



An  
Bord  
Pleanála

## Inspector's Report ABP-306220-19.

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<b>Development</b>	Permission for the change of use from nursing home to single dwelling unit (A Protected Structure).
<b>Location</b>	No. 7 John Street, Cashel, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council.
<b>Planning Authority Reg. Ref.</b>	19/600723.
<b>Applicant(s)</b>	Patrick Quinlan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Patrick Quinlan.
<b>Observer(s)</b>	David Barry.
<b>Date of Site Inspection</b>	16/03/2020.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The subject site is located in the centre of the town of Cashel, at No. 7 John Street, Cashel, Co. Tipperary. John Street is a narrow street which lies off Main Street and the subject site lies approximately 100m from the town centre. The Street comprises a variety of uses including residential and commercial. Immediately adjacent to the site there is a B&B and a hostel to the north west of the subject site. The buildings on the street comprise traditional terraces of 2 – 3 storey buildings, primarily rendered and doors with fanlights. St. John's Cathedral lies to the south east of the subject site.
- 1.2. The building the subject of this appeal comprises a three-storey mid terrace building which was constructed circa 1840. The building is three-bay at ground floor with the upper floors comprising two-bay and has a pitched slate roof. The building has a rendered finish and the windows have been replaced with uPVC. The front door is recessed and has a fanlight.
- 1.3. The existing building on the site runs from John Street to the north east to the car park off William Street to the south west. The subject site essentially comprises part of the previous nursing home building, being the 'front' section, on John Street. The structures to the rear of the site comprise single storey buildings and a small yard area.
- 1.4. The site has a stated area of 0.0067ha and the existing building has a stated floor area of 151m<sup>2</sup>. The building is currently vacant having previously been used as a nursing home. The information submitted would suggest that this use ceased operations in 2012 and the building has been vacant since 2014.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for
  1. Change of use from nursing home, to single dwelling unit;
  2. Replacement of non-original windows to traditional sash windows;
  3. Modifications to internal partitions including creation of new structural openings;

4. Modifications to rear elevation including enlargement to window ope and replacement of non-original door to traditional sash window;
5. General improvements to building services within the house;
6. The development will include all associated drainage and site development works (A Protected Structure),

all at No. 7 John Street, Cashel, Co. Tipperary

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

- Plans, particulars and completed planning application form
- Cover letter
- Architectural Heritage Impact Assessment

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reason:

1. It is considered that the proposed development would constitute substandard development, resulting in a poor standard of residential amenity for future occupants, by reason of inadequate provision of private amenity open space and bin storage within the development. The proposal would be contrary to the policies and objectives of the Cashel and Environs Development Plan 2009 as varied, and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). The proposed development is, therefore, considered to be contrary to the proper planning and sustainable development of the area.
2. The proposed development will result in the sub-division of the former Nursing Home and the balance of the structure / site has not been included for under the subject application. The proposed development will result in very limited access to the balance of the site, access to same is from the second floor of the adjacent hostel into the second floor of the former nursing home only, and

the building / site would otherwise be landlocked. The application, therefore, represents an unacceptable piecemeal and fragmented approach to the re-development of the site and is contrary to the proper planning and sustainable development of the area.

### 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 and Environmental Impact Assessment Pre-Screening.

The initial Planning Report concludes that further information is required in relation to the development in terms of site layout plan to include the full extent of No. 7 John Street, fire escape, lack of private open space, bin and bicycle storage and the proposed inclusion of bi-fold doors on the rear elevation.

Following the submission of a response to the FI request, the PA considered that clarification was required. Following the submission of a response to the FI request, and subsequent clarification, the final planning report concludes that proposed development is not acceptable. The Planning Officer recommends that permission be refused for the proposed development, for reasons relating to a substandard development, by reason of inadequate provision of private amenity open space and bin storage within the development and the fact that the proposed development will result in the sub-division of the former Nursing Home resulting in very limited access to the balance of the site, representing an unacceptable piecemeal and fragmented approach to the re-development of the site.

