



An
Bord
Pleanála

Inspector's Report ABP-305908-19.

Development	Permission for the construction of 4 no. 2 storey terraced dwelling houses.
Location	12 Sarsfield Street, Slieve Na mBan Meadows, Davis Road, Thurles, Co. Tipperary.
Planning Authority	Tipperary County Council.
Planning Authority Reg. Ref.	19/600957.
Applicant(s)	John Clancy.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	Paul Ryan & Others.
Observer(s)	None.
Date of Site Inspection	05/02/2020.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located within the boundaries of no. 12 Sarsfield Street to the south of the town centre of Thurles in Co. Tipperary. The site the subject of this appeal lies to the rear of the existing semi-detached house on the site, comprising a significant area of the large rear garden of the existing house. No. 12 Sarsfield has boundaries onto Davis Road to the north and Slieve Na mBan Meadows to the east and occupies a large corner site.
- 1.2. The existing house on the site is a semi-detached cottage style house and lies within a small cul-de-sac. Slieve Na mBan Meadows is also a cul-de-sac estate which has a variety of houses including two storey semi-detached houses and single storey detached houses. Davis Road forms a through road between Slievenamon Road to the east and Sarsfield Street and Stradavoher to the west. The houses on Davis Road comprise a terrace of single storey cottages.
- 1.3. The site has a stated area of 0.12ha and is bound to the north and east by a high block and plastered wall of approximately 2m in height. There is also extensive planting which precludes views into the site in many areas along the boundary. Following my site visit, a block wall has been constructed to the rear of the existing house within the identified landholding and the structure that is identified on the submitted site maps has been demolished. There was a significant volume of demolition waste on the site with a number of bales of concrete blocks deposited on the site.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the construction of 4 in total, 3 bedroom, 2 storey terraced dwelling houses with entrances onto to Slieve Na Mban Meadows (Slievenamon Meadows), & Pedestrian entrances onto Davis Road, Demolition of boundary wall, new public footpath, street light, boundary walls/fences, connection to mains water supply, connection to mains sewer and mains storm water drain, solar panels on the roof of those dwelling houses and all associated site works all at No 12 Sarsfield Street , Slieve Na Mban Meadows (Slievenamon Meadows) , Davis Road, Thurles, Co. Tipperary.

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form
- Planning Report
- Engineering Services Design Report
- Record of Pre-planning Consultation
- Part V Exemption Cert
- Letter of consent from landowner
- Letter of consent from Tipperary County Council for the applicant to make the application.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant planning permission for the proposed development subject to 20 conditions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The planning report concludes that proposed development is acceptable. The Planning Officer recommends that permission be granted for the proposed development, subject to 20 conditions.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. **Other Technical Reports**

District Engineer: No objections subject to compliance with conditions.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Submissions

There are 4 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

- Impact on privacy of existing houses by reason of overlooking.
- No objection in principle but should be single storey or dormer type, which would be in keeping with other properties in the area.
- The development contravenes the Development Plan.
- The landowners wife is the owner of the adjacent property, no. 13 Sarsfield Street and it is a concern that if the current proposal is permitted, it would set a precedent for further development out onto Sliabh na mBan Meadows.
- Planning permission has been refused in the past for a 2 storey house to the rear of no. 15 Sarsfield Street, but in 2018, permission was granted for a single storey house, 18/600056 refers without objection.
- The site lies in an historical area of Thurles, including the architectural history. The development would result in an adhoc development which will seriously injure the residential amenities of adjoining properties.
- The development will result in an overdevelopment of the site and would not be in keeping with the pattern of development in the area.
- Will have a negative impact on the character and setting of the area and is not in keeping with existing bungalow style residences in the vicinity.
- Inappropriate urban design proposal for the site.
- Questions the entitlement of the applicant to make openings through the boundary wall which is part of Slieve na mBan Meadows and to interfere with the grass margin, trees and shrubs planted.
- Traffic hazard associated with the proposed development.

4.0 Planning History

There is no planning history associated with the subject site.

