



An
Bord
Pleanála

Inspector's Report

ABP-319839-24

Development	Demolition of existing 2 storey dwelling and single storey garage and construction of a replacement 2 storey dwelling and single storey garage
Location	San Roesta, Coleville Road, Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	24/60041
Applicant(s)	Alan and Anne Marie Barlow
Type of Application	Planning Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Decision
Appellant(s)	Frances Dawson
Observer(s)	None
Date of Site Inspection	03 August 2024
Inspector	L. Gough

1.0 Site Location and Description

- 1.1. The subject appeal property is situated on zoned land, within Clonmel, Co. Tipperary, and has a stated area of 0.1 Ha. An existing residential site with a detached two storey dwelling house (with single storey rear extension), and detached single storey garage, currently occupy the site.
- 1.2. The property is located on the south-eastern edge of Clonmel, with frontage onto Coleville Road (R680), and is situated directly opposite the main entrance to the Minella Hotel and gate lodge bungalow.
- 1.3. The property is within a well-established fringe suburban/ urban area and is bounded by detached residential properties of varying designs, with the appellant's dwelling to the immediate west, comprising a single storey dwelling, similarly to other dwellings adjacent to the west and on the same side of the road. The dwelling to the east is a two-storey dwelling.
- 1.4. The existing dwelling is part of a ribbon of five dwellings with similar footprints. The roadside boundary to all of these dwellings is defined by a low masonry wall, with hedging behind.
- 1.5. The site is within walking distance of Clonmel town centre. The Knocklucas Stream is c.50m to the west of the property and the River Suir is c.170m to the north.

2.0 Proposed Development

- Demolition of existing 2-storey 184.4sqm, 8.1m high dwelling and single storey 47sqm garage
- Construction of a replacement 2-storey dwelling with a 293.3sqm floor area and height of 8.65m and single storey garage.
- The proposed dwelling will incorporate four first floor level windows serving two double bedrooms, whilst the existing dwelling includes three windows serving three bedrooms.
- New wastewater treatment system and associated percolation area.
- Realignment of the existing entrance wing walls, with 1.8m high internal piers.

- New entrance gates, 1.7m high; all associated ancillary site works.

As part of further information submitted to the planning authority on foot of a request for same, a number of minor changes were made to the design of the proposed dwelling. These included:

- Rear extension pitch roof replaced by a flat roof which omits the valley gutter and parapet
- Height of inside piers reduced to 1.2m
- Opaque glazing applied to first floor gable windows

3.0 Planning Authority Decision

3.1. Decision

Grant, subject to conditions, subject to 12No conditions. Condition 4 requires that the proposed garage shall be used for purposes incidental to the enjoyment of the dwelling house and shall not be used for any residential, commercial or industrial purpose. Condition 9 requires that sightlines at the entrance to the site shall be as indicated on the drawings received on the 12th of April 2024 and that no features, including any hedging, in excess of 1.05 metres in height, shall be located in the sight triangle of the site access.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's report assesses the development in terms of planning policy, planning history, siting and design, impact on residential and visual amenity, access, servicing and issues raised in submissions made to the planning authority. The initial report also recommended a request for further information in relation to:
 - Providing a robust justification as to the need for the demolition and replacement of the dwelling as it is the Council's policy to support the refurbishment of structurally sound, habitable dwellings;

- The applicant is to explore the potential with Uisce Éireann, of connecting to the public wastewater network;
- In the event connection to the public wastewater network is not possible, the applicant was requested to submit details of the location of all treatment units and percolation areas within a 50m radius of the system proposed so as to ensure compliance with table 6.2 of the EPA 2021 Code of Practice-Domestic Wastewater Treatment Systems;
- Details of sightlines at the revised entrance in accordance with DMURS;
- Applicant was invited to consider design amendments including to windows, height of the rear extension hipped roof, amendments to roadside entrance and height of inside piers to not exceed 1.2m, opaque glazing to first floor gable windows.
- The subsequent Planners Report report indicates that the further information submitted to planning authority, which included:
 - A letter from an engineer stating that the existing dwelling was undergoing subsidence and that the cost of remediation, retrofit and internal alterations/ refurbishment would be in the order of €250,000
 - A letter from Uisce Éireann was provided which indicated that connection to the public water network would require a 55m connection. The applicant indicated that the cost for same would be prohibitive, relative to the cost of building a single dwelling.