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

#### 3.2.2. Other Technical Reports

**District Engineer:** No objections subject to compliance with conditions.

### 3.2.3. Prescribed Bodies

**Department of Culture, Heritage and the Gaeltacht:** No objection subject to compliance with conditions

### 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:

Validity of site notice questioned.

Full landholding not identified by the applicant as required.

Proposed enlargement of rear window will impact on residential amenities of adjacent residential property – no. 8 John Street and no consent has been given to put the doors in over the flat roof of the adjacent property.

The development will result in overdevelopment

No car parking provided

The building is a protected structure and includes all buildings on the site. the site is within an ACA.

Welcomes the change of uPVC windows to hardwood but the applicant has in the past removed hardwood windows and replaced with uPVC in neighbouring properties without consent or planning permission.

The application is for 151m<sup>2</sup> but the building has an overall floor area of 325m<sup>2</sup>. no provision for open space.

Plans for the remainder of the building are not clear.

Issues exist with the applicants' current businesses on the street in terms of anti-social behaviour.

## 4.0 Planning History

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

**PA ref:10/571224:** Permission granted to Mrs. Margaret Ryan for the retention for the change of use of second floor to 2 no. Nursing Home Bedrooms and Ancillary

Bathroom which are in addition to the existing permitted nursing home at St Anne's Nursing Home, John Street, Cashel. Protected Structure Ref:22105055.

**PA ref. 11/571247:** Permission granted to Demolish existing flat roof structures and the construction of two storey building which will accommodate nursing home living area, smoking room, sluice room and staff changing areas to the rear of existing nursing home located at St Anne's Nursing Home, John Street, Cashel. This application comprises of work to a protected structure reference no. 22105055.

**PA ref. 00/570360:** Permission granted to Mrs. Margaret Ryan for an extension to St. Anne's Nursing Home

**Adjacent Sites:**

**PA ref. 00/570748:** Permission granted to Damien & Elaine Bell, for the erection of advertising signage at No. 5 John Street, Cashel.

**PA ref. 07/571104:** Permission granted to Mr. PJ Quinlan for the reconstruction of existing stores as 2 bed-rooms and storage area over two levels to rear of existing guesthouse at No. 5 John Street, Cashel.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The Cashel & Environs Development Plan 2009 – 2015, is the relevant policy document relating to the subject site. The site is zoned Town Centre 'TC' where it is the stated objective 'to preserve, enhance and/or provide for town centre facilities. Proposals for development on lands zoned for town centre are to comprise of mixed-use developments consisting of a combination of retail, office, service, community and/or residential uses'. It is the stated strategic objective of the Plan to 'Support the provision of a more balanced spatial growth pattern for Cashel and its Environs and to promote a renewed focus on the Town Centre. Promote and strengthen the Town Centre as a vibrant base for residents and tourists alike'.
- 5.1.2. John Street includes a number of protected structures and structures listed on the National Inventory of Architectural Heritage, including the subject site. St' Anne's

Nursing Home is identified as a Protected Structure, no 95 in the Record of Protected Structures and in the NIAH, ref: 22105055 where it is described as

Three-storey house, built c.1840, having three-bay ground and two-bay upper floors, forming pair with house to southeast. Now in use as nursing home. Pitched artificial slate roof with rendered chimneystack and rendered moulded eaves course. Painted rendered walls with render quoins. Square-headed window openings with replacement uPVC windows, painted stone sills and render surrounds with render consoles and cornices. Round-headed door opening with concave surround, moulded timber architrave, timber panelled door and ornate cobweb fanlight.

The Appraisal is as follows:

This house and its mirror-image neighbour are an unusual pair in Cashel and the contiguity of the entrances makes the pair distinctive. The render surrounds and cornices to the windows, the ornate fanlight and panelled door are noteworthy, and the concave recess is unusual in Cashel but is found in houses of similar date in Clonmel.