The following is the relevant planning history pertaining to adjacent site:

ABP ref PL79.241782 (PA ref: 12/540008): An Bord Pleanála refused permission for the construction of a dormer style dwelling house, new entrance to Slieve Na mBan Meadows and new 2.4 metre high boundary wall, with all connections to public services at site to the rear of 15 Sarsfield Street. The reasons for refusal were as follows:-

- (1) Having regard to the siting of the proposed house in a position immediately to the rear of adjoining residences, it is considered that the proposed development, by reason of design, scale, orientation, overbearing and failure to integrate with the established housing on Slieve Na mBan, would seriously injure the residential amenities of adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- (2) Having regard to the location of the site on lands zoned 'Opportunity Sites' in the Thurles and Environs Development Plan 2009-2015, it is considered that uncoordinated development of the kind proposed in this backland location with inadequate vehicular access would be premature pending the determination by the planning authority of an Action Area Plan/Site Master Plan for the subject site in conjunction with the adjacent undeveloped lands similarly zoned. The proposed development would set an undesirable precedent for adhoc development of these lands in the absence co-ordinated and appropriate vehicular links and satisfactory access. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In the Board Direction the following note was also made:

The Board considered that the proposed development did not satisfactorily overcome the shortcoming and adverse impacts on the residential amenities

of adjoining property identified in the previous proposal for a house on this site in respect of which planning permission was refused under Appeal No. 79.224846. Furthermore, the Board noted the designation of the site and of adjacent sites as 'Opportunity Sites' in the Thurles and Environs Development Plan 2009-2015 and considered that a plan for a co-ordinated approach to the development and access of these sites is warranted.

ABP ref PL79.224846 (PA ref: 07/54/0011): An Bord Pleanála refused permission for the construction of a dormer dwelling house, new entrance to Slieve Na mBan Meadows and new 2.4 metre high boundary wall, with all connections to public services at site to the rear of 15 Sarsfield Street. The reason for refusal was as follows:-

'Due to the siting of the proposed house in a position immediately to the rear of adjoining residences, it is considered that the proposed development, by reason of design, scale, orientation, overbearing and failure to integrate with the established housing on Slievenamon, would seriously injure the residential amenities of adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

In the Board Direction the following note was also made:

'The Board considered that a substantially reduced development with orientation to Slievenamon might overcome the issues which led to a refusal of permission'.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. **Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):**

- 5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:
- quality homes and neighbourhoods,
 - places where people actually want to live, to work and to raise families, and
 - places that work – and will continue to work - and not just for us, but for our children and for our children’s children.
- 5.1.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the Transport 21 programme.
- 5.2.2. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:
- compliance with the policies and standards of public and private open space adopted by development plans;

- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.3. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.4. **Development Plan**

The Thurles & Environs Development Plan 2009 – 2015, as varied is the relevant policy document relating to the subject site.

The site is zoned as R1 Opportunity Sites where it is the stated objective to provide for very low-density residential development, below 15 units per net hectare.

Section 3.3.2 deals with Infill Housing which states 'In order to prevent the further sprawl of the town an effort must be made to increase infill development, including the development of the "opportunity sites" provided in this plan.'

The following policy is relevant:

Policy HSG 2: Infill Housing Development: It is the policy of the Council to have regard to the urban form and the suitability of infill sites proposed for development and to have regard to the impact of such development on the surrounding built and natural environment. The scale, plot ratio and impact on adjoining properties will be assessed against the guidelines set out in Chapter 8, the Residential Density Guidelines for Planning Authorities 1999 (DoEHLG) and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2007 (DoEHLG), Density Guidelines for Planning Authorities' (draft 2008), Traffic Management Guidelines.

Section 3.3.3 deals with Urban Density which states 'One of the main objectives designed to facilitate sustainable development is the promotion of a more compact urban form.'

The following policy is relevant:

Policy HSG 3: Urban Densities: It is the policy of the Councils to encourage a range of densities and housing types having regard to the neighbouring developments, the urban form of the town and the objectives of sustainable development.

Chapter 8 of the Plan deals with Development Management and the following sections are considered relevant:

8.5: Infill Development

8.7: Residential Density / Plot Ratios in New Development which includes the following:

- Low density: 15-20 units per ha (6-8 per acre)
- Infill: Good infill development does not necessarily imply an exact copy of what was there before or what the adjacent buildings are like. It is, however, important that the overall building lines and heights are retained.

