



An
Bord
Pleanála

Inspector's Report ABP-319235-24

Development	Retention of extension to dwelling		
Location	39 Upper Gladstone Street, Clonmel, Co Tipperary.		
Planning Authority Ref.	2360896		
Applicant	James Fitzpatrick		
Type of Application	Permission	PA Decision	To refuse to retain.
Type of Appeal	First	Appellant	James Fitzpatrick
Observer	None		
Date of Site Inspection	11 th June 2024	Inspector	Ann Bogan

1.0 Context

1. Site Location/ and Description.

The extension to be retained is to the rear on an existing one and a half-storey dwelling on Upper Gladstone Street, near the centre of Clonmel. Upper Gladstone Street has a mixture of houses and businesses, with an existing adjoining house at 40 Gladstone Street and a business adjoining to the north at No 38 Upper Gladstone Street.

2. Description of development.

Retention of a 6.35sqm two storey rear extension to existing 44sq m dwelling, consisting of an extension to the kitchen at ground floor and a bathroom at first floor level. The profile of the back half of the roof of the house has been raised and extended out over the extension, and rooflights have been inserted into the bedroom of the existing dwelling and the bathroom extension. The extension is clad in corrugated metal sheeting and the new roof is covered with a bitumen roofing membrane.

3. Planning History

None on site

None relevant on adjoining lands

Enforcement: TUD-23-035 – Warning letter issued on 12th of October 2023 in relation to construction of an extension to the rear of existing dwelling.

4. National/Regional/Local Planning Policy

- Clonmel and Environs Local Area Plan (LAP) 2024-2030, (replacing Clonmel and Environs Development Plan 2013 under which the application was considered by the PA).
 - Section 9 Land Use Zoning: UC 'Urban Core'
- The Tipperary County Development Plan 2022-2028 was adopted by the Planning Authority on 11th July 2022. Relevant policies:
 - Section 4.12 Domestic Extensions (Vol 3, Appendix 6, Development Management Standards).

5. Natural Heritage Designations

- The subject site is located within 10km of the Lower River Suir SAC, within 15km of the Nier Valley Woodlands SAC and within 15km of Comeragh Mountains SAC.

2.0 Development, Decision and Grounds of Appeal

6. Planning Authority Decision

Further information was sought in relation to design of the extension and proposals for disposal of rainwater. Having reviewed the further information response and viewing the extension from neighbouring properties the planning officer concluded that the development was contrary to Section 9.13 and Policy DM1 of the CEDP 2013 and recommended refusal of permission. The planning authority decision reflects this recommendation.

Reasons for refusal in summary:

1. Planning Authority considers that the materials and finishes used on the extension do not match the existing dwelling, are substandard and are not reflective of a domestic use and the extension represents an incongruous feature to the rear of the dwelling and seriously injures the amenity, and depreciates the value of properties in the vicinity, and would set an undesirable precedent for other similar developments, and be contrary to Section 9.23 and Policy DM1 of the Clonmel and Environs Development Plan (CEDP) 2013, as varied.
2. The existing rainwater goods and sewer connections serving the development overhang No. 40 Upper Gladstone Street and discharge into service connections on this property. As a result, the development is considered to seriously injure the amenity and depreciate the value of adjoining property. Planning Authority is not satisfied that the proposals submitted with respect to rainwater goods (sewer not addressed) are implementable within the application site boundary. The development is considered to be contrary the CEDP 2013 and contrary to proper planning and sustainable development of area.

7. First Party Appeal.

Grounds in summary:

- Purchased house 3 years ago and carried out internal refurbishments leading to very modest increase in floor area at first floor level of 3.4sqm. Existing shed to rear of house 2.9sqm was converted to kitchen area.
- Extension is very small and not visible from public realm

- Disagree that materials are not fit for purpose and contrary to proper planning and development of area. Same materials used at rear of Post House in Clonmel, granted permission under Ref 21748.
- With regard to existing rainwater and foul water connection, when applicant purchased the property 'there was an existing combined sewer 'serving the property, where rainwater and foul water were historically discharged into this combined sewer'. There are no changes to this status quo. Argues therefore he is entitled to make the surface water and foul water connection to this sewer.

8. PA Response

- Having regard to grounds of appeal and plans and particulars on file planning authority is satisfied the decision to refuse was appropriate
- Note that decision on the application was made under Clonmel and Environs Development Plan 2013 as varied. Clonmel and Environs Local Area Plan (LAP) 2024 comes into effect on 25th March and will replace same.
- The new LAP refers to policies objectives and standards of Tipperary County Development Plan 2022-2028 in assessing applications for residential extensions, namely Section 4.12 Domestic Extensions (Vol 3, Appendix 6, Development Management Standards).
- Planning authority considers the development to be retained is contrary to the relevant objectives of the new LAP and the County development Plan and request An Bord Pleanála to uphold their decision

3.0 Environmental Screening

9. EIA Screening

The development is not of a category of development included in Schedule 5 of the Planning and Development Regulations 2001, as amended. Based on the information supplied with the application and the limited nature and scale of the development and the criteria set out in Schedule 7 of the 2001 regulations it can be concluded that EIA would not be required

10. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the development proposed to be retained would not be likely to have had a significant effect individually or in combination with other plans or projects on a European site.

