



An
Bord
Pleanála

Inspector's Report

ABP-305690-19

Development	Construction of 2 storey detached dwelling to side of existing semi-detached dwelling.
Location	No. 40 Brookville Green, Nenagh, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	19/600849
Applicant	Noel Ryan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Grant
Appellant	Helena O'Connor
Date of Site Inspection	06.01.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The subject site is located within the Brookville Green housing development which is located off the Borrisokane Road/R497 within the built-up area of northern Nenagh. Brookville Green comprises relatively low-density housing, primarily two-storey semi-detached in scale, externally finished with red brick and dash.
- 1.2. The proposed site comprises the side garden area of No. 40 Brookville Green. This property comprises a two-storey semi-detached house with a relatively wide side garden area. The area to the front/east of the property is open i.e. it has no boundary hedge, fence or wall except for that associated with the adjacent semi-detached house, No. 39. A tarmac car parking area separates two grassed areas which contains some tree planting. There is a public footpath to the front and side of the property. There is a timber fence from the side of the house to the boundary with the internal circulation road to the south. The rear and side boundaries of the existing property comprise block walls. The area contained by the boundary walls and timber fence contains a garden.
- 1.3. The proposed site has a stated area of 0.0265 hectares.

2.0 Proposed Development

- 2.1. The proposed development is for the construction of a detached two-storey three-bedroom house to the side of No. 40 Brookville Green.
- 2.2. The proposed house has a stated floor area of 135.13sqm with a proposed height of approx. 6.2 metres.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 9 no. conditions of a standard nature, including: a revised entrance layout for written approval, surface

water drainage, Irish Water connection, implementation of a landscape plan, construction practices and development contributions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The Executive Planner's report dated 13.09.2019 recommended a request for further information. However, a second report prepared by a Senior Planner dated 24.09.2019 concluded that permission should be granted subject to conditions.

3.2.2. **Other Technical Reports**

Nenagh Municipal District Engineer – Indicated no objection subject to a revised vehicular entrance location.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

A third-party submission was received from Helena O'Connor, No. 13 Brooklands Drive. The main issues raised can be summarised as follows:

- The proposed design is totally different to other houses in the estate.
- Overlooking to No. 13 Brooklands Drive from bedrooms, reducing light and privacy.
- Removal of part of the boundary wall to erect a gate entrance.
- Traffic and pedestrian hazard as a result of the main entrance location.

4.0 **Planning History**

There have been two previous relevant planning applications on site. These are:

P.A. Reg. Ref. 08/520063 – Permission granted on 08.07.2009 for a detached two-storey house, new entrance and boundary treatment etc. The house design was

more reflective of the existing house type within the development than that proposed in the current application.

P.A. Reg. Ref. 14/520011 – Permission granted on 27.05.2014 for a three-year extension of duration of 08/520063.

5.0 Policy Context

5.1. Nenagh Town & Environs Development Plan 2013

5.1.1. The site is in an area zoned 'Existing Residential' in the zoning map. Table 10.1 (Matrix of Use Classes Related to Use Zones) indicates that residential development in this zoned area is generally acceptable subject to normal planning practice.

5.1.2. Section 9.3 (Infill Developments and Apartments) states that the Councils (Nenagh Town Council and North Tipperary County Council; which were in place at the time the plan was adopted), in areas within existing residential development and mixed-use development in the town centre, will require the following guidelines to be met:

- Site density, coverage and open space will be considered on a site-specific basis to permit development to integrate with the existing adjoining development. The development management standards set out in Section 9.2 may be relaxed depending on the site-specific circumstances.
- Design, height, scale, materials and finishes should be compatible with existing adjacent properties.
- Boundary treatment should ensure an effective screen between proposed and existing development.
- Private open space should provide for bin and fuel storage areas.
- Car parking provisions shall be in accordance with standard outlined in this chapter. In cases where this is not possible, a contribution to the Councils' toward the provision or improvement of alternative car parking will be required.

5.2. **Natural Heritage Designations**

None in the vicinity of the site.

5.3. **EIA Screening**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban location, 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The third-party appeal was submitted by Helena O'Connor, No. 13 Brooklands Drive; a house whose rear/north elevation overlooks the subject site from the adjacent housing development to the south. It includes photographs and the main issues can be summarised as follows:

- The size and style of the proposed development will have an adverse impact on the continued enjoyment of the appellant's home.
- The appellant does not understand the reference to 01.08.2019 in the planning authority decision.
- The appeal notes the engineers' comment of 13.09.2019 that he cannot approve the roads layout from a roads perspective.
- The appellant appears to query how the surface water run-off could not have been ascertained for the soakpits.
- Queries whether there are separation distances for wayleaves for services.
- Impact on visual amenity is critical in planning discourse.

- A similar design style to existing houses may be more appropriate. The design is fundamentally different to that originally envisaged within the estate.
- Contrary to the Council's objectives with regard to 'infill' which states that the planning authority will, where possible, ensure that infill housing is in character with the existing area, in terms of scale, density and design.
- There is no objection to a house at 40 Brookville Green in principle.

6.2. Applicant's Response

None received.

6.3. Planning Authority Response

The planning authority has no further observations to make.

7.0 Assessment

The main issues are those raised in the grounds of appeal and Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of the Proposed Development
- Adjacent Residential Amenity
- Design
- Car Parking/Vehicular Entrance
- Appropriate Assessment

7.1. Principle of the Proposed Development

- 7.1.1. The site is in an area zoned 'Existing Residential' in the Nenagh Town & Environs Development Plan 2013 and the zoning matrix table indicates that a residential use

is generally acceptable in this zoned area. I consider that the provision of an additional house within this established residential area is acceptable in principle.