- Sub-division of dwellings/plots: Many older town dwellings are on large plots. Proposals for the subdivision of the houses or plots will need to conform to the following:
- Off-street parking of 1-space per unit
 - Minimum of 60 sq. m private open space for 3-bed units or more and 48 sq. m for 1-2 bed units. There should also be a public open space provision of 20 sq. m per person or 15% of the site area, except in exceptional circumstances.
 - A minimum distance of 22m between opposing first floor windows. However, this may be reduced where good design provides for privacy.
 - Backland sites will only be considered where the above guidelines can be met.
 - Has regard to the amenity of adjoining properties.

Section 8.7.1 of the Plan deals with Low Density Residential, Serviced Sites:

The Town Council has designated areas of land specifically for low density housing. This policy is designed to meet a number of existing requirements, including:

- (i) counteracting the demand for urban generated houses in rural areas;
- (ii) opportunities for self build through serviced sites;
- (iii) demand for large plots and large housing units.

Section 8.10.2 of the Plan deals with Private Open Space:

A minimum of 48 sq. m private open space will be required for 1-2 bed units. Each subsequent bedroom will require an additional 10 sq. m.

Section 8.11 of the Plan deals with Parking and Loading:

Table 3 requires 1 space per dwelling unit (<4 beds) and 2 spaces (4 beds or greater).

5.5. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Lower River Suir SAC (Site Code: 002137) which is located approximately 2.5km to the south west of the site.

The Cabragh Wetlands pNHA, (Site Code 001934), is located approximately 1.8km to the north of the site and a second area of the pNHA located approximately 3.2km to the south of the site.

5.6. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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

This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

- The site is zoned R2 for 'Low Density Residential'. The proposed development represents an overdevelopment of the site and would not be in keeping with the pattern of development in the area.
- The proposed entrances will result in the loss of about one third of the existing estate landscaping and boundary wall, including trees contrary to the submitted proposals to retain them. The development, if permitted will have a negative impact on the character and setting of Slieve na mBan Meadows. Access to the site should be taken from Davis Road.

- The proposed development is considered weak in Urban Design terms in that it does not address the corner in any meaningful way and has no regard to the layout of the historic Sarsfield Street Estate which was constructed at the end of WW 1.
- A grant of planning permission will set an undesirable precedent for similar development on adjacent lands. A master plan for the area should be considered to guide all prospective developers as recommend by An Bord Pleanala previously under ref ABP PL79.241782, and which remains valid today.

6.2. Applicant Response

The first party submitted a response to the third-party appeal. The submission is summarised as follows:

- The validity of the appeal is questioned.
- The existing grass margin over which it is proposed to access the site is not an active or passive open space but an amenity area characterised by trees, which are proposed to be protected.
- Removal of the wall to facilitate a house to the rear of no. 15 Sarsfield Road was not a concern to An Bord Pleanala as suggested.
- It is acknowledged that the rear of no. 13 Sarsfield Street has similar development potential but the legal owner does not wish to develop their garden.
- The proposed development does not set an undesirable precedent for the remaining lands within the opportunity site.
- If it was a prerequisite of permitting development that an overall masterplan would have to be produced and agreed, no development would take place.
- The current proposal differs from the situation to the rear of no. 15 as it does not display the backland development symptoms that existed and the proposed use of land available in the current proposal is a far more efficient use of valuable residential land.

- Multiple access points from Davis Road would represent a traffic hazard.
- A revised layout as suggested would result in unacceptable overlooking of adjacent property and the future development potential of the rear of no. 13 would be compromised.
- It is noted that the issue of overdevelopment is no longer suggested.

It is requested that the decision of the PA be upheld.

6.3. Planning Authority Response

None.

The Planning Authority submitted details requested by the Board with regard to planning history files and a pre-planning consultation meeting. The minutes of the pre-planning meeting submitted do not appear to relate to the subject site. It relates to a site on the outskirts of the town of Thurles on the Dublin Road.

