



An
Bord
Pleanála

Inspector's Report

ABP-314745-22

Development	Extension to rear and side of cottage, vehicular access, garage and associated site works.
Location	Goatinstown, Ballykisteen, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2260108
Applicant(s)	Patrick O'Halloran
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sinead & Michael Maguire
Observer(s)	None
Date of Site Inspection	31 st August 2023
Inspector	Catherine Dillon

1.0 Site Location and Description

- 1.1. The subject site is accessed off a local road (L-8212), approximately 1km west off the N24, and lies southwest of the Limerick Junction rail interchange. The Cork-Dublin railway line extends to the south of the site. The site is c.4.5km northwest of Tipperary Town and lies immediately to the south of the Limerick Junction Local Service centre settlement boundary. It is located in a predominantly rural area and is occupied by one of a number of dwellings which form a linear cluster on the southern side of the L-8212.
- 1.2. The L-8212 slopes downwards from east to west to an open drain/watercourse beyond the subject site, along the road margin on the southern side of the road. The appeal site is occupied by a detached vacant cottage of traditional vernacular with accommodation in the roof with a dilapidated outbuilding to the rear. The dwelling has an existing stated floor area of 47m² on a stated site area of 0.14ha.. Immediately to the west of the site, is a two-storey dwelling at a lower level. There is a bungalow to the east at a higher level than the subject site. The cottage sits forward of both these adjoining properties.
- 1.3. The front boundary of the subject site has been removed and the site rises gradually from the north to the south of the site. There is a drainage ditch to the rear in the adjoining agricultural field to the south, which extends from a piped drainage channel from the road to the west of the adjoining two storey dwelling. Gortdrum river is c.250m to the east of the site which flows towards Limerick Junction station.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a single storey side and rear extension to the cottage, a new vehicular access, detached garage and the installation of a wastewater treatment system and associated site works.
- 2.2. Further information was requested on 22nd April 2022 by the Planning Authority and received on 19th August 2022 with revised public notices. The main revisions to the development included:
 - Revised extension to the cottage from two storey to single storey;
 - Reduction in the size and re-location of the garage;

- A Flood Risk Assessment was submitted;
- Further details on the waste water treatment system were provided; and
- The new vehicular entrance was included in the revised description.

The development under consideration includes these amendments and comprises the following elements:

2.3. Single storey side extension:

This extension would be attached to the western elevation and would be set back from the frontage of the cottage with a width of 4.89m to the road and depth of 6.4m. It would be below the ridge height of the existing cottage with a gable end roof. There would be 2 windows on the front elevation and a window on the western elevation accommodating a bedroom.

2.4. Single storey rear extension:

This extension would project 14.6m beyond the single storey side extension and would be set in from the flank wall of both the cottage and proposed side extension. It would have a mono pitch roof set behind a parapet with a maximum height of 3.4m to the top of the parapet.

The single storey rear extension would be set back 6.7m from the western boundary and 1.947m from the eastern boundary at its closest points. Windows serving the kitchen/dining and utility room would be positioned in the rear elevation. It is noted a number of windows have not been indicated on the rear elevation, but it is clear from the layout where the windows are located.

The overall extensions as indicated on the plans would have a floor area of 143 m².

2.5. Vehicular entrance:

2.6. The proposed entrance would be located to the west of the site, with 70m sightlines indicated. A proposed timber fence is indicated beyond the entrance along the frontage of the site although no height details have been specified.

2.7. Garage:

It would be located 12.6m to the rear of the proposed extension and set in 4.9m from the western boundary with a flat roof and maximum height of 3.2m and an overall external area of 68m². A window is proposed on the eastern elevation.

2.8. Wastewater treatment system (WWTS) and percolation area:

A site characterisation report was submitted and a WWTS and polishing filter proposed in the southern portion of the site to the rear of the garage.

2.9. Flood Risk Assessment (FRA):

A FRA was further information.

The proposed development would be served by an existing public water main.

