



An
Bord
Pleanála

Inspector's Report

ABP-306917-20

Development	Construction of a Dwelling House
Location	Longraigue, Prior Park Road/Shamrock Hill, Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	19601417
Applicant(s)	Joe and Edel Mulcahy
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Anthony Duggan
Observer(s)	None
Date of Site Inspection	22 nd of June 2020
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is a large residential curtilage accessed off Prior Park Road, Clonmel. It is a residential area in close proximity to the town centre.
- 1.2. The site has a narrow road frontage onto Prior Park Road, and a wider road frontage along the southern site boundary onto Shamrock Hill. It is an irregular shaped site, 0.22Ha, which includes a vacant single storey dwelling on the northern portion of the site.
- 1.3. The subject site unusually abuts 4No. dwellings along its site boundaries. The site falls sharply from north to south.
- 1.4. There is a large Dunne Stores supermarket located opposite the site on its southern boundary.
- 1.5. The southern site boundary along Shamrock Hill is a very tall overgrown hedge/ trees. The eastern boundary between the site and 27 Shamrock Hill (two storey) is open with a number of derelict trees. The northern site boundary is open backing onto the existing single storey dwelling on the higher and residual part of the site. There is a wall between the subject site and the abutting bungalow to the west.

2.0 Proposed Development

- 2.1. The proposed development involves the subdivision of an existing residential curtilage, and the provision of a new two storey dwelling, 152sq.m. on the lower part of the site (southern portion), with a new domestic entrance off Shamrock Hill, and a domestic effluent pump.

3.0 Planning Authority Decision

3.1. Decision

Tipperary Co. Co. granted planning permission for the proposed dwelling, subject to standard conditions.

3.2. **Planning Authority Reports**

3.2.1. The report stated the development is acceptable in principle under the residential zoning objective. The report stated there was no potential for overlooking or overshadowing. A permission was recommended.

3.2.2. ***Other Technical Reports***

Borough Engineer No objections

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

There were a number of third party objections to the proposed development. The following concerns were cited:-

- Shamrock Hill is congested during school times and additional traffic on the road is a serious concern.
- A two storey dwelling is inappropriate in scale with the eastern elevation been perpendicular to the street, with a forward building line that will completely dominate and overbearing on the area
- Over overbearing when viewed from 27 Shamrock Hill
- The height, scale and depth of the eastern elevation will result in the overshadowing of the property at No. 27 Shamrock Hill.

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Development Plan**

Clonmel and Environs Development Plan 2013 as varied

The site is zoned Residential – to preserve and enhance existing residential amenity including avoiding excessive overlooking, reduction in general safety and a reduction in the general usability and security of existing public and private open space.

5.2. Natural Heritage Designations

The subject site is located within the urban area of Clonmel and lies approximately 600m to the north of the Lower River Suir SAC (Site Code 002137).

5.3. EIA Screening

Having regard to the nature of the proposed development comprising of one dwelling, in an established zoned urban area and where infrastructural services are available, 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

The third party appellant states he has no objection to a dwelling on the subject site, however the concern is the location and design of the dwelling, in particular the height of the dwelling will have a negative impact due to overshadowing on the residential amenity of the adjoining dwelling at 27 Shamrock Hill.

The ridge height of the proposed dwelling is 7.1metres and it is adjacent to the communal boundary and front façade of No. 27 Shamrock Hill. It is submitted that during Autumn, Winter and Spring – October -March- the front garden and front façade including a living room will be in continuous shadow from the afternoon onwards. Three dimensional drawings illustrate the permitted dwelling in place.

The current development plan for the areas have policies to protect existing residential amenities. The dwelling must be reconfigured to avoid unreasonable loss of amenities to the existing dwelling. Two solutions are submitted:

- Revise the design to a single storey development to match the existing single storey dwelling to the west. This would result in no overshadowing issues.
- A reconfiguring of the existing house design with the two-storey element placed to the north of the permitted proposal. The two-storey element would be placed on the same building line at No. 27 Shamrock Hill, and the existing two storey detached and demi-detached houses of Shamrock Hill. This would result in no overshadowing issues. The accompanying drawings illustrate the compromise.

6.2. **Planning Authority Response**

No new issues raised in the response received.

6.3. **Observations**

None

7.0 **Assessment**

7.1. Having inspected the site and considered the content of the appeal file and development plan policies governing the area, the appeal will be assessed under the following 3 headings:

- Principle of Development
- Impact on Residential Amenities
- Appropriate Assessment

7.2 **Principle of Development**

The subject site is part of a residential curtilage that includes a detached dwelling with a large rear garden area. The garden area backs onto Shamrock Hill along its southern boundary. The location is close to the town centre and adjacent to a large supermarket and schools. There are dwellings to the east, west and north of the site.

In the current development plan for the area, Clonmel Town and Environs Development Plan 2013, the subject site is zoned ***Residential***.

The proposed two storey dwelling is in keeping with the zoning objective for the area, and in keeping with the general pattern of development in the vicinity, which is detached dwellings.

7.3 Impact on Residential Amenities

The proposed dwelling is a U-shaped footprint on the southern portion of the residential curtilage. It is positioned between two existing dwellings, a detached bungalow to the west, and a two storey dwelling to the east.

The two storey dwelling to the east is of particular relevance in this appeal. This is the residence of the third party appellant, 27 Shamrock Hill. In my opinion, there are a number of concerns regarding the proposed layout and design:

- **Building Line:** The proposed front building line is 7metres forward of the existing front building line of 27 Shamrock Hill;
- **Eastern Elevation:** The proposed elevation facing onto 27 Shamrock Hill is 11.5metres long, 7.01metres in height, and is practically a black wall.
- **Boundary:** The boundary between the subject site and adjoining 27 Shamrock Hill is exposed.
- **Separation Distance:** The separation distance of the eastern elevation from the communal site boundary is only 2metres.

In my opinion, the proposed design and layout is unacceptable in terms of the amenities and layout of 27 Shamrock Hill. It will be oppressive when viewed from the adjoining property to the east because of the imposing building line, lack of separation distance from the communal boundary, in addition to the height and massing of the eastern elevation in the context of the neighbouring dwelling. It would appear the building line and amenities of the 27 Shamrock Hill were not a consideration in the design of the proposed dwelling, and the emphasis was to protect the amenities of the single storey dwelling to the west of the site.

The proposed development due to its orientation, forward building line, lack of separation distance and building envelop will result in extensive overshadowing of the front garden area and front main living rooms of 27 Shamrock Hill, with consequent serious injury to the amenities of the existing dwelling. This is unacceptable.

On appeal, the third-party appellant who is a qualified architect offered two design solutions:

1. The eastern elevation would be revised to a single storey
2. The existing house design would be reconfigured with the two storey element to the north of the of the site and in line with the building line of No. 27 Shamrock Hill.

I consider the compromise is acceptable, however the applicant would need to revise the design to suit their own needs. Therefore, I am recommending a refusal as opposed to conditioning a revised design of one of two options. The proposed dwelling will have to go back to design stage, and I believe the third party should have a right to comment on any revised design, having regard to their amenities.

7.4 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving urban environment, and notwithstanding the proximity of the site to the Lower River Suir SAC (Site Code 002137), 600m to the south of the site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend the Board REFUSE the proposed development for the following reason.

9.0 Reasons

Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed development, by reason of its scale, bulk and proximity to the eastern site boundary, would seriously injure the residential amenities and depreciate the value of adjoining property to the east by reason of visual obtrusion and overshadowing. The proposed development would,

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

Caryn Coogan
Planning Inspector

29th of June 2020