Appendix 4 of the Plan deals with the ACA Statement, and section 5.0 deals with design approach in the ACA noting that conversion / adaption of an existing property is encouraged rather demolition and replacement. Extensions / alterations must complement the existing building. The extension should be subordinate in scale and in a form that allows the identity and character of the original structure to be retained. Important architectural details should be preserved and protected, including stone walls, iron railings, sash windows and moulded plasterwork.

- 5.1.3. Chapter 4 of the Cashel & Environs Development Plan 2009-2015 deals with Amenity, Built and Natural Environment and Heritage where Section 4.1 deals with Architectural Heritage. Sections 4.1.1 deals with Protected Structures and Section 4.1.2 deals with Architectural Conservation Area (ACA). The following policies are considered relevant:

ENV.1: Protected Structures:

'It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures that are of special interest and when considering proposals will have regard to the Architectural

Heritage Protection Guidelines for Planning Authorities and relevant Conservation and Management Plans where applicable. The Council, will proactively work with developers/applicants to facilitate the appropriate reuse/redevelopment of Protected Structures’

- Policy ENV 2: Architectural Conservation Area (ACA)

‘It is the policy of the Council to ensure the enhancement and management of the ACA set out in Map 3 and 3A. Within the ACA the Council will have regard to:

- (a) the impact of proposed development on the character and appearance of the ACA in terms of compatibility of design, colour and finishes, and massing of built form;
- (b) the impact of proposed development on the existing amenities, character and heritage of these areas; and,
- (c) the need to retain important architectural and townscape elements such as shopfronts, sash windows, gutters and down pipes, decorative plasterwork, etc.

5.1.4. Chapter 9 of the Development Plan deals with Development Standards and section 9.15 deals with open space requirements stating that ‘private open space for all residential developments shall, as a minimum, conform with the standards set out in the Planning Guidelines on Sustainable Residential Development in Urban Areas.

5.1.5. In the context of apartment developments, the Plan states that ‘the predominant issues of concern to the Council will be the appropriate zoning, the provision of adequate floor areas, storage space, circulation, public and private open space, access, parking, bin storage (should facilitate segregation of waste into 3 fractions - dry recyclable, residual & organic/food waste), balconies, daylight and sunlight, facilities for children and overall building design and finish. Developments, which fail to meet the standards set out by the DEHLG will not be favourably considered’.



## 5.2. 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 3.5km to the west of the site.

## 5.3. 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 first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal presents a background to the proposed development and the building the subject of the appeal issues raised are summarised as follows:

- No. 7 did not originally have a rear yard as an extension to No. 8 extends the full width of No. 7 site. It was linked to the rear of the site by a narrow corridor under the roof of No. 8 extension and a passage through the ground and first floors of the return structure of No. 6 John Street.
- The 3<sup>rd</sup> floor of the return is part of the holiday hostel.
- The overlapping of ownerships was unsatisfactory and made compliance with Building Regulations impossible and any future re-development of either structure impractical.
- The applicant acquired the front of the Nursing Home while Cashel Holiday Hostel, of which the applicant is a director of the company, purchased the rear as it can be easily incorporated into the hostel. The front part could not and

restrictions implicit in its protected status would make its refurbishment for that purpose impractical.

- The proposed development recognises the de-facto layout and seeks to return the structure to its original dwelling usage. The works required to refurbish the structure will require considerable financial investment and no practical use other than a house for the structure is apparent.
- The use of the building as a dwelling precedes the development plan and its protected status should have allowed more leeway in the interpretation of the guidelines.
- Waste storage can easily be accommodated in the small room to the rear.
- It is not uncommon for houses in a town centre area to have no outdoor open area. It is submitted that the floor area of the house is generous and prospective purchasers may have limited requirement for outdoor space.
- The fact that the original house did not have an open area should be a major and practical consideration.
- The reasons for refusal include inaccuracies and the applicant is not required to submit a proposal for the balance of the site, which is owned by a 3<sup>rd</sup> party.
- The applicant has a clear agenda for the remainder of the property and will have little in the way of restriction in the design and re-construction required, having unlimited access through the existing property.
- There is currently no second floor access between the nursing home and the hostel as stated.
- The applicants approach is neither piecemeal or fragmented.
- The site has been disused for a period of 7 year and it is submitted that the proposed refurbishment of an otherwise derelict property is what is required to enhance such a sensitive and architecturally significant street façade.