3.0 **Planning Authority Decision**

3.1. **Decision**

- On 13th September 2022, planning permission was granted for the proposed development. Conditions of note include:
- No. 2: The drainage measures outlined in the Flood Risk Assessment report to be carried out and completed before the occupation of the dwelling.
- No.3: The WWTS to be designed, located and constructed in accordance with the EPA 2021 Code of Practice (CoP) for domestic WWTS.
- No.4: All surface water that enters the site from the public road to be intercepted by a drainage kerb/cattle grid or approved equivalent surface water drain at the entrance and discharged into the proposed French drains.
- No.6: Use of the garage for domestic purposes only.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The first report of the planning officer sought additional information in summary, on the following:

- A FRA to establish the nature and extent of pluvial flood risk to the site.
- Revised site layout plan showing the proposed WWTS and polishing filter and to accurately show all adjoining WWTS and drainage ditches.

- Revised extension and garage design and positioning both away from the common boundaries.

3.2.3. The second report of the planning officer was satisfied with the mitigation measures proposed in the FRA. The proposed treatment system complied with the separation distances as required in Table 6.2 of the EPA 2021 Code of Practice. The report concluded the revised extension design and revised position of the garage would not have a negative impact on the neighbouring properties.

3.2.4. Other Technical Reports

District engineer: No report

A/Senior Engineer Water Services: No report

3.2.5. **Prescribed Bodies**

Irish Water: No report

3.3. **Third Party Observations**

3.3.1. Three third party submissions were received to the initial planning application on the following summarised grounds:

- Loss of views,
- Proximity to archaeological sites,
- No existing septic tank and separation distance of percolation area to neighbouring properties,
- Wetlands to the rear of the site,
- Distance to watercourse and flooding,
- Surface water ponding on site,
- Inaccuracies in drawings & size of site,
- Height, size and design of development,
- Elevation of property not to be raised higher than existing property,
- Impact on boundary hedge and wall,

- Include a condition for a retaining wall,
- Impacts on wildlife,
- Loss of light & shadowing, and
- Health and safety concerns.

3.3.2. Two submissions were received from immediate adjoining occupiers to the revised plans. The concerns raised are similar to those outlined above. The additional concerns raised in brief related to the following additional matters:

- Overlooking from windows and doors,
- Omission of windows on floor plans,
- Relocation of garage will cause shadowing and impact on light to neighbouring property & concerned about use of the garage,
- Adjoining percolation areas shown incorrectly,
- Disagree with conclusions in FRA, as there has been no pluvial flooding on the neighbouring lands, other than run off from the application site, and
- Site has always flooded from bad weather and not the road.

4.0 Planning History

4.1. None relating to the subject site.

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028

5.1.1. Written Statement Volume 1

5.1.2. Policies 5-16 & 13-3: Encourages the sympathetic refurbishment of rural buildings of vernacular stock.

5.1.3. Policies 11-9 & 11-10: These policies require assessments for all new developments (both within and without designated Flood Risk Zones) in line with the 'Staged Approach' and pre-cautionary principle set out in the Planning System and Flood

Risk Management Guidelines for Planning Authorities, (DEHLG, 2009), including site specific flood risk assessments to provide information on the implications of climate change with regard to flood risk in relevant locations.

5.1.4. Policy 15-2: Requires that all new septic tanks, proprietary effluent treatment systems and percolation areas to be located and constructed in accordance with the Water Services Guidelines for Planning Authorities (and any review thereof) and the Code of Practice for Domestic wastewater treatment systems (EPA, 2021) (and any amendment) and the development management standards of this Plan as set out in Volume 3.

5.1.5. **Volume 3 Appendix 6: Development Management Standards**

5.1.6. Section 2.2 Flood Risk Management: (a) Extensions of existing uses or minor development within flood risk areas will be supported, provided they do not: obstruct important flow paths; introduce a number of people into flood risk areas; entail the storage of hazardous substances; have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities; or increase the risk of flooding elsewhere.

With the exception of single storey extensions to existing properties, new single storey accommodation shall not be deemed appropriate where predicted flood levels are above design floor levels. In all cases, specifications for safe access, refuge and evacuation shall be incorporated into the design of the development.