The planner's report deemed the further information to be acceptable and recommended a grant of permission, generally as set out in the Chief Executive's Order.

- I note that notwithstanding the Planner's report statement that a condition would be attached to any grant of permission requiring a connection to be made to the public sewer in the event same is extended to serve the subject site, no such condition was imposed of the Local Authority's grant of permission.

3.2.2. Other Technical Reports

District Engineer – Sightlines do not comply with current County Development Plan requirements; however, the entrance does comply with the previous planning application (Planning Ref PA3965). The existing hedge should be lowered to achieve sightlines, as there is a blind spot and any improvement to the sightlines would be advantageous.

Further information to be requested and clarity provided on how SUDS have been incorporated, and how surface and storm water is to be managed to ensure that all runoff from the proposed development will be collected and drained into an on-site water management system. SUDS assessment to accompany the proposal as per Vol.3, Section 3.3 of the County Development Plan.

3.3. Prescribed Bodies

No reports on file.

3.4. Third Party Observations

2No observations were submitted. Issues raised, included:

- Proposed development is contrary to the provisions of the County Development Plan (Section 3.8), as it does not consider existing privacy and amenity, established views or vistas of adjacent dwellings and residents – would have a negative impact on the residential amenity of adjoining properties by reason of overlooking and overshadowing.
- Proposal is contrary to Policy 3-3 which requires the retrofitting and reuse of existing buildings (where practical), rather than their demolition and reconstruction.
- The design, height, form, scale, massing and finishes of the dwelling proposed is out of character with the surrounding area; the new house would be 0.55m higher than the existing two storey, and have an increase in footprint from 231.4 sq.m to 321.3 sq.m.
- The proposal is contrary to the Rural Housing Design Guide. In accordance with the provisions of same, a house of the size proposed should have a set

back of 30m from the road and a plat size of 0.75 acres. Current setback is c.13.8m and a site size of 0.25 acres.

- Proposed materials are not in keeping with existing houses in the area and streetscape.
- The proposed development will have a negative impact on the health and wellbeing of the appellant, who is an elderly lady, as it will be located less than 2m from her bedroom.
- Additional height, increased size and extension of the dwelling footprint at a two-storey height, 3m deeper into the site, and the inclusion of proposed windows to the rear, directly facing and less than 2m from the appellant's house, will overshadow the neighbouring bungalow dwelling and negatively impact privacy and sunlight amenity, particularly within the living room/sunroom and patio, early mornings through to midday. It will consequently also impact the bungalow's BER rating and result in the need for additional heating of the bungalow.
- There is insufficient space for the proposed wastewater treatment system, particularly in view of the increased size of the house, additional bedrooms (total of 5), as well as bathrooms (total of 6).
- Sightlines at the entrance are not adequate and the proposed development provides no improvement to same.
- The height, size and scale of the proposed entrance is not in keeping with other entrances on the road.
- The development will impact local biodiversity and ecosystems in the area.
- The construction works will impact the peace and tranquillity of the area and have an adverse impact on the health and mental well-being of the appellant.

4.0 Planning History

Same site:

PA3965 – Erection of dwelling: Granted (4th May 1965).

Adjoining lands:

PA13198 - two storey extension to rear (south) of existing dwelling: Granted.

PA503 - to demolish and remove existing garage and ancillary accommodation, to alter and extend existing house (located two houses across to the west) and provision of a "puraflo" sewage treatment system.