6.4. Third Party Response to First Party Response to Third Party Appeal

The third-party appellants submitted a response to the applicants response restating their concerns as follows:

- Negative impact on the character and setting of Slieve na mBan Meadows and that any access to the site should be from Davis Road.
- Urban Design / Area Master Plan Considerations – the proposed development contributes little to the townscape and is at odds with the layout of the Sarsfield St. Estate. An Bord Pleanála has previously stated that the development would be premature pending the adoption of an ‘Action Plan / Site Master Plan’ for the zoned lands.
- Just as a proposed house to the rear of No. 15 Sarsfield Road was refused permission by the Board due to its unsympathetic scale and form, a terrace of 4 houses is also out of keeping with the character of the area.

6.5. Observations

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the Development & Planning History
2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
3. Visual Impacts
4. Roads & Traffic
5. Other Issues
6. Appropriate Assessment

7.1. Principle of the Development & Planning History:

- 7.1.1. The proposed development site is located on lands zoned as R1 Opportunity Sites in the Thurles & Environs Development Plan 2009 – 2015, as varied where it is the stated objective to provide for very low-density residential development, below 15 units per net hectare. The Board will note the contention of the first party that the designated 'opportunity site' provides for higher density housing which would not correlate with the text of the Plan. Section 3.3.2 of the Plan deals with Infill Housing and states 'In order to prevent the further sprawl of the town an effort must be made to increase infill development, including the development of the "opportunity sites" provided in this plan.'
- 7.1.2. The proposed development seeks planning permission for the construction of 4 houses on a site which covers 0.12ha providing for a density of 33.3 units per hectare. In terms of the zoning objective afforded to the subject site, and while I acknowledge that the principle of the residential development on these lands is

acceptable, I consider that the density of the development proposed significant, given the specific requirements of the Plan.

7.1.3. In addition to the above, the Board will note that Section 8.7 of the Plan deals with Residential Density / Plot Ratios in New Development which includes the following:

- Low density: 15-20 units per ha (6-8 per acre)
- Infill: Good infill development does not necessarily imply an exact copy of what was there before or what the adjacent buildings are like. It is, however, important that the overall building lines and heights are retained.
- Sub-division of dwellings/plots: Many older town dwellings are on large plots. Proposals for the subdivision of the houses or plots will need to conform to the following:
 - Off-street parking of 1-space per unit
 - Minimum of 60 sq. m private open space for 3-bed units or more and 48 sq. m for 1-2 bed units. There should also be a public open space provision of 20 sq. m per person or 15% of the site area, except in exceptional circumstances.
 - A minimum distance of 22m between opposing first floor windows. However, this may be reduced where good design provides for privacy.
 - Backland sites will only be considered where the above guidelines can be met.
 - Has regard to the amenity of adjoining properties.

7.1.4. In terms of the planning history of the area, the Board will note that permission was sought on 2 occasions for the development of a house in the rear garden area of No. 15 Sarsfield Street with a proposed access onto the Slieve na mBan Meadows estate road. The reasons for refusal relate to the impact of the development on the residential amenities of adjoining properties as well as being premature pending the determination of an Action Area Plan / Site Master Plan for the Opportunity Site. The Board previously determined that a grant of permission would set an undesirable

precedent for adhoc development of these lands in the absence of co-ordinated and appropriate vehicular links and satisfactory access.

- 7.1.5. While I acknowledge that the location of the subject site differs somewhat from the above, I would consider that the issues surrounding the appropriate overall development of the Opportunity Site, so zoned in the Thurles & Environs Development Plan 2009 – 2015, as varied, remains valid. As such, in the absence of an Action Area Plan/Site Master Plan for the subject site in conjunction with the adjacent undeveloped lands similarly zoned, the proposed development would set an undesirable precedent for the adhoc development of these lands and would be contrary to the proper planning and sustainable development of the wider area.

