



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307531-20

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<b>Development</b>	House Extension
<b>Location</b>	13 Davis Terrace, Davis Road, Clonmel, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	20269
<b>Applicant(s)</b>	Ron le Blanc
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Margaret O'Shea
<b>Observer(s)</b>	none
<b>Date of Site Inspection</b>	16 <sup>th</sup> October, 2020
<b>Inspector</b>	Stephen Kay

## 1.0 Site Location and Description

- 1.1. The appeal site is located on Davis Street a short distance to the east of the town centre. The site is currently occupied by a two storey end of terrace house and the houses to the west comprise a pair of semi-detached two storey houses that are located on a corner and at a c.45 degree angle to that on the appeal site.
- 1.2. The existing house on the appeal site has a garage to the western side and an existing single storey conservatory extension to the rear. The stated floor area of the existing house is 93.1 sq. metres.
- 1.3. The appeal site has access via a laneway to the rear and the eastern site boundary is at an angle with the result that the rear garden of the house on the appeal site tapers in towards the rear. The stated area of the site is 0.0235 ha.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing single storey extension at the rear and the construction of a new rear extension that is described as a storey and a half extension. This extension is proposed to have a gable end facing the rear garden and an asymmetric pitched roof. The design of the extension is such that it would reduce down to single storey level at the eastern side where it would be set back by c.1.7 metres from the boundary with the adjoining property. The rear extension would extend c.3.75 metres beyond the existing rear building line.
- 2.2. To the side (west) the development proposes works to the existing single storey garage and the conversion of this space to residential accommodation and the addition of a new first floor above the existing garage. The existing pitched and hipped main roof would be extended to the side over the new two storey extension proposed and finished to this roof would match the existing tiled finish to the main roof.
- 2.3. The existing porch structure is proposed to be replaced and a new bin store is proposed to the front of the building.

2.4. The size of the area proposed for demolition is stated to be 31.1 sq. metres and the floor area of the proposed new build is stated to be 67.8 sq. metres resulting in a total post development floor area of c.130 sq. metres.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority issued a Notification of Decision to Grant Permission subject to 7 no. conditions. The following are specifically noted:

Condition No.4 requires the developer to take due care during the construction of the foundations to avoid damage to any existing public or other services and shall, if encountered case all works and inform the council or service provider.

Condition No.5 requires that prior to the commencement of development, a construction method statement demonstrating how structural impacts on No.14 shall be avoided shall be submitted for the agreement of the Planning Authority.

Condition No.6 requires that construction shall be undertaken in a manner that noise and dust emissions do not cause a significant nuisance.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. Planning Reports

The report of the Planning Officer notes to location of the site and proposed development and also the content of the submission received. A grant of permission consistent with the Notification of Decision issued is recommended.

##### 3.2.2. Other Technical Reports

Area Engineer – No comments on application. .

#### 3.3. **Prescribed Bodies**

The application was referred to Irish Water, however no submission was received.

### 3.4. **Third Party Observations**

Observation from the resident of the adjoining property at No.14 (immediately to the east) noting the proposal to pipe the foul drain under the extension. Issues regarding blockages in this drain and its age / condition are noted and it is stated that special measures to protect the drain will be required.

### 4.0 **Planning History**

There is no record on the appeal file of any planning history on the appeal site or immediately adjoining properties.

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

The site is located on lands that are zoned for Existing Residential under the provisions of the *Clonmel and Environs Development Plan, 2013*. The stated objective of this zoning is *'to preserve and enhance existing residential amenity including avoiding excessive overlooking, reduction in general safety and the reduction in the general usability and security of existing public and private open space'*.

Paragraph 9.13 of the plan relates to policy on domestic extensions and inter alia, states that the following shall be implemented in considering applications:

- The extension should generally be subordinate to the main building,
- The form and design should integrate with the main building, following window proportions, detailing and finishes, including texture, materials and colour,
- A pitched roof will be required except on some small single storey extensions,,
- Designs should have regard for the amenities of the neighbouring residents in terms of light and privacy,
- Flush rooflights are preferable to dormer windows.

**Policy INF15** relates to flood risk assessment and requires developers to have regard to the potential flood risk arising and to the provisions of the Flood Risk Guidelines.

The site is located intersecting with a flood risk zone as identified in the Clonmel and Environs plan.

## 5.2. **Natural Heritage Designations**

The site is not located in or close to any European site.