5.0 Policy Context

5.1. Development Plan

Clonmel and Environs Development Plan 2024

- 5.1.1. The Clonmel and Environs Local Area Plan 2024-2030 (LAP) was made on 12th February 2024 and came into effect on 25th March 2024.
- 5.1.2. The site is zoned 'Existing Residential', with an objective to provide for residential development and protect and improve residential amenity. Description: Existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development.
- 5.1.3. Section 2.2 of the LAP notes that *"It is a Core Ambition of the TCDP (Tipperary County Development Plan 2022-2028) to enable a 'Climate Resilient, Sustainable and Low Carbon County' and to support a 51% reduction in greenhouse gases by 2030 in line with the National Climate Action Plan... The construction process can account for a large quantum of the lifecycle carbon of a building or development. Therefore, the most carbon effective method of development is often to refurbish existing buildings and structures to support new development. The redevelopment of existing buildings and structures can also have cultural or social benefits associated with the preservation of historic buildings and the evolution of their functions within the community. The retrofitting of existing structures will therefore be the preferred approach to brownfield development, unless it is demonstrated that retrofitting is unfeasible, or redevelopment would provide positive carbon impact through the re-design, construction and use stages of a new building, compared with retrofitting".*

- 5.1.4. Policy 2.1: Require the retrofitting of existing structures on brownfield sites, unless it is demonstrated that retrofitting is unfeasible, or redevelopment of the site would provide positive carbon impact through the re-design, construction and use stages of a new building, compared with retrofitting.
- 5.1.5. Policy 2.3: Require new development to incorporate best practice in low-carbon and energy efficient planning and techniques as reflected by the policies and objectives of the TCDP and this LAP and in accordance with the Tipperary County Council Climate Action Plan 2024-2029 (and any review thereof).
- 5.1.6. Section 7.1.2 Nature Based Solutions, Biodiversity and Urban Greening. The Council will seek to encourage nature-based surface water management solutions, biodiversity and urban greening measures as a natural part of new development and as a measure to support a low-carbon society and build resilience to climate change. These techniques will be required to be detailed at planning application stage by both public and private sector development and as part of public realm enhancement.
- 5.1.7. Policy 8.3: Require new development to ensure it would not adversely affect a water body's ability to meet its objectives under the Water Framework Directive, individually, as a result of the proposed development, or cumulatively, in combination with other developments.
- 5.1.8. Policy 8.4: Require that all development proposals in Clonmel integrate SUDS, and nature based solutions to SUDS, as part of an overall sustainable urban drainage and urban greening approach, (refer also to Section 3.5 of the accompanying SFRA, "Sustainable Urban Drainage Systems and Surface Water Guidance and Clonmel and Environs Local Area Plan 2024-2030 93 Strategy"), unless they are demonstrated to be operationally unfeasible to the satisfaction of the Council.

Tipperary County Development Plan 2022-2028

This plan came into effect on the 22nd of August 2022. Relevant Sections include the following:

- 5.1.9. Chapter 2 Core Strategy – notes that the five Core Strategy ambitions are grounded in the overriding ambition for Tipperary to transition to a Climate Resilient, Sustainable and Low-Carbon County over the lifetime of this Plan.

