



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321378-24**

<b>Development</b>	Construction of a domestic storage shed with solar panels and all associated site works.
<b>Location</b>	2 Oaklands, Ballingarry, Thurles, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council.
<b>Planning Authority Reg. Ref.</b>	24/60281.
<b>Applicant(s)</b>	Michael Brannigan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Micheal and Catherine Murphy.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> March 2025.
<b>Inspector</b>	Kathy Tuck.

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of c.0.078ha, is located at no.2 Oaklands, Ballingarry, Thurles, Co. Tipperary. Oaklands is a residential estate which comprises of 13 detached two storey dwellings and is situated centrally within Ballingarry. Ballingarry is situated c.26km to the south-east of Thurles.
- 1.2. The subject site comprises of detached two storey dwelling which is served with private amenity space to the rear and in curtilage parking to the front. The site forms its western boundary with undeveloped agricultural fields.

## **2.0 Proposed Development**

- 2.1. This is an application for permission for a domestic storage shed and all associated site works. The subject storage shed is located in the south-eastern corner of the site and set c.1.2m from the southern boundary of the site.
- 2.2. The shed which has a stated area of c.70sq.m has a width of c.7m and a length of c.10m. The structure is finished with a pitched roof profile with a ridge level of c.3.74m. The shed is served with a roller door along the northern elevation. The proposed structure is also served with solar panels along the southern roof slope. It is not clear as to the scale of the panels proposed.
- 2.3. Following a request for further information the applicant submitted amended plans which provided for a reduction in the scale of the shed structure so that it had a stated area of c.48sq.m. The amended structure was finished with a mono pitch roof profile which has a maximum ridge level of c.3m along the northern elevation reducing to 2m along the southern elevation. The location of the proposed structure was also amended to provide for a c.4m separation distance from the eastern boundary of the site.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following a request for additional information the Planning Authority issued a Grant of Permission on the 7<sup>th</sup> November 2024 subject to 5 no. of conditions which are standard to this type of development.

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

##### **3.2.1. Planning Reports**

The first report of the Planning Authority noted the location of the site, relevant planning history, a summary of submissions received and all relevant planning policy. The assessment raised concerns over the scale of the proposed shed structure and its intended use and as such a request for the following further information was sought:

1. Submit revised proposals for a garage of a reduced size with finishes to compliment the dwelling.
2. provide a justification for the use of the shed.

The applicant submitted a response to the further information request on the 16<sup>th</sup> October 2024 which can be summarised as follows:

Item 1 – the applicant has submitted a revised site layout plan and plans demonstrating a reduction in the scale of the shed by 31%.

Item 2 – The applicant stated that the shed will be for practicing of the applicants hobby which pertains to working on and maintaining vintage cars and the provision of increased solar power for the applicant's needs.

The second report of the Planning Authority noted the response received and, while noting that the material finishes of the shed do not compliment the dwelling, the inclusion of an area of landscaping to the northeast of the proposed shed and the revised separation distance from the neighbouring dwelling provide an acceptable solution. As such the response provided was considered to be acceptable and a recommendation to grant permission in line with that of the decision was made.

##### **3.2.2. Other Technical Reports**

District Engineer –notes no objection subject to condition.

### 3.3. Prescribed Bodies

None received.

### 3.4. Third Party Observations

One number third party submission was received and can be summarised as follows:

- Loss of daylight.
- Need to utilise more electricity.
- Structure can be relocated on the subject site.
- Applicant does not reside in the dwelling on a full-time basis.
- Value depreciation.

## 4.0 Planning History

PA Ref 051423      Permission granted for 7 no. detached dormer dwellings, 6 no. semi-detached dormer dwellings, associated services and upgrading of the existing entrance to lands.

## 5.0 Policy Context

### 5.1. Tipperary County Development Plan 2022-2028

Ballingarry, Thurles, Co. Tipperary is identified within the Settlement Guide and Settlement Plan as being a Settlement Node.

*Other Relevant Objectives :*

Volume 3 Appendix 6 – Development Management Standards

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.

## **5.2. Natural Heritage Designations**

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c. 4.5km to the west of and 3.5km to the north of the River Barrow and River Nore SAC (002162).

## **6.0 EIA Screening**

The development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements (See Form 1 Appendix 1).

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.1.1. A third-party appeal was lodged on behalf of Michael and Catherine Murphy who are the occupants of the neighbouring property to the east of the subject site. Grounds of the appeal can be summarised as follows:

- Not opposed to the provision of a shed but rather the positioning of the shed within the applicant's garden.
- The shed has been located immediately adjacent to a shared boundary.
- Overshadowing of kitchen window.
- Restriction of existing view.
- Noise pollution from works on cars – generated late at night and on weekends.
- Request that a condition be included to limit the times that work on cars can be undertaken.
- Request that the shed be relocated to other side of garden area.

### **7.2. Applicant Response**

None received.