5.1.7. Section 3.3 Sustainable Urban Drainage Systems and Nature-Based Solutions: The Council will seek to maintain drainage having consideration to water sensitive urban design and the application of a nature-based SUDS approach in all new development and in the retrofitting of development as appropriate.

5.1.8. Section 4.12 Domestic extensions: The Council will seek to implement the following guidelines in respect of extensions:

a) A ground level extension shall be subordinate to the main dwelling in scale and design. There are, however, circumstances where an existing property is limited in size (e.g. a single bedroom cottage) and a large extension is required to allow it to be brought up to modern living standards. Such developments will be considered on a case-by-case basis and will require a sensitive design to ensure that the proposal

will not dominate the local streetscape and a plot size that can absorb the development.

b) The extension shall integrate with the primary dwelling, following window proportions, detailing and finishes, including texture, materials and colour.

c) The design and layout of extensions to houses shall have regard to the amenities of adjoining properties. The Council may require the submission of a daylight, sunlight and overshadowing assessment, if considered necessary.

5.1.9. Section 4.14 Domestic Garages: The scale and detail shall be subordinate to the main dwelling and their use shall not impact on adjoining residential amenity. Detached garages should be less than 70sqm.

5.1.10. Section 4.3 Wastewater Treatment System: 4.3.2 Extensions to Dwellings: This section refers to extensions to dwellings where the living accommodation is to be substantially upgraded and/or extended to accommodate additional occupants which requires an upgrade to a WWTS, it shall comply with the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021).

5.1.11. Section 6.1 Road Design & Viability at a Direct Access: This section sets out the siting and design of access/egress points and specifies the sightline requirements on non-national roads as 160m measured from a point 2m from the edge of the public road (Figure 6.2). The speed limit on the L-8212 is 80kph. A Traffic & Transport Impact Assessment is only required for large scale developments.

5.2. **Natural Heritage Designations**

The site is not in a designated area. The closest Natura 2000 sites lie to the south of the site and include the Moanour Mountain SAC (site code: 002257) c.7.63km, the Lower River Suir SAC (site code:002137) c.8.64km, and the Galtee Mountains SAC (site code 000646) c.11.3km.

5.3. **EIA Screening**

The need for an EIAR can be excluded as the development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended. Refer to Form 1 in Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal with attached photographs are submitted by Michael & Sinead Maguire, of the adjoining dwelling to the west. The main points are summarised under the following headings:

Residential amenity:

- Not opposed to a small development of the property but opposed to such a large development for the size of the site.
- Overlooking from extension and loss of light from garage to their property.
- Impact on quality of life for family, young children and property that they have invested in.

Wastewater treatment system (WWTS):

- The WWTS and percolation area is not suitable for the size of the development (occupancy of 10) and the site, and is too close to the adjoining properties percolation areas as per EPA Code of Practice 2021.
- Points out that there is no existing WWTS and therefore proposal is not an improvement.

Flooding:

- Site has a high-water table and subject to water pooling. The use of French drains to channel surface water to a drain outside the site, sets a precedent and will impact on the neighbouring property during periods of flooding.
- FRA completed during a dry summer and omitted the existence of the local river 10m from the site which floods every 2 years which back fills the drainage dike to the south of the site.
- The removal of the earthen bank along the frontage of the appeal site has removed its natural flood defence which will now impact on the neighbouring property when the road floods.

- Development will impact on river systems and the environment. Provided pictures of the road in flood.
- Photographs are attached to the submission showing the drainage characteristics of the road.

Sightlines:

- Are not achievable, and owner would be required to remove hedgerow not in their ownership to achieve the sightlines. Traffic survey should have been submitted.

Inaccuracies in planning application:

- Size of the site, address incorrect, watercourses not indicated, elevations not matching, contiguous elevation incorrect, description on site notice different from description on planning authority's web site and omits proposed entrance, site characterisation form is incorrect, omission of archaeological sites, and site occupancy has changed.
- The same standard has not been applied to this application as in previous invalidated planning files.