4.0 Assessment

4.1. Having reviewed the documentation submitted with the application and the appeal and taken account relevant policies and guidance and having inspected the site, I consider the main issues to be considered in this appeal are as follows:

- Impact on amenities of neighbouring properties
- Rainwater and foul water services

4.2. Impact on amenities of neighbouring properties

- 4.2.1. The development involves a small two-storey extension to an existing terraced house. The principle of the development is considered acceptable with regard to zoning, as it is located in an area zoned 'urban core' in the Clonmel and Environs Local Area Plan where residential uses are acceptable in principle.
- 4.2.2. Section 4.10 of the Vol 3 Appendix 6 of the Tipperary County Development Plan includes guidance on domestic extensions states that extensions 'shall integrate with the primary dwelling following window proportions, detailing and finishes, including texture materials and colour' and 'shall have regard to the amenities of adjoining properties.'
- 4.2.3. In this case, the kitchen/bathroom extension is small in scale and not visible from the public road. However, it is visible from neighbouring properties including No 40 Upper Gladstone Street and Fennessy's Funeral Home. The extension is clad in a corrugated metal sheeting with a bitumen felt roof and appears to fills the entire rear yard area, with no access for maintenance. The design, materials and finishes are not in keeping with the character and form of the existing building, and the cladding is more appropriate to an industrial or agricultural setting. Furthermore, it appears

that the development overlaps the boundary and encroaches onto the rear yard of the adjoining property to the south and the 5.4m metal clad side elevation is also visually overbearing on the yard of this adjoining residential property. I believe, therefore, that the development to be retained has a negative impact on the amenities of adjoining properties and is not in accordance with the County development Plan guidance on extensions, as outlined above.

4.3. Rainwater and foul water services

- 4.3.1. The application form indicated the development is connected to existing public water and sewerage services. The drawings as submitted with the application did not include any services, apart from indicating downpipes to the front elevation of the existing dwelling. The planning authority requested a revised site layout plan showing proposals for rainwater goods and disposal from the development.
- 4.3.2. The planning officer noted that the rainwater goods and sewer pipe from the first-floor bathroom are overhanging the adjoining property at 40 Upper Gladstone Street and discharging into connections on this property. This is an unsatisfactory arrangement and has a negative impact on the amenity of the adjoining property. The agent responded to the request for further information with a proposal to construct a gutter and downpipe at the rear of the extension connecting to combined sewer that runs through the applicant's property and neighbouring properties, but did not include drawings illustrating this proposal. It is not clear that there is space to the rear of the extension to implement this proposal, as the extension appears to extend to the rear wall. Having considered the information available on the file, I am not satisfied that the proposals for disposal of rainwater and foul water from the development are acceptable and conclude that there is a likelihood of serious impact on the amenity of the adjoining property.

5.0 Recommendation

- 5.1. I recommend that permission for retention of the development be refused.

6.0 Reasons & Considerations

1. The materials and finishes used on the extension are out of keeping with the existing dwelling, are substandard and are not reflective of a domestic use and the extension represents an incongruous feature to the rear of the dwelling, is overbearing on the private space of the adjacent dwelling, and seriously injures the amenity of properties in the vicinity, and would set an undesirable precedent for other similar developments. The development is therefore considered not to be in keeping with Section 4.10 of Volume 3 Appendix 6 of the Tipperary County Development Plan 2022-2028 and is, therefore, not in accordance with the proper planning and development of the area.
2. The existing rainwater goods and sewer connections serving the extension to be retained overhang the adjoining property at No. 40 Upper Gladstone Street and discharge into service connections on this property. As a result, the development is considered to seriously injure the amenity of adjoining property. The Board is not satisfied that the proposals submitted to the planning authority with respect to rainwater goods under further information, are implementable within the application site boundary. Having regard to the above considerations, the development to be retained is, therefore, contrary to the proper planning and sustainable development of the area.

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.

Ann Bogan

Planning Inspector

Date

Appendix 1 Relevant policies and guidance

Clonmel and Environs Local Area Plan 2024-2030

Section 9 Land Use Zoning Framework

Zoning Objective: UC Urban Core

Objective: Provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses

Description: Consolidate the existing fabric of the core/central areas of settlements by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a quality urban environment. The zoning emphasises compact growth objectives and priority for public transport, pedestrians and cyclists.

Tipperary County Development Plan 2022-2024

Volume 3, Appendix 6 Development Management Standards

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.