



An  
Bord  
Pleanála

## Inspector's Report ABP-314409-22

<b>Development</b>	The erection of a new two storey dwelling with connection to the public mains, the partial demolition of existing agricultural shed, and all ancillary site works.
<b>Location</b>	Tyrells Road, Puttaghan, Tullamore, Co. Offaly.
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	22159
<b>Applicant</b>	Aisling Molloy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Thomas Reilly
<b>Date of Site Inspection</b>	19 <sup>th</sup> December 2022
<b>Inspector</b>	Dolores McCague

## **1.0 Site Location and Description**

- 1.1.1. The is located at Tyrells Road, Puttaghan, Tullamore, Co. Offaly. The is located on local road L 1024 at the eastern outskirts of the town north of the Grand Canal and in an area which is in transition from rural to urban. Adjoining the site to the north are farm buildings with a two storey farmhouse to the rear. Further north there are two storey houses, on individual sites, fronting the road with farmland to the rear. To the south a line of bungalows on individual sites, front the road with farmland to the rear with in-depth residential development of two storey dwellings further south. On the opposite side of the road, there is in-depth residential development of two storey dwellings, and directly opposite the site, a small linear band of open space.
- 1.1.2. Until recently the site was the side lawn of the adjoining bungalow to the south, which dwelling was also associated with the farm buildings to the north and farmland to the east. The entire property is subject to probate.
- 1.1.3. The site is given as 0.0706ha.

## **2.0 Proposed Development**

- 2.1.1. The proposed development the erection of a two storey dwelling with connection to the public mains, the partial demolition of an existing agricultural shed, and all ancillary site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority (PA) decided to grant permission subject to 11 standard conditions.

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

- 3.2.1. Planning Reports
- 3.2.2. There are two planning reports on the file the first planning report recommending further information, includes:

- Notes compliance with the development plan.
- Recommending further information, on 5 points, which issued.
  - Revised drawings to reduce the scale of the dwelling and better integrate it with the surrounding area when viewed from adjoining land/road in particular the south.
  - Demonstrate sightlines.
  - Confirm from the utility provider that the existing service pole will be moved/relocated.
  - Respond to third party observation.
  - Submit appropriate folios and land registry maps clarifying ownership.

### 3.2.3. Other Technical Reports

Environment & Water Services – conditions.

Tullamore Municipal District -Area Engineer's report - sightlines - further information.

### 3.3. Prescribed Bodies

IW – conditions.

### 3.4. Third Party Observations

- 3.4.1. A third party observation on the file has been read and noted. Issues raised are similar to those in the grounds of appeal.

### 3.5. Further Information

- 3.5.1. The further information response, submitted 9<sup>th</sup> June 2022, includes:

Revised drawings which reduce the ridge height from 7947mm to 7348mm; reducing the eaves height from c 5.1m to c 4.3m; providing the first floor windows as dormers. Site plan showing 2.4m x 45m sightlines.

Letter from EIR regarding removing Eircom plant.

Land registry details and solicitor's letter.

### **3.6. Further Reports**

- 3.6.1. Tullamore Municipal District -Area Engineer's report – satisfied with sightlines.  
Recommending conditions
- 3.6.2. The second planning report, recommending permission, which issued, includes:  
satisfied with responses to the FI request.

## **4.0 Planning History**

TU1179 erection of hayshed granted 24/07/1979

TU88676 erection of dwelling granted 22/10/1976 (copy of file provided)

TU72174 erection of haybarn and lean-to granted 15/10/1975

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. County Development Plan 2021 – 2027 Tullamore town Plan is contained in volume 2

Zoned existing residential.

Land Use Zoning Objective – Existing Residential - It is an objective of the Council to: LUZO-03 Protect and enhance the amenity and character of developed residential communities.

DMS-10 Urban Infill and Brownfield Development - New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area. To maximise activity in town and village centres, the street edge should be lined with development that promotes a high level of activity and animation such as retail, commercial or other appropriate uses. To maximise the effectiveness of these uses, setbacks should be minimised (for example 0-3m) and a high frequency of entrances provided (for example every 5-10 metres). Higher levels of privacy are desirable where residential dwellings interface with streets. This may be provided via a small setback (for example 1-3 metres) which incorporates planted strip that defines public and private space. Greater

flexibility in regard to setbacks may be needed in existing areas where they are defined by an existing pattern of building lines.

DMS-14 Space around Buildings - A minimum distance of 2.5m for single storey, and 3m for two-storey buildings will be required to be maintained between the side walls of adjacent dwellings or dwelling blocks with each building having a minimum of 1 metre to the boundary. This standard may be relaxed where the dwelling incorporates a single storey structure to the side.

DMS-15 Side Windows Generally, windows in the gable/side walls of dwellings will not be permitted where the windows would closely overlook the curtilage of an adjoining dwelling. Ground floor gable/side windows which are more than 6 metres from a properly screened common boundary may be permitted.

## **5.2. Natural Heritage Designations**

- 5.2.1. The nearest natura site is Charleville Wood SAC (site code 000571) located 2.4km straight line distance to south west.