## 6.2. Planning Authority Response

None.

### 6.3. Observations

Mr. David Barry submitted an observation in relation to the third-party appeal. The submission notes that the rear of the property the subject of this appeal has been registered in the Land Registry and the registered owner is P.J. Quinlan Limited, and the building has been registered under 4 different plans as a multi storey building which further emphasises the intention to divide the rear of the property into separate units. The property was considered under previous planning applications as an entire unit.

The building is a protected structure which includes the curtilage of the premises, which has been excluded from the present application. It is submitted that the development would result in piecemeal development and intensification of use, contrary to the proper planning and development with inadequate access and no private amenity space.

The observation includes enclosures.

### 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
2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
3. Visual & Residential Amenity Impacts
4. Other Issues
5. Appropriate Assessment

## **7.1. Principle of the development**

- 7.1.1. The appeal before the Board seeks to change the use of part of a former Nursing Home to residential use. The area of the proposed development comprises the front section of a larger building on John Street, Cashel and the development proposes to exclude the access to the rear of the property.
- 7.1.2. In terms of the principle of the proposed development, the Board will note that the building is a Protected Structure, is listed on the NIAH and lies within the Architectural Conservation Area of the town. It has been vacant since 2014 and lies within 100m of Main Street.
- 7.1.3. In principle, I have no objections to the proposed development.

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

- 7.2.1. The site the subject of this appeal is located within the development boundary of the town of Cashel and comprises the change of use of part of an existing mid-terraced, three storey building, formerly used as a nursing home. I am satisfied that the principle of the proposed development can be considered acceptable in terms of compliance with the general thrust of the national guidelines Sustainable Residential Development in Urban Areas (DoEHLG, 2009) in this regard.
- 7.2.2. It is an objective of the Guidelines to produce high quality and sustainable development. While I acknowledge that the current proposal relates to an existing building, I consider that Section 5.6 of the Guidelines, which provides certain safeguards with regard to urban development to deal with both existing and future residents is relevant. These safeguards relate to the provision of public and private open space, avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours and 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.
- 7.2.3. The site is zoned Town Centre 'TC' in the Cashel & Environs Development Plan 2009 where it is the stated objective 'to preserve, enhance and/or provide for town centre facilities.' Residential use is permitted on this zoning. The property is listed on

the National Inventory of Architectural Heritage, ref: 22105055, St. Anne's Nursing Home and is identified as a Protected Structure, no 95 in the Record of Protected Structures. The Plan seeks that Protected Structures and buildings within the ACA are converted / adapted rather than demolished or replaced. It is the stated policy of the Council, ENV 1: Protected Structures, to conserve and protect buildings, structures and sites contained in the Record of Protected Structures. In terms of the residential development including apartment developments, the predominant issues of concern will include the provision of private open space, access, bin storage, daylight and sunlight, amongst other issues. The Plan states that developments which fail to meet the standards set out by the DEHLG will not be favourably considered.