- 5.1.10. Policy 3-3: Require the retrofitting and reuse of existing buildings (where practical) rather than their demolition and reconstruction.
- 5.1.11. Policy 3-6: Support new construction and development forms that use a low embodied carbon approach, and where the full life-cycle carbon, and other environmental impacts are calculated to support the lowest possible energy and CO2 emissions.
- 5.1.12. Chapter 4 Settlement Strategy outlines Clonmel as a Key Town (Self Sustaining Regional Driver). It is described as ‘a vibrant and thriving town, a key regional centre for education, health services and social and cultural activities with a county museum, arts centre, theatre, swimming pool, library and cinema and numerous sports clubs.’ In its role, it is targeted to grow by at least 30% in terms of population, and to attract a range of large employers and regional services, amenities and infrastructure. Figure 2.4 Core Strategy Map identifies Clonmel as a Key Town.
- 5.1.13. Section 4.14 Domestic Garages: The scale and detail of domestic garages shall be subordinate to the main dwelling and their use shall not impact on adjoining residential amenity. Detached garages should be less than 70sqm and should be discreetly located on the site to compliment the dwelling appearance and finish.
- 5.1.14. Section 5.3 deals with Residential Developments in Towns and Villages.
- 5.1.15. Section 5.4 supports Specialised Housing and Housing Mix. This includes regard to Age Friendly Housing. *New residential development shall consider ‘Age Friendly Principles Guidelines for the Planning Authority’, Age Friendly Ireland 2021. Where possible, homes in new residential developments are to be universally designed to the ‘Lifetime Homes’ standard set out in Quality Housing for Sustainable Communities (DEHLG, 2007).*
- 5.1.16. Section 5.7 outlines Planning Objectives for Housing.
- 5.1.17. Policy 5-7: Ensure that new residential development accommodates housing for a range of specialised needs, including those of the elderly, and contain appropriate mix of housing types and sizes. New housing shall incorporate the principles of Lifetime Adaptable Homes and Universal Design to cater for groups with specific needs in the county, as informed by a ‘Statement of Housing Mix’ as part of a ‘Sustainability Statement’ where applicable.

- 5.1.18. Policy 5-9: Require that climate change actions and measures be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use, enhance accessibility, manage waste and support biodiversity.
- 5.1.19. Policy 5-18: Facilitate, where it is demonstrated by an applicant that a dwelling is no longer suitable for habitation, its replacement with a new dwelling.
- 5.1.20. Chapter 6 Supporting Sustainable Communities - Section 6.2 deals with Inclusive Communities and Places.
- 5.1.21. Policy 15-2: Relates to WWTS.
- 5.1.22. Policy 15-7: Require all new development to provide a separate foul and surface water management system and to incorporate nature-based water sensitive urban design, where appropriate, in new development and the public realm. New developments, or retrofit/upgrading works, including those contributing to combined drainage systems where streetscape enhancement programmes or resurfacing programmes are planned, will incorporate measures to reduce the generation of storm water run-off, and to ensure that all storm water generated is managed on-site, or is attenuated and treated prior to discharge to an approved storm water system, with consideration to the following:
- a) Nature-Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas (water sensitive urban design) Best Practice Interim Guidance Document (DHLGH, 2001) and any review thereof,
 - b) The infiltration into the ground through the development of porous pavement such as permeable paving, swales and detention basis,
 - c) The holding of water in storage areas through the construction of green roofs, rainwater harvesting, detention basis, ponds and wetlands etc.
 - d) The slow-down in the movement of water.
- 5.1.23. Appendix 6 outlines Development Management Standards.
- 5.1.24. Volume 2 Settlement Guide and Settlement Plans: Section 8.0 Specific Objectives – Sustainable Communities

SO6: To seek the development of high-quality neighbourhoods with an appropriate mix of house types, amenities and services to cater for housing needs of the community.

5.1.25. Volume 3 Development Management Standards of Tipperary County Development Plan includes:

4.6: Applications for residential development will be assessed against the design criteria set out in the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, (DHLGH, 2009) and the Urban Design Manual: A Best Practice Guide, (DHLGH, 2009). This section applies to all new residential development in settlements, including serviced sites and should be addressed at planning application stage to the satisfaction of the Council.

5.2. Regional Planning Context

- Regional Spatial and Economic Strategy for the Southern Region (RSES).

5.3. National Planning Context

- Project Ireland 2040: National Planning Framework.
- Housing for All – A New Housing Plan for Ireland, 2021.
- Environmental Protection Agency's 2021 Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10).
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.