6.2. Applicant Response

- 6.2.1. A response was received on behalf of the applicant from English Leahy solicitors, Gerard Fahey of Lissard Consulting Ltd., and Liam Tobin the site assessor. All three responses answer different aspects of the appellant's grounds of appeal which I have grouped in accordance with the appellant's grounds of appeal as follows:

Residential amenity:

- Windows to the rear of the extension were omitted in error, but this has no impact on the neighbours as windows are facing the back of the site.

WWTS:

- Bedroom 2 to be converted to a study room. This will reduce the property to a 6 person occupancy.
- The site assessment was carried out as per EPA Code of Practice 2021.

- The system was designed for a 4 bed, 6 P.E property.
- All minimum separation distances can be achieved.
- The pictures taken by the appellant are confusing and refer to trial holes and the surface water shown in pictures were not present on the day of testing, and the assessor can only assume this is due to heavy rain on a slow draining site.

Flooding:

- The only surface water present was in tracks made by machines, and attached pictures in this regard.
- The neighbouring field to the south is serviced with an effective drainage system and the owner has verbally confirmed his agreement to the applicant making a connection to this drain, however a formal agreement has not been set up.

Inaccuracies in planning application:

- The clerical errors were corrected under the further information 22/60108 and were accepted by Tipperary County Council.
- Appellant hasn't specified which drawing of the garage or extension is inaccurate.
- The size of site was corrected to 0.14ha on drawing 21756-TC-03 Rev C, submitted to Tipperary County Council under Further Information and Further Significant Information.

6.3. Planning Authority Response

- The reference to previous invalid applications made on the site is not considered relevant to the assessment and determination of the subject application.
- The subject application was deemed to meet the validation requirements of the Planning and Development Regulations 2001, as amended.

- The Planning Authority fully considered all points of concern made in the submissions received on the application. All relevant planning considerations are documented in the planning assessment reports.
- The Planning Authority request An Bord Pleanála to uphold the decision to grant permission for the development.

7.0 **Assessment**

7.1. I consider the main issues in this appeal are those raised in the grounds of appeal, and my assessment is based on the revised design and layout submitted as further information are as follows:-

- Residential amenity,
- Adequacy of Waste Water Treatment System (WWTS),
- Flooding and drainage of the site,
- Sightlines,
- Design- New Issue,
- Appropriate Assessment, and
- Procedural issues.

7.2. **Residential amenity**

7.2.1. The County Development Plan is favourably disposed to the refurbishment and renovation of vacant dwellings such as the appeal building rather than replacement. Section 4.12 of the CDP states extensions should be subordinate to the main dwelling house in scale and design and integrate with the primary dwelling and have regard to residential amenity.

7.2.2. The appellant to the west has expressed concern that some of the windows have been omitted in the drawings and the proposed extension would result in overlooking and there would be a loss of light from the garage to their property. The applicant has responded by stating the windows were omitted in error, and that there would be no impact on neighbours as the windows are facing the back of the site.

- 7.2.3. There are four windows proposed along the western elevation serving 3 bedrooms and a kitchen/dining area. These windows would be set back approximately 6.7m from the adjoining western boundary. There is an existing hedge on the neighbouring property's boundary, and this could be enhanced and reinforced by additional planting on the subject site's boundary. The distance and intervening vegetative screening, together with the single-storey nature of the proposed development would mitigate any loss of privacy or overlooking.
- 7.2.4. There would be windows and a glazed door serving a kitchen and utility room in the rear elevation. The rear windows of the proposed extension would face the rear of the subject site and because they are single storey would not overlook the neighbouring properties.
- 7.2.5. The windows proposed on the eastern elevation of the extension would serve bathrooms, and these windows are indicated as being in frosted glass, and in the event of planning permission a condition could be attached to ensure these bathroom windows are in obscured glass. I note there is a bedroom window on the northern elevation of the extension which would overlook the existing cottage, which is not a satisfactory outlook for the future occupiers of the extension. Nevertheless, I am satisfied the proposed extension would not impact on the privacy or daylight of the dwelling to the east.
- 7.2.6. The appellant is concerned the proposed garage would result in a loss of light to their property to the west. The garage would be single storey in height and would be positioned to the rear of the neighbouring house, and 4.9m from the western boundary. It would be screened to a large extent by the planting along the neighbour's boundary and the existing neighbour's outbuilding along the eastern boundary. Subject to a condition being attached restricting the use of the garage for domestic purposes only, I do not consider it would affect the residential amenity of the neighbouring properties.
- 7.2.7. Given the single storey nature of the extension and its siting, the existing layout of the adjoining sites, together with the existing landscape screening, it is considered that the proposed development would not give rise to any significant level of loss of privacy, daylight or overshadowing. The proposal would not, therefore, result in any significant injury to the residential amenities of neighbouring properties.