## 5.3. **EIA Screening**

Having regard to the limited scale and nature of the proposed development and its separation from sensitive environmental receptors 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 following is a summary of the main issues raised in the third party grounds of appeal:

- That there is no objection to the proposed extension to the rear of the house adjoining the appellant's property.
- The concern relates to the works proposed to the common drain (foul) that runs to the rear of the houses in the terrace. This drain has a history of blockages and it is necessary for the council to clear it including access via the existing manhole at the rear of No.13 (appeal site).
- That this existing drain is likely of clay piping with mortar joints and cannot therefore be left under the proposed construction.

- Considered the information submitted and conditions attached to the permission is inadequate to ensure the protection of this drain.
- That condition No.4 refers to an agreed proposal for re-routing or protection of the drain but does not allow for consultation with third parties nor a particular work standard or supervision.
- Condition No.5 requires a method statement for agreement with the council but again no consultation with a suitably qualified person.
- That the appellant has lived at the property for 70 years.
- That the planning authority should require inspection and certification of works to this drain by a suitably qualified representative from Irish Water or the Council.
- That any such report would be entered on the Planning File.

## 6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- Noted that the appellants states that there is no objection to the principle of the proposed extension.
- That the extension will be partially built over the drain, however the structure is being built in lieu of an existing sunroom in this location.
- That the drain currently turns 90 degrees within the applicant's property to discharge towards the public road. This manhole is sealed within the applicant's garage and is not therefore accessible. As part of the proposed development, it is proposed that an external manhole will be provided to assist with ease of rodding.
- That there is a potential levels issue with the drain but no blockage was evident. Stated that the drain was lined internally and a *'treble sealed cover installed'*.
- That a high pressure water jetting test was undertaken of the drain in 2018 and no issues found.

- Stated that the issues raised are standard construction issues, that they should be addressed to Irish Water and that it is not considered that a planning appeal is the most appropriate approach to addressing any drainage issues in the area.

### 6.3. **Planning Authority Response**

Response received from the Planning Authority states that the Planning Authority has no objection to the type of requirements for protection works set out in the appeal. Advises that Irish Water has responsibility for the drain on site.

## 7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of this case:

- Principle of Development, Design and Impact on Amenity
- Drainage Issues
- Other Issues
- Appropriate Assessment

### 7.2. **Principle of Development, Design and Impact on Amenity**

7.2.1. The appeal site is located on lands that are zoned Existing Residential under the provisions of the *Clonmel and Environs Development Plan, 2013*. The stated objective of this zoning is '*to preserve and enhance existing residential amenity including avoiding excessive overlooking, reduction in general safety and the reduction in the general usability and security of existing public and private open space*'. The basic form of development proposed and the use is considered to be consistent with this zoning objective.

7.2.2. Paragraph 9.13 of the plan relates to policy on domestic extensions and specifies a number of requirements in relation to residential extensions. These include that the extension should generally be subordinate to the main building, that the form and design should integrate with the main building, and that designs should have regard for the amenities of the neighbouring residents in terms of light and privacy. In the

case of the proposed development, the asymmetric roof profile proposed would mean that the height of the extension would be reduced down to effectively a single storey level to the east where there is the greatest potential impact on residential amenity. At this location, the extension would be set back by c. 1.7 metres from the shared boundary although this separation would reduce further away from the existing rear building line due to the angled nature of the boundary between the appeal site and No.14. By virtue of its design, reduced height on the eastern side and separation from the boundary, I do not consider that the proposed rear extension would have a negative impact on residential amenity of surrounding properties. In this regard, I note that the third party appeal submitted by the resident of the adjoining property to the east (No.14) states that they do not have any objection to the principle of the extension proposed. I also note the submitted shadow impact drawings (Drg. 1968(PD)07) which indicates that the shadow impact at the spring and autumn equinoxes will be limited to some minor additional shadowing of the garden of No.14 in the later afternoon / early evening period.

- 7.2.3. Similarly, I consider that the basic scale and design of what is proposed to the rear and side would assimilate well with the existing structure and would not be out of character with the existing house. For these reasons I consider that the proposed development would be consistent with the requirements set out in Paragraph 9.13 of the development plan.
- 7.2.4. To the side, the proposed side extension is not proposed to extend beyond the existing main rear building line of the house and so would not in my opinion have a negative impact on the amenity of the adjoining house to the west, notwithstanding the relative angles of the two properties.
- 7.2.5. To the front, the existing porch structure is proposed to be demolished and replaced with a new porch structure that incorporates a bin storage area to the side. The design of this structure is contemporary and the exact materials are not clearly specified on the submitted drawings. The scale and basic design of the proposed porch extension is, however, in my opinion acceptable in this location subject to details of the finishes being submitted for agreement of the Planning Authority.