5.4. Natural Heritage Designations

The Lower River Suir SAC (Site Code 002137) is located c. 125m to north of the site. Nier Valley Woodland SAC and NHA (Site Code 000668) is located c. 8.5km to south of the site. Comeragh Mountain SAC and NHA (Site Code 001952) is located c. 9.8km to southeast of the site.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

- Appellant is elderly and has her bedroom located less than 2m from the proposed demolition works. The proposed development is having a negative impact on the appellants health.
- Proposed development will be located at the end of a row of bungalows and will be of a completely different scale and appearance to all other houses in the row, and thus not in keeping with the character of the area.
- The proposed new house will be 0.55m higher than the existing two storey house, with an increased footprint from 2,486 sq.ft to 3,458.3 sq.ft
- Finishes proposed to the new house, including the roof, are not in keeping with existing houses in the row.
- The rear elevation of the proposed house will be stepped back 3m at two storey level blocking all morning sunlight to the rear of the appellant's house, particularly her living room/ sunroom and patio.
- The proposed house also includes 4No windows which will directly overlook and be less than 2m away from the appellant's house.
- The appellant's house and garden will be completely overshadowed and overlooked by the proposed house, including the privacy of her sunroom/living room, bedroom, ensuite and garden – negatively impacting her privacy and residential amenity.

- The proposed house is contrary to Policy 3-3 (to support the refurbishment of structurally sound, habitable dwellings). Applicant's engineer claims the current house is subject to subsidence and needs to be demolished; however, no evidence has been provided in support of same.
- Contrary to the assertion by the applicant's engineer, the floor plan layout of the current house proposed to be demolished, constitutes a modern layout with generous spaces which also provides scope for future layout changes, which does not provide justification to override TCC's sustainability policy.
- No evidence is provided to support the claim that the existing flat roofed extension has not performed satisfactorily. A flat roof can be repaired and replaced.
- The cost of retrofitting the house to improve its energy performance would be less than the cost of demolishing and rebuilding.
- Concern is expressed with the ability of the proposed packaged secondary treatment system being able to properly function due to the increased output and due to additional bedrooms on a particularly small site, with much of the site occupied by the house, garage, paved patio and parking areas. Insufficient drainage will impact adjacent properties.
- Sightlines required are less than those required by DMURS.

6.2. Applicant Response

None on file.

6.3. Planning Authority Response

None on file.

6.4. Observations

None on file.

6.5. Further Responses

None on file.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, after an inspection of the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues to be considered in this appeal are as follows:

- Principle – Replacement dwelling
- Siting/ Design/ Residential Amenity
- Wastewater Treatment
- Sightlines
- Other Issues

Principle – Replacement dwelling

7.2. The subject site is zoned Existing Residential which has the objective to provide for residential development and protect and improve residential amenity and an associated description which identifies that such zoning allows for the protection of existing residential amenity balanced with new infill development to protect, provide and improve residential amenities. Within existing residential zones 'Residential' is a permissible use. As such, I consider the principle of the development to be acceptable in terms of land use zoning, subject to normal planning considerations.

7.3. The rationale submitted to the Local Authority for seeking permission to demolish the existing dwelling and construct a replacement dwelling, is based on an engineer's letter provided at further information, which states that the current house is subject to subsidence and needs to be demolished, although no photographic nor documentary evidence was provided in support of same. Additional reasons provided relate to the limitations of the internal redesign of the existing accommodation and the existing sub-standard extension and costs of retrofitting, which are stated to have been

reviewed. Again, no documentary evidence nor calculations to support same have been submitted.