7.2. Adjacent Residential Amenity

- 7.2.1. The appeal states that the size and style of the proposed development will have an adverse impact on the continued enjoyment of the appellant's home.
- 7.2.2. The proposed house is located approx. 28 metres north of the appellant's house and approx. 19 metres north of the rear boundary of the appellant's property. The rear elevation of No. 13, a two-storey semi-detached house, faces the site subject of the planning application.
- 7.2.3. There are 2 no. first-floor bedroom windows on the south elevation of the proposed house facing the rear of the appellant's house. The windows are approx. 19 metres from the rear boundary of No. 13 and therefore no undue overlooking is considered to occur. Notwithstanding, these windows address the internal circulation road where passive surveillance would be a positive aspect of the proposed development.
- 7.2.4. The proposed house is north of the appellant's property and therefore there is no possibility of shadowing impact. In terms of overbearing impact, the proposed house, while having a similar footprint and bulk to existing houses, is substantially lower in height than the existing adjacent houses, by approx. 2.6 metres.
- 7.2.5. I therefore consider that there would be no impact on the appellant's property from overlooking, shadowing or overbearing impact.
- 7.2.6. I do not consider that there is any undue adverse impact to the house to the rear, No. 41, from the proposed development. There is a sufficient separation distance to the site boundary in terms of any shadowing or overbearing impact and the first-floor bathroom and en-suite windows on this elevation will have opaque glazing.
- 7.2.7. The proposed house continues the line of houses and is 'side-to-side' with No. 40. The footprints of the proposed and existing houses are similar so it is not considered there will not be any undue impact in terms of shadowing and there are no ground floor side elevation windows. It appears that rear private open space of approx. 55sqm will be retained by the existing house. While this would reduce the private open space provision for the existing house to below the area cited in Table 9.2

(Private Open Space) of the Development Plan for a new 3-4 bedroom house I consider the provision to be adequate in this case.

7.3. Design

- 7.3.1. The grounds of appeal also make reference to the design and style of the proposed house being out of character with the existing houses within the estate and contrary to the Council's objective as regards 'infill' housing.
- 7.3.2. The existing houses within Brookville Green are primarily two-storey semi-detached houses externally finished in red brick to the ground floor front elevation and dash elsewhere and with hipped roofs. The proposed house type is very different. While it is two-storey in scale, it is approx. 2.6 metres lower than the other houses in the estate and it has a flat roof. It has a contemporary design and proposed external finishes include metal and cedar cladding and, primarily, render. Some red brick is proposed; as a ground floor side elevation feature adjacent to the patio and to the 600mm high wall to the vehicular entrance area and to the front/south of the house. Notwithstanding, the proposed house is very different to the prevailing house type within Brookville Green.
- 7.3.3. Section 9.3 (Infill Development and Apartments) of the Nenagh Town & Environs Development Plan 2013 is the most relevant section of the Plan for the current application. This section states, inter alia, that the Councils, in areas within existing residential development, will require that design, height, scale, materials and finishes should be compatible with existing adjacent properties. Permission was previously granted for a detached house in the side garden of No. 40 under 08/520063. The permitted house was much more consistent with the existing houses in the area in terms of design and external finish.
- 7.3.4. The proposed house is significantly lower in height than the adjacent houses. Some proposed external finishes such as render and red brick are common to the adjacent houses. The proposed house will not result in overbearing, shadowing or overlooking impact to any other house. While it is at a relatively prominent location within the housing development, I consider that the design would integrate reasonably with the surrounding houses, would not be visually obtrusive or incongruous and would

provide some visual variety to the otherwise relatively monotonous design of the area.

- 7.3.5. Therefore, I consider that the proposed house type is acceptable at this location and would not be contrary to the provisions of Section 9.3 of the Development Plan.

7.4. Car Parking/Vehicular Entrance

- 7.4.1. The District Engineer raised an issue in their internal report about the location of the proposed entrance at the junction of the internal circulation roads. Condition 2 of the planning authority's decision requires submission of a revised site layout plan showing the relocation of the site entrance approx. 19-20 metres along the south of the site from the junction. Relocating the entrance to the side garden area would significantly reduce the private open space area available to this side of the house. Though the current proposed car parking/entrance area could then be used as open space, in order for it to be private and usable, a minimum 1.8 metres high boundary would have to be erected around it which would be an incongruous feature on the streetscape.
- 7.4.2. The site is in a relatively low-speed environment with limited traffic movement. There are eleven houses in the cul-de-sac to the west which are accessed via the circulation road which runs along the southern site boundary. There is no issue with sightlines in a northerly or easterly direction from the currently proposed site access. It is proposed to provide a low wall/hedge/railing along the eastern and south eastern site boundary which would facilitate views in a westerly direction when exiting the site i.e. back towards the cul-de-sac. A sightline of approx. 20 metres minimum will be achieved. Subject to a condition restricting the hedgerow to a maximum 1 metre in height in order to maintain sightlines I consider that the proposed access point as set out in the application to be acceptable.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from any 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 that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reason and Considerations

Having regard to the provisions of the Nenagh Town & Environs Development Plan 2013 and the nature and scale 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 residential or visual amenities of the area and would not give rise to traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 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. The hedgerow along the eastern/side and front/southern boundary shall be maintained so as to not exceed 1 metre in height.

Reason: In the interest of traffic safety.

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

Reason: In the interest of visual 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.

5. The applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

7. The kerb and footpath of the public road at the vehicular entrance shall be ditched and widened at the developer's expense to the full width of the

driveway entrance and to the satisfaction of the Planning Authority. Any gates shall not open outwards.

Reason: In the interests of pedestrian and traffic safety and the proper planning and sustainable development of the area.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Anthony Kelly
Planning Inspector

28.01.2020