### 7.3. Drainage Issues

- 7.3.1. The basis for the appeal submitted by the occupant of the adjoining property to the east (No.14) relates to the potential impact that the proposed development would have on the existing foul drain that serves the house and which runs along the rear of the terrace of houses to the east of the site before running out to the main sewer in the public road under the existing garage that is on the appeal site. The appellant states that this drain frequently blocks and requires the council to clear it and contends that the age and condition of the drain is such that any works above it would require independent supervision and monitoring to ensure that it is not damaged.
- 7.3.2. The existing alignment of this drain on the appeal site has a manhole located on the eastern side of the site close to the house and the drain then runs parallel to the rear of the house and under the existing conservatory structure to another manhole that is located in the garage of the house on the appeal site. From there, the drain turns 90 degrees to run out under the garage and the driveway to the public road.
- 7.3.3. The first party states that following a survey of the drain that it was lined and that the manhole in the garage was sealed to ensure that there were no foul odours in the house. These works are noted.
- 7.3.4. I note that the design of the proposed extension has been undertaken to ensure that both the existing manholes on the appeal site would be outside and capable of being opened in the case of a blockage and this is considered appropriate and beneficial to the maintenance of the drain. While the line of the drain runs under the existing conservatory structure, the nature of what is proposed in the subject application is significantly larger in scale and would require a significantly deeper and larger foundation. The location and depth of the existing drain and its relationship to the proposed foundations are not indicated in the details submitted with the application and neither is a detailed method statement presented for how construction would be undertaken without adversely impacting on the drain. It is anticipated that a method of bridging or otherwise protecting the existing foul drain could be undertaken however in the absence of details it is not possible to assess the feasibility of such an approach. It is also noted that no response was received from Irish Water when details of the application were referred to it by the Planning Authority.

7.3.5. As noted by the Planning Authority in their response to the appeal, Irish Water have responsibility for the drain on site and, in my opinion, any agreement regarding construction method and ensuring that no damage is caused to the drain requires their consent. Therefore, in the event of a grant of permission, it is recommended that this would be subject to a condition requiring the submission of a method statement to Irish Water for their written approval prior to the commencement of development. I note the comments of the third party with regard to third party independent verification of the works and compliance with a work standard. It is considered that Irish Water are the only body who could undertake such a role. Should the Board not consider that this approach is sufficiently certain, and given the fact that Irish Water have not made any comment on the proposal, it may consider it appropriate that the first party be requested to undertake a more detailed survey of the drainage infrastructure on the site and prepare a method statement for the construction of the rear and side extension that would be submitted to Irish water for comment prior to a decision being made.

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

7.4.1. The site is located on the boundary of an identified flood risk zone as identified in the Clonmel and Environs Plan and the application is accompanied by a flood risk assessment prepared by NJD Consulting Engineers. The report identifies that residential development is a highly vulnerable use but that the location is within Zone C on account of it being within the defended area as part of the Clonmel Flood Relief Scheme. undefended, the site is located approximately 300 metres from the River Suir and is considered to be at some risk of possible flooding (section 2.2 of FRA). On the basis of the flood defences and having regard to paragraph 5.28 of the Flood Risk Management Guidelines as they relate to extension to existing dwellings, the proposed development is considered to be acceptable.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 8.0 **Recommendation**

- 8.1. Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions:

## 9.0 **Reasons and Considerations**

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to public health. 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 external finishes of the proposed extension including roof tiles shall be the same as those of the existing dwelling in respect of colour and texture.  
Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Prior to commencement of development, the developer shall submit to Irish Water and receive written agreement for a Construction Method Statement that sets out the relationship of the existing foul drain and the proposed development, the proposed construction method and details to ensure the protection of the existing Irish water foul drain that crosses the site. All works on site shall be undertaken in accordance with the agreed Method Statement and a copy of the agreed statement shall be submitted to the Planning Authority prior to the 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 developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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Stephen Kay  
Planning Inspector

21<sup>st</sup> October,, 2020