- 7.4. The current LAP and county development plans both recognise the inherent sustainability of retention and refurbishment, compared with the whole life energy costs and waste impacts that would result from demolition and re-build. The re-use of existing structures preserves the embodied energy expended in the original build, minimises waste and reduces the use of new materials.
- 7.5. Whilst I did not view the existing dwelling's interior during my site visit, the house does not appear to be in a dilapidated condition when viewed externally. As is evident in the attached photographs of the site, the existing dwelling is not an eyesore nor does it visually detract from the area. I also note that the planning application has been lodged by a member of the family who is an executor of the estate and would thus query the stated need for the proposed development and associated planning application, and question the principle of demolishing and replacing the dwelling in terms of sustainability.
- 7.6. Given the transformative changes required through the Climate Action and Low Carbon Development (Amendment) Act 2021 and the ambition to more than halve carbon emissions over the course of the decade to 2030 and the legally binding target of net-zero emissions by 2050, it is considered imperative that policies, objectives and actions aimed at assisting to achieve the County's Core Strategy, are adhered to and implemented. In this regard, I have had specific reference to the policies of the Clonmel and Environs LAP (Policies 2.1 and 2.3) and Tipperary County Development Plan (Policies 3-3, 3-6, 5-9 and 5-18), as detailed in section 5.1 of this report.
- 7.7. In the above regard, I therefore concur with the Appellant that a strong justification for the demolition of the existing dwelling and its replacement with a new dwelling, has not been presented by the Applicant, nor has the need for same been supported by evidence, carbon calculations, nor any other information to support an indication of compliance with these policies.
- 7.8. Whilst I was not able to inspect the interior of the property, nor gain full access to the rear of same as the property appeared to be uninhabited and vacant at the time of

my inspection, as is evident from the photographs attached to this report, the house appears to be in good structural condition with the roof and windows all intact. The dwelling is fully serviced in terms of water, wastewater, and electrical connections. Furthermore, in principle, the site is sufficiently sized to accommodate an extension should additional floor space be required. Having regard to the foregoing, I consider the proposed development to be contrary to the Clonmel and Environs LAP policies 2.1 and 2.3 and Tipperary County Development Plan policies 3-3, 3-6, 5-9 and 5-18, in relation to replacement dwellings and the provision of new dwellings.

Siting/ Design/ Residential Amenity

- 7.9. The proposed development involves the replacement of an existing two storey detached dwelling with replacement two storey detached dwelling which has a floor area increase in excess of 50% of the existing dwelling and will be c. 0.5m higher than the current one.
- 7.10. Whilst the information submitted at further information makes some appropriate amendments in relation to the flat-roofed single storey rear extension and obscure glazing to the rear first floor windows, in relation to the two storey extended footprint to the rear, I would be of the opinion that this is a significant extension and increase in height in the context of the neighbouring bungalow to the immediate west. This is notwithstanding the local authority planner's contention that at 2.5m, such extension beyond the main rear building line could be deemed to be acceptable.
- 7.11. The applicant has not provided any details in relation to daylight and shadow analysis for the adjacent properties. The proposed development is orientated on an east to west axis and thus has the potential to negatively impact on sunlight approaching from the east, on the morning sunlight of the property to the west. Whilst I acknowledge the presence of the existing tall leylandii common boundary hedging, the additional depth of the proposed replacement dwelling, at 2.5m beyond the established main rear building line will now also include the additional roof to ridge height which would extend beyond the height of the leylandii by a significant degree, and be c.0.5m higher than the current ridge height.
- 7.12. Given the minimal setback distance between the proposed dwelling and the existing bungalow dwelling to the west, I would have a concern that the proposed dwelling

would negatively impact the bungalow to the west and that overshadowing will occur of both the rear garden and existing sitting room/ sun lounge of the neighbouring dwelling, which would reduce the residential amenity currently enjoyed by this dwelling.

- 7.13. In terms of overlooking, whilst the proposed dwelling incorporates an additional first floor rear window, these will only serve 2No habitable bedrooms, and not 3No, as at present. There is an existing degree of overlooking which is evident from the existing dwelling and this will not necessarily be further increased. I am therefore satisfied that there would be no additional loss of privacy amenity which might arise as a result of the proposed development.
- 7.14. In relation to the design, scale and massing of the proposed replacement dwelling, whilst it is acknowledged that the streetscape within the wider area exhibits a range of styles and sizes of houses wherein the proposed dwelling is capable of being assimilated, particularly in relation to the size of the adjacent dwelling to the immediate east, it is also nonetheless considered that given the existing context, scale and limited setback to the bungalow dwelling to the west, the design solution is inappropriate, and has not been tailored to respond to such considerations/ constraints. Whilst it is thus my view that the proposed replacement dwelling may be assimilated within the existing streetscape, I would have a concern that the scale, massing and height of the dwelling, would have an overbearing impact on the bungalow dwelling to the immediate west.
- 7.15. In conclusion, I consider that the overall scale and massing of the proposed replacement dwelling is not sensitive to the existing context of existing dwellings and residential amenity, particularly to that of the dwelling to the immediate west, and would result in an overbearing impacts that would reduce the existing dwellings residential amenity.

