



An
Bord
Pleanála

Inspector's Report

ABP-312375-22

Development	Subdivision of dwelling and construction of new two storey dwelling
Location	25 Connolly Park & Western Park, Clonmel, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	211490
Applicant(s)	Niall O' Loughlin
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party
Appellant(s)	Niall O' Loughlin
Observer(s)	None
Date of Site Inspection	3 rd February 2023
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located on a corner of the Western Park and Connolly Park housing estates in Clonmel, Co. Tipperary. The site forms the side garden of an existing dwelling at No. 25 Western Park.
- 1.2. The existing development within the landholding outlined in blue comprises of an end of terrace two storey dwelling. No. 25 is the end dwelling of a block of 6 terraced dwellings. The general character of the area is low density and suburban. The site has a stated area of 0.0244 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for the subdivision of an existing site to provide for a detached part single storey, part two storey dwelling. The proposed dwelling has a stated area of 132m² and comprises of 3 No. bedrooms. Two car parking spaces are proposed and the site is served by mains water and sewerage.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 11 No. Conditions. Condition 2 required the removal of the proposed vehicular entrance and on site parking spaces.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner's report considered that the proposed development is acceptable in principle.

3.2.2. Other Technical Reports

- The Area Engineer raised concerns in relation to cars reversing onto the public road. Conditions recommended included a condition to relocate the existing nameplate and a special contribution of €1,500 for the dishing of the public footpath at this location.

3.3. Prescribed Bodies

3.3.1. No reports.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1.1. None.

5.0 Policy Context

5.1. National and Regional Policy

- 5.1.1. The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.2. Development Plan

Clonmel and Environs Development Plan 2013 (as Extended)

Site is zoned as 'Residential' with an objective 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.

Tipperary County Development Plan 2022-2028

Appendix 6 Development Management Standards

Section 6.5.1 Table 6.4 sets out a requirement of 2 spaces per dwelling of 3 bedrooms or more.

5.3. Natural Heritage Designations

5.3.1. None relevant.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the proposed development it is considered that 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

6.1.1. This first party appeal relates solely to Condition no. 2 which requires the proposed entrance and on site car parking spaces to be omitted.

6.1.2. The grounds of the appeal can be summarised as follows:

- This is a proposal to create a modest family home and Table 10.7 of the Development Plan requires 2 car parking spaces for a 4 bedroom dwelling.
- The only alternative option would be to park two cars on the street corner adjoining the property. This would be more likely to create a traffic hazard.
- A significant number of adjoining property owners have on site parking and a photograph is attached to the appeal in this regard.
- Traffic movement in the estate is of low volume and is controlled by speed ramps. The proposed access is off the even quieter Western Park which narrows significantly at the eastern end.

6.2. Planning Authority Response

- None.

6.3. Observations

- None.

7.0 Assessment

7.1. Nature of the appeal

Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 of the notification of the decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal shall be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the Planning and Development Act 2000 as amended in this case.

7.2. Condition No. 2 is as follows:

‘The proposed vehicular entrance and on site car parking spaces shall be omitted. Prior to the commencement of the development the developer shall submit a revised

site layout plan omitting these elements for the written agreement of the Planning Authority.

Reason: In the interest of traffic safety'

- 7.3. The planner's report considered that the principle of development was acceptable at this location and I concur with this view. The Area Engineer raised concerns in relation to the accuracy of the site layout, however the planner's report considered that the drawings submitted were satisfactory. I note that there is a discrepancy with the drawings submitted to the Planning Authority in that the contiguous elevation indicates that the existing dwelling owned by the applicant at No. 25 is served by pedestrian access only. This is not that case as there is an existing vehicular entrance together with car parking at this location serving the existing dwelling.
- 7.4. The appeal makes the case the proposal is for a modest family home and car parking is required in accordance with development plan standards. It is stated that the only alternative option would be to park two cars on the street corner adjoining the property which would be more likely to create a traffic hazard. It is submitted that traffic movement in the estate is of low volume and is controlled by speed ramps and that the proposed access is off the even quieter Western Park which narrows significantly at the eastern end.
- 7.5. I have considered the issue of traffic safety at this location and note that there is a requirement for two car parking spaces to be provided for a dwelling in accordance with the standards set out in the Table 6.4 of the current Development Plan- Tipperary County Development Plan 2022-2028. This is an older style estate where housing originally built did not provide for on site car parking spaces and many of the existing houses do not have on site car parking. However, I also note that there are a large number of houses in close proximity to the site which have either added on site car parking, or are of more modern construction and were built with car parking. There are significant levels of road side car parking within the estate. The site is within easy walking distance of Clonmel Town Centre and some of the road side parking may be used by visitors to the area.
- 7.6. The site is located in the 50kph speed limit zone in a mature residential area with low levels of traffic volumes and with speed ramps to control the speed of traffic. I am of the view that having regard to the corner location of the site, motorists would need to

slow down and approach the area with caution. I note that on the day of inspection, there were cars parked to the front of the site. I concur with the point made by the applicant that the alternative of using roadside parking at this location in lieu of on site parking would create a greater traffic hazard. These factors, taken together with the modest development proposed of one three bedroom infill dwelling would not give rise to a traffic hazard in my view. As such, I consider that Condition 2 requiring the omission of the proposed vehicular entrance and the on site car parking spaces is not warranted in this instance.

8.0 Recommendation

- 8.1. I recommend that the Planning Authority be directed to REMOVE Condition 2 for the reasons and considerations set out hereunder:

9.0 Reasons and Considerations

Having regard to the residential land use zoning for the site, and to the pattern and character of development in the area, it is considered that the proposed dwelling and associated car parking, would not detract from the residential amenity of the existing dwelling or adjoining properties, and would not create a traffic hazard having regard to the low volumes of traffic in the area, the low traffic speeds in the vicinity of the site, and the modest nature of the development proposed. Therefore, the planning authority's Condition No. 2, requiring the omission of the proposed vehicular entrance and on site car parking spaces, is not warranted.

Emer Doyle
Planning Inspector

10th February 2023