7.3. Adequacy of WWTS

- 7.3.1. Drainage issues have been raised in respect of both the design and layout of the proposed wastewater treatment system and percolation area, being an inadequate size (occupancy of 10), and being too close to the neighbouring property. In terms of the design and layout, the appellant has raised concerns regarding the lack of adherence to the minimum separation distances in Table 6.2 of the EPA Code of Practice (CoP) (2021).
- 7.3.2. From the site characterisation form it is noted the site is located on a locally poor aquifer with moderate ground water vulnerability. No bedrock was encountered during the tests, although the water table was reached at 650mm, with mottling at 700mm below ground. The site falls within the R1 response category where an on-site system is acceptable subject to normal good practice. The trial holes were carried out in February 2022 in accordance with the CoP, and indicated the site consists of Devonian Sandstones soil and sub soil, which have moderate permeability, on limestone shale bedrock. The P & T tests provided values of 34 and 58, demonstrating moderate percolation rates. I consider the results to be consistent with the ground conditions observed on site following a period of heavy rain. Though the trial holes were filled in, there was no evidence of vegetation associated with impeded drainage such as rushes, water ponding, outcrops, etc., and the ground although wet was firm underfoot at the time of my inspection. I also inspected the drain in the adjoining field to the south of the site which is at a lower level than the site and extends along the rear boundaries of the properties along this road.
- 7.3.3. There is the potential to impact on ground and surface water. The applicant proposes to address this potential problem by installing a wastewater treatment system where the treated effluent would be pumped to a raised polishing filter. Details of the exact layout and construction methodology of the polishing filter is set out in section 5 of the site characterisation form. The system has a capacity of 4000 litres, of which 2400 are in the primary chamber, this ensures a long desludging interval. It is my considered opinion with the incorporation of a proprietary wastewater treatment system with a specifically constructed polishing filter created to further attenuate effluent percolating from the wastewater treatment system will provide sufficient treatment of wastewater to the extent that it will not pose a threat to groundwater or any other receiving waters in the vicinity. Furthermore, and as

pointed out by the applicant's assessor in the response to the grounds of appeal, the proposed location of the wastewater treatment plant within the site is situated to ensure that it complies with all the requirements as specified in Table 6.2 of the EPA Code of Practice.

- 7.3.4. I acknowledge the site assessment form did not make a reference to the drain in the adjoining field. However, in response to the further information request a drawing was submitted indicating the polishing filter would be c.19m from the drainage ditch to the south, which exceeds the minimum distance of 10m and, therefore, complies with Table 6.2 of the CoP 2021.
- 7.3.5. The appellant has raised the issue that the WWTS cannot cater for an occupancy of 10 PE. In response, the applicant's site assessor has confirmed the proposed WWTS is in accordance with the EPA CoP 2021, and has been designed for a 4 bedroom 6 person occupancy. Gerard Fahey of Lissard Consultancy Ltd on behalf of the applicant, has confirmed bedroom 2 on the proposed revised layout would be converted to a study room which would mean a 6-person occupancy. I note bedroom 2 is a large room in the overall layout, and, although the applicant has confirmed this would be made into a study, I consider this would be difficult to enforce. The original floor layout plans and revised plans indicate 4 bedrooms which would be the equivalent of an occupancy of 6 PE, according to Table 3.2 of the EPA CoP. I would be of the opinion the site assessment report was designed for a 4 bedroom extension and it, therefore, meets the CoP requirements.
- 7.3.6. Table 6.2 of the CoP requires a separation distance of 10m between a proposed percolation area/polishing filter and any adjacent percolation/treatment area and 3m from a site boundary. As part of the further information the Planning Authority requested a site layout plan showing all existing wastewater systems on adjoining sites and drainage ditches and the separation distances as required under Table 6.2 of the EPA 2021 CoP. The Planning Authority were satisfied with the response received from the applicant, noting that the system is more than 10m from the neighbouring percolation areas. The Planning Authority also noted that the percolation area would be c3.5m from the site boundary and considered a sufficient distance. I am satisfied the location of the percolation area and proposed septic tank meets the criteria required in Table 6.2 of the EPA 2021 CoP.