Wastewater treatment

- 7.16. A 7PE packaged secondary treatment system is proposed for the subject appeal site, in accordance with Table 3.2 of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021 (EPA CoP), for a 5-bedroom house.

- 7.17. The Site Characterisation Report indicates that the subject appeal site has a '*High Vulnerability and an Aquifer Categorisation of "Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones"*'.
- 7.18. Following Trial Hole assessment and percolation testing, the assessment concluded that a packaged tertiary treatment system and infiltration/ treatment areas would be appropriate and required for the site due to the confines of the site and proximity to adjacent dwellings.
- 7.19. Although there is a high density of on-site DWWTS in the area (5No wastewater treatment systems within a 50m radius of the proposed new packaged treatment unit), it is considered that the proposed treatment system might be considered to comprise an upgrade to the existing system, providing improved protection of the Groundwater resource than is the current status quo.
- 7.20. Notwithstanding the above, in consideration of the principles of sustainability and the need to move to a net zero carbon society, and also taking into account the development proposal which includes 5No double sized bedrooms, each with their own en-suite bathroom – wherein the proposed dwelling could potentially accommodate a total of 10No people in the event it were to be used as a rental/investment property, and a separate guest toilet, on a limited site size, I would have a concern in relation to the proposed package treatment system.
- 7.21. On a precautionary basis, and in relation to the above, I would therefore have a concern, that notwithstanding the proposed package treatment system, the proposed dwelling has the potential to accommodate a PE of 10 and that the system proposed may therefore be inappropriate. The proposed development is thus considered to be prejudicial to public health and would be insufficient to accommodate the anticipated maximum PE loading of 10, and would therefore, be contrary to the proper planning and sustainable development of the area.
- 7.22. As already noted in this report, the local authority Planner's Report included a statement that a condition would be attached to any grant of permission requiring a connection to be made to the public sewer in the event same is extended to serve the subject site, no such condition was imposed of the Local Authority's grant of permission. In the event that the Board considers issuing a grant of permission, it is

considered appropriate that a maintenance condition be imposed in relation to the proposed wastewater treatment system.

Sightlines

The appellant has raised a concern in relation to the sightlines being inadequate. In this regard, I have noted the District Engineers comment in relation to same and taken into account the planning history and existing context of the property, as well as the revised proposal to the wing walls, inside piers and boundary planting submitted as further information. I am accordingly satisfied that the proposed development, as revised on further information, addresses the issue adequately.

Other Issues

- 7.23. Construction - The grounds of appeal have concerns regarding the construction phase and potential impact on the adjacent properties. Whilst it is acknowledged that there will always undoubtedly be construction related impacts during implementation of a building projects, this is balanced by the fact that they are generally of short duration and scale, dependent on the project being implemented. It is my opinion, that the proposal will not unduly impact the residential amenity of adjacent dwellings and that any such impact would likely be of relatively short duration in consideration of the fact that it relates to a single dwelling. In the event of a grant of permission, appropriate construction conditions shall be attached.
- 7.24. Development Contributions – I refer to the Tipperary County Council Development Contribution Scheme. The development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission, that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

Appropriate Assessment (AA Screening)

I have considered the proposal to construct a dwelling in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located within a peri-urban location. As indicated in section 5.4 of this report, the Lower River Suir SAC (Site Code 002137) is located c. 125m to north of the site, the Nier Valley Woodland SAC and NHA (Site Code 000668) is located c. 8.5km to

south of the site and the Comeragh Mountain SAC and NHA (Site Code 001952) is located c. 9.8km to southeast of the site.