### **7.3. Planning Authority Response**

None received.

## **8.0 Assessment**

Having examined the application details and all other documentation on file, including the appeal, having inspected the site and having regard to the relevant policy guidance, I consider the main issues in relation to this appeal are as follows:

- Impact on amenity.
- Proposed Use.
- Other issues

### **8.1. Impact on amenity**

- 8.1.1. Concern has been raised by the appellant with regard to the proposed development and the negative impact it will have upon their current levels of residential amenities in terms of overshadowing, and they note that they are not opposed to the provision of a garden shed but more to the location proposed being on their common boundary with the applicant.
- 8.1.2. It is further contended that due to overshadowing that the appellants will incur a greater energy cost and that the location of the structure will also lead to a loss of the current panoramic view which is currently available from their kitchen and living window across the undisturbed countryside.
- 8.1.3. The proposed shed structure, on foot of the further information request, has been set c.4m from the eastern boundary of the subject site which is shared with that of the appellant. The structure is single storey in nature having a maximum ridge level of c.3.05m reducing to c.2m. Having regard to the orientation of the subject site together with the single-story nature of the shed structure and the c.4m separation distance being provided I do not consider that the proposal would give rise to any undue level of overshadowing.
- 8.1.4. With regard to concerns raised relating to the existing view, having regard to the separation distance, and the layout and orientation of the neighbouring property on the adjoining site to the east, I do not consider that proposal will be overbearing upon the current view to the south.

- 8.1.5. I further note from undertaking a site visit and visiting the appellants rear garden there are two no. existing shed structures which are located to the rear of the dwelling in close proximity to the western boundary of the site which is the common boundary shared with the applicant. These structures, one of which is finished with a pitched roof profile with what appears to have a similar ridge height of the structure seeking permission, I consider, will afford some level of screening to the proposed structure and as such the height of the proposed is acceptable.
- 8.1.6. Overall, having regard to the requirement of Section 4.14 of the Tipperary County Development Plan 2022-2028 which states that *“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”*, I consider that the scale of the proposed domestic shed, as permitted, is acceptable and will not impede negatively upon the current level of amenities enjoyed at this location by the neighbouring property.
- 8.1.7. While I note the appellants request to relocate the shed elsewhere within the garden area associate with the applicants dwelling, I do not consider this necessary as I do not consider that the current location will impact upon the current level of residential amenities enjoyed at this location for reasons set out above.

## **8.2. Proposed Use**

- 8.2.1. The appellant has raised concern over the proposed use of the domestic shed with regard to noise impact. It is contended that the proposed use to maintain and restore vintage/classic cars will generate noise to a level which will cause disturbance. It is further disputed that the works will be undertaken late at night and at weekends. It is therefore requested by the appellant that if the board are minded to grant permission for the proposed structure that a condition be included restricting the hours
- 8.2.2. The works proposed to be undertaken will be contained in within the shed structure and as such the noise omissions would therefore be somewhat mitigated. I consider having regard to the nature of the shed structure being domestic in nature and its location c.4m from the shared that the proposed use would generate any undue noise levels.

## 9.0 AA Screening

- 9.1. Having regard to the modest scale of the proposed development, its location within an appropriately zoned area and the foreseeable emissions therefrom, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.0 Recommendation

- 10.1. Having regard to the above, I recommend that permission be granted for the development based on the following reasons and considerations.

## 11.0 Reasons and Considerations

The proposed development which is seeking permission for a domestic shed complies with the provisions of section 4.14 of the Tipperary County Development Plan 2022-2028. It is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with the surrounding area, would not be visually detrimental to the area would not impact negatively upon the current levels of residential amenity enjoyed at this location and is in keeping with the proper and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and on the 16<sup>th</sup> October 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity</p>
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2.	<p>The proposed garden room shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission. In addition, it shall not be separated from the principal dwelling by lease or sale.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity</p>
4.	<p>The disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>A landscape plan (scale 1:500) together with an accompanying planting schedule shall be submitted to the Planning Authority for written agreement prior to the commencement of development. The scheme shall provide for the planting of native deciduous trees and hedgerows (as appropriate) to screen the garage from the estate access road. The agreed landscaping plan and planting shall be implemented during the first planting season following the commencement of the development.</p> <p><b>REASON:</b> In the interests of visual amenity</p>

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.

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Kathy Tuck  
Planning Inspector

19<sup>th</sup> March 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-321378-24		
<b>Proposed Development Summary</b>	Construction of a domestic storage shed with solar panels and all associated site works.		
<b>Development Address</b>	2 Oaklands, Ballingarry, Thurles, Co. Tipperary.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	X
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>	X		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	Tick/or leave blank		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			

<b>No</b>	X	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2

### Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c. 4.5km to the west of and 3.5km to the north of the River Barrow and River Nore SAC (002162).

The proposed development comprises of the construction of a domestic storage shed with solar panels and all associated site works. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_