7.3.7. On the basis of the packaged WWTS (Kilarney Plastics pumped trichel bio system 6PE) to be installed, and the nature of the polishing filter to be constructed on site, I am satisfied that effluent can be properly treated to a satisfactory standard on the subject site. I am satisfied that the standards in the EPA CoP are adhered to, and that water quality (both groundwater and surface water) is extremely unlikely to be polluted directly as a result of the proposed WWTS. In the event the Board is minded grant permission for the proposed development, I recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).

7.4. **Flooding and drainage of the site**

7.4.1. The Planning Authority identified the site was subject to pluvial flooding. I have reviewed the OPW flood mapping for the area and I note that it does not indicate any past flood events for the site, and it was not included within any arterial drainage scheme works. The CFRAMS map indicates the Gortdrum river c.250m to the east and south of the site beyond the railway line is subject to fluvial flooding. A FRA report was submitted by the applicant by way of further information. This report indicates the field drain to the rear of the site is the principal receptor of surface water run-off from the agricultural fields. The proposed dwelling would be located at an elevation of 99.8m which is approximately 1m above the lower embankment level of the drain and >1.7m above the invert level of the drain.

The appellant contends the local road has been subject to extreme flooding as a result of the nearby stream overflowing and the removal of the earth bank to the frontage of the subject site. I would agree the removal of the earth bank to the subject site has probably reduced its ability to absorb surface water, but the surface water along the road is a culmination of a number of issues; namely the westerly slope of the road, the number of houses and extent of hard surfacing, and the removal of the road hedgerows to provide sightlines. I consider the existing house on the site has existed for a substantial period compared to the more recent dwellings along this road. I note the appellant's photographs of past flooding along the road and ponding on the site. However, I inspected this site in August 2023 and did not see any evidence of surface water on the road or the site.

- 7.4.2. Nevertheless, the Tipperary County Council Flood Risk Maps (PFRA) have identified that the proposed development site to be potentially at risk from a 1:100 pluvial flood event. I would consider the flooding of the road drain as highlighted by the appellant already exists and due to the levels of the road the appeal site would receive less surface water than the site to the west.
- 7.4.3. The FRA proposes French drains along the site's boundary to allow surface water to drain away. I consider this an acceptable sustainable drainage system to accommodate surface water run-off from the road and the development itself, although no details have been provided for the French drains within the site. Condition 4 of the planning permission required all surface water from the public road into the site to be discharged into the proposed French drains. Both neighbouring properties are seeking a retaining wall along the site's boundaries to protect their properties from surface water and to protect any boundary vegetation from damage from the French drains. I consider a retaining wall for the length of the property excessive. However, I have concerns there is no consent on file from the neighbouring landowner regarding discharging the surface water into the neighbouring drain, and there is no doubt there will be an increase in surface water disposal on the site following the construction of the extension and garage. The Board may decide in the event of a planning permission being issued to seek further information in this regard.