7.2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

- 7.2.1. The subject site lies within the zoned area of the town of Thurles, Co. Tipperary on serviced lands. As such, the principle of the residential development is considered to be in accordance with the general thrust of national guidelines and strategies, which specifically seek to increase the density of development within towns on appropriate sites. The objective of the guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.2 of this report and I consider it reasonable to address the proposed development against same.

a) *Open space:*

The proposed development comprises a small residential development of a terrace of four houses. The Plan requires that there should also be a public open space provision of 20 sq. m per person or 15% of the site area, except in exceptional circumstances. In this regard, the Board will note that no additional public open space is proposed as part of the development. That said, it might reasonably be considered that there may be no need to provide public open space as part of the development, if the private open space provision is appropriate and adequate.

In terms of private open space, I note that the site layout submitted proposes the provision of private open space to the rear of each house in the order of 63-82m². While I acknowledge that these figures would comply with the minimum requirements of the Thurles & Environs Development Plan, I am concerned that the development, as proposed, does not have any regard to the context of the site and its surroundings. This area of Thurles generally comprises detached and semi-detached low-rise family homes on large sites and with ample private open space. In the absence of the provision of additional public open space, I am not satisfied that the proposed development is acceptable

b) Impact on the amenities of existing or future adjoining neighbours;

In terms of avoiding undue adverse impacts on the amenities of existing or future neighbours, I note that the proposed development provides for two storey houses, with an overall height of 8.836m, which I consider to be significantly higher than the existing houses in the vicinity.

The third parties raised concerns in terms of overlooking, the loss of trees and increased traffic on the road. The issue of roads and traffic will be addressed further below. In terms of the proposal before the Board, and while I acknowledge the thrust of national and local policy to increase density in serviced areas, I have a real concern that the layout and number of houses proposed will significantly alter the existing context of the area, and would be contrary to the zoning objective afforded to the site. In this regard, I consider that the proposal represents an overdevelopment of the site and would, by reason of scale, would impact on the existing residential amenities of adjacent properties.

c) Good internal space standards of development;

I am satisfied that all proposed houses provide a good level of internal space.

d) Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;

Given the nature and scale of the proposed development, I am satisfied that the development might reasonably be considered as being acceptable in principle. National and local policies encourage increased densities in

serviced areas and the Thurles & Environs Development Plan 2009 – 2015, as varied, promotes infill development. The subject site however, comprises part of a designated Opportunity Site whereby the Board has previously considered that any development within these lands would be premature pending the determination by the planning authority of an Action Area Plan/Site Master Plan for the subject site in conjunction with the adjacent undeveloped lands similarly zoned. I consider that this remains a valid concern.

e) *Impact on protected buildings of ACAs;*

Not relevant in this instance as there is no protected structure or Architectural Conservation Area in proximity to the subject site.

f) Compliance with plot ratio and site coverage standards adopted in development plans.

The Thurles & Environs Development Plan 2009 – 2015, as varied, provides guidance in terms of site coverage and density. Having regard to the zoning of the subject site, I am not satisfied that the proposed development is acceptable in terms of density. In addition, and having regard to the context of the site, I have identified my reservations regarding the layout and number of houses proposed.

7.2.2. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the context and scale of the surrounding area and existing residential developments.

7.2.3. Having regard to the above, and acknowledging that I consider that the principle of the proposed development is acceptable, given the location of the subject site in proximity to the centre of Thurles, I consider that the layout and number of houses proposed would impact on the existing character of the area and on the existing residential amenities of property. However, should the Board be minded to grant permission for the development, I consider that a maximum of 2 houses only should be permitted on the site with a reduced overall ridge height which would reflect the existing character of the houses in the immediate vicinity of the site.

7.3. Visual Impacts

- 7.3.1. The existing houses in the vicinity of the site comprise a mix of single storey terraced cottages fronting onto Davis Road to the north and semi-detached traditional dormers in Sarsfield Street to the west. The houses immediately across the road from the subject site to the east and within the Slieve na mBan Meadows estate, comprise detached single storey houses, which rise to two storey semi-detached houses further to the south. Having regard to the nature of the existing houses in the immediate vicinity of the site, I consider that the proposed development of a terrace of two storey houses on the site would represent a significant visual impact within the wider area and would be out of character with the other older existing properties.