- 7.2.4. In terms of the Planning Guidelines on Sustainable Residential Development in Urban Areas, Section 5.9 deals with Inner Suburban / Infill developments and section (ii) relates to the sub-division of dwellings. The guidelines advise that such sub-division should be promoted subject to safeguards regarding internal standards, private open space and maintaining the character of the area.
- 7.2.5. Section 7.8 of the Guidelines deal with private and communal open space and states that All houses (terraced, semi-detached and detached) should have an area of private open space behind the building line. The guidelines go further to state that private open space for apartments is crucial in meeting the amenity needs of residents and is a high priority for families, noting that 'private open space can be provided in the form of rear gardens or patios for ground floor units, and balconies at upper levels'. As such, in all cases of residential development, private open space is considered a high priority.
- 7.2.6. In terms of access, the Guidelines state that Adequate provision needs to be made for the storage and collection of waste materials. Houses which do not have side passages or pedestrian / vehicular access to rear gardens, should be required to provide a covered / screened area for the storage of wheelie bins to the front of the house. In the context of the proposed development, I would not consider the provision of such a bin store to the front of the property feasible or appropriate.
- 7.2.7. In the context of the above, the Board will note that the development as proposed will result in the cutting off of any access to the rear of the overall site of No. 7 John

Street, including the existing yard area. It is submitted by the applicant / appellant that the original house at No. 7. John Street did not have access to the rear as an extension to No. 8 extends the full width of No. 7 site. It was linked to the rear of the site by a narrow corridor under the roof of No. 8 extension and a passage through the ground and first floors of the return structure of No. 6 John Street. It is noted that the third floor of the 'return' comprises part of the hostel at No. 6. The appellant submits that the fact that the original house did not have an open area should be a major and practical consideration and that the overlapping of ownerships is unsatisfactory making any future re-development of either structure impractical.

7.2.8. Certainly, the layout of the properties on John Street is somewhat different, but having undertaken a site visit and planning history assessment, I am satisfied that for at least a period of 31 years during the operation of the nursing home on the site, No. 7 has had access to the rear of the overall site of the former nursing home. The historical maps of the area show that the overall site boundaries of No. 7, and a number of other adjacent properties, do not extend in straight lines from John Street to the rear and regardless of historical developments at the site, including the extension of No. 8 John Street, I would not accept that the original house did not have access to the rear open space / yard area. In relation to the 'return' referenced above, the ground and first floors comprised part of the Nursing Home at No. 7, while the second floor comprised part of the hostel, No. 6 John Street, next door. While I acknowledge the concerns of the appellant in terms of overlapping ownership, I would not agree that the situation is insurmountable. The ground floor area which provides access to the rear yard at ground floor and to the rear of the extension to No. 8 John Street, comprises an office, a WC and bathroom with corridor and has a width of approximately 4.7m. This area forms part of the ground floor area of No. 7.

7.2.9. I also note that the building is a protected structure, located within an ACA. As such, the entire site, including the buildings within the curtilage of the house are protected by this status. In this regard, and while I acknowledge the submission of the appellant in terms of the purchase of No. 7 John Street in two lots, one personally and one as part of his company, I would agree with the third parties who raise concern that the development is piecemeal and fragmented. In the appeal, the appellant states that he has a clear agenda for the remainder of the property and will have little in the way of restriction in the design and re-construction required, having

unlimited access through the existing property. The appellant states that the rear of the property was purchased as it can easily be incorporated into the hostel while the front part could not.

- 7.2.10. Given the protected status of the house, together with its location within the ACA, and while I acknowledge that the proposed works to the front of the building will not detract from the appearance of the wider ACA, I consider that the proposal to exclude any access to private open space is unacceptable, would constitute a substandard form of residential development and would not accord with the requirements of the national guidelines or the Cashel & Environs Development Plan 2009.

### 7.3. Visual & Residential Amenity Impacts

- 7.3.1. An Architectural Heritage Impact Assessment was submitted in support of the proposed development noting that the interventions proposed will primarily be internal and that the overall character of the property will remain uncompromised as the external fabric will remain largely unchanged. The internal works propose the removal of non-original features including sanitary ware and built in storage. In terms of physical changes to the existing structure, the development proposes as follows:

- Ground Floor: Break through the internal rear wall of the living room and the introduction of a WC.
- First Floor:
  - Closing of door to existing first floor living room.
  - Break through wall (0.5m in width) to provide alternative entrance to existing first floor living room.
  - Break through rear internal wall (0.5m in width) of the living room to provide a gap of 2.725m.
  - Close existing door to first floor hall and removal of 2 WCs.
  - Enlarge existing rear window from 1.2m to 2m in width and from 1.4m to 2.2m in height.
  - Raise the floor level of the rear room in the house (existing hall and proposed dining area) from the half landing level to the level of the existing living room proposed kitchen.
  - Install a main bathroom in the hall.