7.5. **Sightlines**

- 7.5.1. I note from street view images there was a double gate along the frontage of the site prior to the removal of the hedge which would suggest a vehicular access into the site existed.
- 7.5.2. The neighbouring property to the west of the subject site has a boundary hedge which extends to the road frontage. The forward visibility sightlines from the site would be blocked by this hedge. However, if this hedge was trimmed sightlines would be achievable. Table 6.2 of the County Development Plan requires sightlines of a distance of 160m on non-national roads where the speed limit is 80 km/h. The layout drawings indicate the entrance into the site would be set back from the road edge with 70m sightlines being achievable. Given the levels along the road I would agree the 70m and 160m sightlines is achievable to the east but is limited by the

neighbouring hedge to the west. Despite the layout not indicating 160m sightlines, I note the Planning Authority did not raise any issues regarding the sightlines. I would not be satisfied that adequate sightlines are achievable from the site, with the vehicular access in the proposed position. Furthermore, the applicant has not adequately demonstrated that they have control or ownership over the lands necessary to achieve the sightlines.

7.6. Design- New Issue

The proposed development involves the renovation and extension to the existing cottage which is of a vernacular style with a pitched roof and narrow span. I note the proposed extension following further information, was reduced in height to a single storey extension, but the actual floor area increased from 114.56m² to 143m². This is a substantial increase, with the proposed extension being three times the size of the original cottage. The rear extension would project c.19m along the western side gable wall but would be set back so that the original cottage would remain intact.

- 7.6.1. It is considered that the design approach is reasonably successful in that it retains the cottage as a standalone element to the front. However, the scale of the rear extension is excessive particularly when viewed along the western elevation and given the cottage's proximity to the road would dominate the existing cottage, and fails to demonstrate a sympathetic approach to the vernacular design of the cottage. The span of the roof is such that the roof profile of the extension differs considerably from that of the original cottage and emphasises the difference in scale and design between the existing and proposed.
- 7.6.2. It is considered, therefore, that the proposed development would not be in accordance with the Development Plan policies to restore and renovate existing buildings by reason of the excessive scale, inappropriate design and architectural treatment of the proposed extension.
- 7.6.3. Whilst the design of the extension is a new issue in the appeal, the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons set out below, it may not be necessary to pursue the matter.
- 7.6.4. The garage would be single storey with a flat roof with a floor area below 70m², which is in accordance with the CDP. I consider the proposed pitched roof in the

original submission would be more appropriate from a design perspective, although the garage would be set back from the road.

7.7. Procedural Issues

- 7.7.1. The appellant has raised the matter regarding the inaccuracies in the drawings and site characterisation form. There are a number of inaccuracies in the drawings, namely with regards to the area in the roof not being included in the further information drawings, the size of the site being incorrect initially, the final extension being larger than outlined in the application form, and windows not being included in the rear elevation. I note the Planning Authority were satisfied with the quality of the drawings and site characterisation form to validate the planning application. I am satisfied that these issues did not prevent the concerned party from making representations, and the discrepancies in the drawings, were resolved at the further information stage.

7.8. Appropriate Assessment

- 7.8.1. Given the small scale and nature of the development, the distances involved, and the absence of any indication of a hydrological link to European sites, it is considered that 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. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The proposed renovation and extension of the existing traditional cottage would, by reason of its excessive scale and inappropriate architectural treatment and design, result in a structure which would overwhelm the original cottage and fail to integrate with the character of the original vernacular rural dwelling. The proposed development would, therefore, be contrary to Section 4.12 of the County Development Plan and the proper planning and sustainable development of the area.

2. The site is accessed by means of a local road which serves several residential properties along the route. The proposed entrance to the site is substandard in respect of the sightlines available, particularly in a westerly direction, where there is an existing hedge along the roadside boundary. Based on the information submitted with the planning application and appeal, it is considered that the proposed development would endanger public safety by reason of a traffic hazard as the applicant has not demonstrated adequate sightlines are achievable and at a point where sightlines are restricted in a westerly direction.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Catherine Dillon
Planning Inspector

2nd November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314745-22		
Proposed Development Summary	Extension to rear and side of cottage, garage and associated site works.		
Development Address	Goatinstown, Ballykisteen, Co.Tipperary		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
Conclusion			
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Catherine Dillon

Date: 20th October 2023