7.4. Roads & Traffic

- 7.4.1. The development proposes to provide 4 separate access points to serve the proposed houses fronting onto the Slieve na mBan Meadows estate. Each site will provide parking for 2 cars and it is proposed to retain where possible, the existing trees located within the grass verge. Additional trees are to be planted between the entrance points. The development also proposes to install a 1.5m wide footpath along the full road frontage of the site to the north (along Davis Road) and east along Slieve na mBan Meadows estate.
- 7.4.2. In the context of the site, and the wider Opportunity Site, I have a real concern that the proposed development is inappropriate and would, if permitted, hamper the development of the wider zoned lands. In addition, I note that the proposed footpath is inadequate in terms of the requirements of DMURS and finishes midway along Davis Road where it will run into an existing shed. The practicality of this is unacceptable and I would be concerned that the wider development of the area would be compromised in the event of a grant of planning permission.
- 7.4.3. In terms of the planning history of the area, the Board noted the designation of the wider area as an 'Opportunity Site' in the development plan and considered that 'a plan for a co-ordinated approach to the development and access of these sites is warranted'. I do not consider that the current proposal has addressed this issue and if multiple access points are permitted as proposed, the development would potentially hamper the future appropriate development of the wider Opportunity Site.

7.5. Other Issues

7.5.1. Site Ownership Issue

The Board will note that an issue arising in the third-party appeal relates to a disagreement on permission to use the roadside grass verge over which it is proposed to access the sites boundary of the site. It is submitted that the wide grassed margin, which is supplemented with trees and planting and backed by a continuous high plastered wall represents a visual consistency in the Slieve na mBan Meadows estate and which was commented upon by the Board in previous applications in the area. It is further contested that a grant of planning permission providing access over this margin would result in the loss of about one third of the estate landscaping and boundary wall.

I am generally satisfied that such matters are a civil issue and I would be satisfied that the provision of Section 34(13) of the Planning & Development Act, 2000 as amended, which states 'A person shall not be entitled solely by reason of a permission under this section to carry out any development' is sufficient to ensure that the civil issues is rectified prior to the commencement of development on the site.

7.5.1. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.5.2. Water Services

The Board will note that no objections were raised in terms of water services.

7.6. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the Lower River Suir SAC (Site Code: 002137) which is located approximately 2.5km to the south west of the site. The Cabragh Wetkabds pNHA, (Site Code 001934), is located approximately 1.8km to the north of the site and a second area of the pNHA located approximately 3.2km to the south of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Conclusion

Having regard to the design, height, scale and nature of the proposed development, I consider that if permitted, the development would fail to integrate with the established housing in the vicinity of the site and would seriously injure the visual and residential amenities of the area.

Having regard to the location of the site on lands zoned 'Opportunity Sites' in the Thurles and Environs Development Plan 2009-2015, it is considered that uncoordinated development of the kind proposed, which includes a multitude of vehicular access points, would be premature pending the determination by the planning authority of an Action Area Plan/Site Master Plan for the subject site in conjunction with the other undeveloped lands also zoned 'Opportunity Sites' in the vicinity. A grant of planning permission in this instance, would set an undesirable precedent in the area for unplanned, adhoc and un-coordinated development which would compromise the appropriate development of the overall Opportunity Site.

9.0 Recommendation

I recommend that planning permission be refused for the proposed development for the following stated reasons.

10.0 Reasons and Considerations

1. Having regard to the location of the site on lands zoned 'Opportunity Sites' in the Thurles and Environs Development Plan 2009-2015, where it is the stated objective to provide for very low-density residential development, below 15

units per net hectare, it is considered that the proposed development, with a density of 33.3 units per hectare, would contravene the zoning objective afforded to the site. It is further considered that uncoordinated development of the kind proposed would be premature pending the determination by the planning authority of an Action Area Plan/Site Master Plan for the subject site in conjunction with the adjacent undeveloped lands similarly zoned. The proposed development would set an undesirable precedent for adhoc development of these lands in the absence co-ordinated and appropriate vehicular links and satisfactory access.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the siting and layout of the proposed houses in the context of existing adjoining residences, it is considered that the proposed development, by reason of density, design, scale, overbearing and failure to integrate with the established housing on Slieve Na mBan Meadows, would seriously injure the residential amenities of adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

24th February, 2020