- Second Floor: Replace a fire door with a sliding sash window.  
Close up internal window to second floor WC.

The Assessment includes a photographic survey of the building affected by the proposed development and an inventory of fixtures and fittings.

- 7.3.2. In terms of the visual impacts associated with the proposed development, the Board will note the proposal to replace existing uPVC windows with hardwood windows which would be in keeping with the protected nature of the property and its location within the ACA. The development as proposed will have little visual impacts arising and if permitted, and the new windows installed, can be considered as improving the visual amenity of the building in the streetscape of John Street.
- 7.3.3. To the rear of the property, it is proposed to replace an existing fire door at second floor level with a hardwood sliding sash window and an existing rear window at first floor level is to be replaced with a proposed bi-fold door with glass screen. This door would result in the enlargement of an original window in the rear of the building, affecting the fabric of the structure, and would potentially provide for access to the flat roof over the extension to No. 8 John Street below. In response to a request for further information in this regard, it was advised that the bi-fold door is described as such because it extends to the floor but will include a glass rail and is a Juliette balcony.
- 7.3.4. Overall, I am satisfied that the development if permitted is unlikely to result in any impacts on the existing residential amenity of adjacent properties. However, I would consider that the proposed enlargement of the rear window would have an impact on the architectural integrity of the building. Should the Board be minded to grant planning permission in this instance, I recommend that a condition be included to eliminate this element of the proposed works.
- 7.3.5. Works to the interior of the building will also require ongoing supervision and should the Board be minded to grant planning permission in this instance, a condition should be included requiring that a suitably qualified person in matters of architectural heritage attend at the site to monitor and oversee the internal works in the interests of protecting the integrity of the protected structure.
- 7.3.6. I am satisfied that if permitted, the development will result in a significant dis-amenity to future residents of the property by reason of the lack of any private open space. I



also note that the potential to provide a balcony, which may accord with the requirements of the National Guidelines has not been considered and may be unlikely to be appropriate given the nature of the site ownership and the protected status of the building. As such, I do not consider it appropriate to address this issue by way of condition of planning permission.

#### **7.4. Other Issues**

##### **7.4.1. Roads, Traffic & Parking**

Having regard to the town centre location, and the previous use of the building as a nursing home, I am satisfied that the development if permitted, will be acceptable in terms of roads, traffic and parking.

##### **7.4.2. Water Services**

Having regard to the town centre location, and the previous use of the building as a nursing home, I am satisfied that the development if permitted, will be acceptable in terms of water services.

##### **7.4.3. Site Boundary Issue**

The Board will note that a pertinent issue arising in relation to the subject appeal relates to the overall ownership of the site and the separation of the front and the rear of the existing building by the applicant. The applicant is the private owner of the subject site, while his company, of which a number of different names has been indicated, owns the rear. Following a request for further information and clarification, details of the full landholding was provided. While I acknowledge the concerns of the third party in this regard, I am satisfied that the applicant can be considered valid.

##### **7.4.4. Development Contribution**

The subject development is not liable to pay development contribution.

## 7.5. **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 3.5km to the west 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 **Recommendation**

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

## 9.0 **Reasons and Considerations**

The proposed development, by reason of its inadequate qualitative and quantitative provision of private open space, would conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in December, 2009. It is further considered that the proposed development would result in substandard form of development which would seriously injure the residential amenities of future residents by reason of the lack of any private open space to the rear of the building. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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A. Considine  
Planning Inspector  
30th March 2020