dwelling is to be accessed via a laneway linking Western Road and Abbey Road. This laneway is to the rear of the terraced houses of St. Patricks Terrace on Western Road and Abraham's Lane. This is a secondary means of access to dwelling. The lane is in poor condition without any footpath.

Additional traffic will deteriorate the pavement as well as pose a risk to pedestrians where no pathway is provided.

6.1.2 **Lane access, sightlines, distance**

There are insufficient sightlines at the junction of Western Road and Abbey Road. The width of the laneway is only 3.2metres and restricted by properties on each side. Vehicles entering and existing the site will pose a traffic and pedestrian risk, in particular construction traffic.

6.1.3 **Glenconnor Junction**

The existing junction of Glenconnor Road with Western Road is currently under consideration with the planning authority. There is a large amount of development proposed along Glenconnor Road and the existing junction appears to be inadequate. The Glenconnor Road is identified as having potential for up to 310No. residential units to be served by the junction. The HSE also have a site which is serviced by the junction. Allowing further access to the laneway will add another element of consideration for drivers on an already over-capacity junction.

6.1.4 **Precedent**

Granting permission for the development sets a precedent for similar developments in the area.

6.1.5 **Property boundaries and access**

Properties boundaries need to be established for allotments 23 and 26 St. Patricks Terrace. These allotments have been in possession of the house owners since 1934, and the current owners intend to reclaim the use of the land and to erect fencing.

6.2. **Planning Authority Response**

- The application site is zoned for existing residential land use
- The proposal is the subdivision of an existing plot which has a sizeable garden to facilitate a modest dwelling
- There will be no loss of residential amenity to existing dwellings
- The laneway is a public road.
- There is an existing access to the site which is to be utilised. The access may have been created over 20 years ago.

7.0 **Assessment**

- 7.1. The subject site is zoned for residential development in the current Clonmel Town Development Plan 2013, and it is located within a mature built up area of the town, west of the town centre. There is no issue with the planning principle of the proposal, as proposed use is a modest single storey two bedroom dwelling on a sizable urban centre plot, and it is in keeping with the residential zoning for the area
- 7.2. The site is located to the rear of an existing dwelling and involves the subdivision of an existing residential curtilage. The subject site area is overgrown and represents an underutilised area of serviced land in close proximity to a social and commercial hub with a large variety of services within walking distance of the site. The site is accessed from a public laneway that serves the rear area and lock up garages associated with St. Patricks terrace to the west of the subject site. The laneway has two junctions, one onto the Western Road which is 40metres from the site entrance, and Abbey Road to the south which is 150metres from the site. The site is readily accessible from Western Road and there is a large turning area on the laneway fronting the site to enable safe manoeuvring into and out of the site. The laneway is L37075-6 and it is 6.6metres in width at the entrance to the subject site. Sightlines are acceptable along Western Road given the prevailing town centre speed limit that applies to the area.
- 7.3. The proposed dwelling is a modest two-bedroom dwelling (120sq.m.) with sufficient open space and on site parking. There is no issue with overlooking or over shadowing, as the ridge height is only 5.2metres and there are significant separation distances from adjoining properties.
- 7.4. Issues cited on appeal relating to the allotments associated with St. Patricks Terrace are beyond the remit of the appeal and the Board. The proposal is a unique proposal and will not set a precedent.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development located in a serviced urban area 400metre from the nearest European site, 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

8.0 Recommendation

- 8.1. I recommend the planning authority's decision to grant planning permission for the proposed development should be upheld.

9.0 Reasons and Considerations

Having regard to the current development plan for the area where the subject site is zoned residential, the location of the site on under-utilised land within a well serviced, outer suburban area with a wide range of services, amenities and facilities, the established pattern and character of existing development in the area; and the design, form, height, materials and external finishes for the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with local development policies and objectives for the area, would not seriously injure the visual and residential amenities of the area, would not adversely affect traffic safety, therefore, 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, and the further information dated stamped 8th of March 2019, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and 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.

3. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to the commencement of this development. The applicant shall comply with the requirements specified by Irish Water.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenities.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

6. The demolition and clearance of the site and the construction of the development shall be managed in accordance with a Demolition, Waste and Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity, amenities, public health and safety and sustainable development.

7. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed boundary treatment.

Reason: In the interests of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the

Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Caryn Coogan
Planning Inspector

7th of November 2019