## **5.3. EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. The third party appeal was submitted by Thomas Reilly. The grounds include:
- The lawn is not suitable for building a two storey house.
  - The house will unduly impact on the light and overlook the dwelling beside it, including the conservatory at the back.

- The shed is part of the boundary, knocking part of it will interfere with the privacy of the adjoining bungalow and the conservatory at the back. This is part of the common boundary and there has been no consultation.
- The proposed house is not in-keeping with the houses to the south and will impact on property values.
- The building work, waste materials and construction noise will impact on the adjoining property. The adjoining property has been newly landscaped and painted.

## 6.2. Applicant Response

6.2.1. The Applicant has responded to the grounds of appeal, including:

- The site is not a lawn but part of the farmyard; folio move in 1997 is referred to.
- The proposed development will be 1.5 storey rather than 2 storey.
- It will not impact on the appellant's light due to its position and there is already a wall of greater than 8 ft height on the boundary and farmyard sheds beyond.
- A 10 ft wall already impacts the conservatory.
- The appellant lives elsewhere, the property adjoining the site is in probate and the beneficiary is not the appellant.
- There are no windows on the southern side of the proposed dwelling.
- The shed can be removed without impacting the boundary wall.
- Although part of the shed above the boundary wall could be left, it would be impractical. A 10ft boundary wall will remain.
- Regarding the reference to bungalows along the road, there is a two storey house on the lands where the site is located, a housing estate of two storey houses 300m to the south on this side of the road; with an estate of three storey houses further south. On the opposite side of the road there is an estate of two storey houses and other similar estates.

- There is no evidence that the proposal will reduce the value of bungalows in the area.
- It will not impact from noise, construction hours will be as advised.
- It will not impact on landscaping, no landscaping has been carried out.
- It will not impact on the painted boundary wall. The wall is painted only on the appellant's side.

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

- 6.3.1. The Planning Authority has responded to the grounds of appeal, referring the Board to the reports on file.

## **7.0 Assessment**

- 7.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, building height, residential amenity and other issues and the following assessment is dealt with under those headings.

### **7.2. Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development, 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.

### **7.3. Building Height**

- 7.3.1. The grounds of appeal states that the site is not suitable for building a two storey house.
- 7.3.2. As originally proposed the building was two storeys. In response to the request for further information the height was reduced and the first floor altered to a dormer.
- 7.3.3. The appellant points out that there are estates of two and three storey housing across the road and to the south.

7.3.4. The proposed house is a detached house with a bungalow to the south and farm buildings to the rear, the predominant dwelling height in the general area is two storey.

7.3.5. In my opinion the building design proposed is acceptable.

#### **7.4. Residential Amenity**

7.4.1. The grounds of appeal raises concerns regarding impact on the light and overlooking of the dwelling to the south.

7.4.2. Being located to the south, there will be no impact on sunlight.

7.4.3. As pointed out by the applicant, there is a high wall intervening. The proposed dwelling is to be sited 4.729m from the common boundary and the dwelling to the south is a similar distance from the common boundary.

7.4.4. In my opinion there will be no impact on daylight.

7.4.5. There are no windows in the southern gable of the proposed dwelling at either ground or first floor level. Impact on privacy is therefore not considered to be an issue.

7.4.6. Impact from the building work, from waste, noise, and on the existing landscaping and painting of the adjoining dwelling have been raised as concerns. With normal building practice, none of these items are issues which are likely to be problematic.

7.4.7. Residential amenity is not a reason to refuse or modify the proposed development.

#### **7.5. Other Issues**

7.5.1. The grounds of appeal states that the shed is part of the boundary, knocking part of it will interfere with the privacy of the adjoining bungalow and the conservatory at the back; that this is part of the common boundary and there has been no consultation.

7.5.2. Removal of a portion of the shed is part of the proposed development. It will not interfere with the privacy of the adjoining property and in my opinion is acceptable, Any dispute regarding ownership is outside the Board's remit.



## 8.0 Recommendation

- 8.1.1. Having regard to the foregoing assessment it is considered that the proposed development should be granted for the following reasons and considerations and in accordance with the following conditions.

## 9.0 Reasons and Considerations

- 9.1.1. The proposed development of a dwelling, in an area zoned existing residential, would not impact on the residential amenities of neighbouring properties, would be provided with appropriate amenities, and would increase the density of development within a zoned serviced area close to the services and amenities of Tullamore town; and would accordingly be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of June 2022, 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.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>Prior to commencement of development, the developer shall enter into connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>

3.	<p>Prior to commencement of development, the developer shall provide the proposed sightlines at the site entrance.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
4.	<p>Any damage to the public footpath arising from the proposed development shall be made good to the satisfaction of the planning authority.</p> <p><b>Reason:</b> In the interest of orderly development.</p>
5.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
6.	<p>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</p>

	<p>application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>
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Planning Inspector

20<sup>th</sup> December 2022

Appendix 1 Photographs

Appendix 2 Offaly County Development Plan 2021-2027, extracts.