7.25. The development proposal consists of the construction of a single dwelling and ancillary garage as a replacement dwelling and garage. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Scale and nature of the development]
- Location-distance from nearest European site and lack of connections

I conclude that, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the proposed development based on the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development is considered to be contrary to the Clonmel and Environs Local area Plan 2024 policies 2.1 and 2.3 and the Tipperary County Development Plan policies 3-3, 3-6, 5-9 and 5-18, in relation to replacement dwellings and the provision of new dwellings, whereby the Applicant has failed to fully and properly demonstrate that retrofitting is unfeasible, or redevelopment of the site would provide positive carbon impact through the re-design, construction and use stages of a new building, compared with retrofitting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The design solution of the proposed replacement dwelling fails to appropriately respond to the existing site context, scale and limited setback to the bungalow dwelling to the west. The scale, massing and height of the proposed replacement dwelling, would thus have an overbearing impact on the bungalow dwelling to the immediate west that would reduce the existing dwelling's residential amenity. The proposed development would, therefore, be contrary to the proposed planning and sustainable development of the area.
3. The scale, mass and extent of the proposed development at first floor level and the proximity of the proposed dwelling to the adjoining dwellings to the west would compromise the existing residential amenity in terms of the light available to the adjacent site and dwelling. The proposed development would therefore fail to accord with the site's zoning objective, which seeks 'to provide for residential development and protect and improve residential amenity'. The development is therefore considered to be contrary to the proper planning and sustainable development of the area.
4. The proposed development incorporates a packaged secondary treatment system based on a population equivalent (PE) of 7. On the basis that the proposed development incorporates a design which could realistically accommodate 10 people living within the dwelling, the proposed system is considered to be inadequate and would thus be considered to be prejudicial to public health. The proposed packaged secondary treatment system would therefore, be 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.

L. Gough
Planning Inspector

16 November 2024

Appendix 1 - Form 1: EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319839-24			
Proposed Development Summary	Demolition of existing dwelling and garage and construction of a replacement dwelling and garage and ancillary site development works and services			
Development Address	San Roesta, Coleville Road, Clonmel, 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	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and 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		N/A		No EIAR or Preliminary Examination required
Yes	X	Class 10, (b) (i)	Sub-Threshold	Proceed to Q.4
4. Has Schedule 7A information been submitted?				
No	X	Preliminary Examination required		
Yes		Screening Determination required		

Inspector: _____

Date: 17/11/2024

An Bord Pleanála Case Reference	ABP-319839-24	
Proposed Development Summary	Demolition of existing dwelling and garage and construction of a replacement dwelling and garage and ancillary site development works and services	
Development Address	San Roesta, Coleville Road, Clonmel, Co. Tipperary	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The site is located in a peri-urban location at an existing developed residential site at which the existing dwelling and garage are proposed to be demolished. The proposed development is not exceptional in the context of existing environment. No, the proposal is to construct a dwelling house All waste can be managed through standard construction management measures.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	The size of the proposed development, of a single dwelling on a site of c.0.25ha, is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. There are no other developments under construction in proximity to the site. All other developments are established uses.	No No
Location of the Development Is the proposed development located on, in, adjoining or does it have the	There are no ecologically sensitive locations in the vicinity of the site. The site is not within a European site and the nearest European sites to the subject appeal site are:	No

<p>potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<ul style="list-style-type: none"> • Lower River Suir SAC (Site Code 002137) c. 125m to north of the site. • Nier Valley Woodland SAC and NHA (Site Code 000668) ic. 8.5km to south of the site. • Comeragh Mountain SAC and NHA (Site Code 001952) c. 9.8km to southeast of the site. <p>The proposal includes standard best practice methodologies for the control and management of wastewater and surface water on site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	<p>No</p>
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment in terms of the nature, size and location of the proposed development and having specific regard to the criteria set out in Schedule 7 of the P&D Regs 2001 (as amended).</p> <p>EIA not required.</p>		

Inspector: _____

Date: 17/11/2024