



An  
Bord  
Pleanála

# Inspector's Addendum Report **ABP-321505-24**

<b>Development</b>	Retention of two storey, 3-bedroom end of terrace dwelling
<b>Location</b>	15 Connolly Park, Clonmel, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2460858
<b>Applicant(s)</b>	Michael Guiry
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael Guiry
<b>Observer(s)</b>	Andy and Mary Griffin
<b>Date of Site Inspection</b>	07/05/2025
<b>Inspector</b>	Caryn Coogan

## **1.0 Introduction**

- 1.1 This report has been prepared pursuant to An Coimisiún's Direction (reference number BD-019932-25) dated 13/06/2025. It is an addendum report to the Inspector's Report in respect of ABP-3210505-24, dated 30th of May 2025.
- 1.2 Following a meeting of the An Coimisiún held on 13/06/2025, they wished, under Section 137 of the Planning and Development Act 2000, (as amended), to request the following additional information from the applicant for the purposes of determining the appeal:
- There may be inconsistencies between the drawings submitted and the development partially constructed. The applicant is therefore required to provide an accurate topographical survey relative to the Malin Head datum, of the development as partially constructed, to include details of the accurate location of adjoining and adjacent properties and site boundaries, and accurate, scaled, architectural as built drawings, including site layout, site specific levels, floor plans, roof plan, contiguous elevations and a cross section showing adjacent buildings and features, including the contextual relationship of the partially constructed development with No. 6 Connolly Park and No. 15 Connolly Park.
- 1.3 All parties were invited to make submissions regarding the submitted information when received. Further public notification was not required.
- 1.4 This report considers the submissions made on foot of the above.

## **2.0 Response of Relevant Parties/Observers to An Coimisiún's Decision to Request Further Information**

### First Party Response

- The Commission's concerns are noted and revised drawings have been submitted.
- The drawings are as requested by the Commission.

### **3.0 Further Submissions**

#### Third party appellant (Andy and Mary Griffin))

- The original building granted planning permission measured N8669 x W8140 on the ground floor and N7467 x W7790 on the first floor.
- The 'as built' plans submitted to the Commission, with retention application states the building is now N8769 x W8219 on the ground floor and N 9769 x W8219 on first floor.
- The distances from their property at No. 6 Connolly Park, were stated in the original drawings as 2028 and 2120 (October 2024). The actual distances as per the new drawings are 1270cm and 1354cm respectively.
- In the original grant of permission, the first floor was meant to be set back 120cm from the ground floor. The house was built up straight from the ground level to roof level. On the west elevation it now measures 8769cm front to rear. This results in the first floor being 130cm closer to their property constituting a serious infringement of their privacy.

### **4.0 Planning Authority's Response to the Submissions**

4.1 The planning authority had nothing further to add.

### **5.0 Assessment**

- 5.1 Following on from my report of 30<sup>th</sup> of May 2025, I had acknowledged the inconsistencies in the drawings compared to the as-built structure which became obvious during my site inspection (07/05/2025). I welcome the more accurate drawings of the as-built structure in the context of boundary treatment and adjoining structures as submitted by the applicant on the 18<sup>th</sup> of July 2025, in response to the request for accurate drawings from the Commission.
- 5.2 Drawing No. 1 is the site survey and includes the third-party appellant's property at No. 6 Connolly Park. The boundary walls, sheds, separations distances and the existing footprint of the subject dwelling for retention and completion are noted.

- 5.3 I refer to Drawing Nos. 3.1.2003.1.202 and 3.1.305 of the newly submitted plans to the Commission. These indicate the as-constructed site layout relative to the site boundary and as constructed elevations. The most notable changes from the original permitted dwelling on the site, granted under planning reference 22/268, is that no setback has been provided between the ground and first floor of the dwelling, therefore both floors of the dwelling are now flush with each other. The second most notable change is the fenestration on the first floor on the rear (western) elevation has been altered from the plans submitted under planning reference 2460858, as assessed below. The building line and separation distances have been corrected in the newly submitted drawings to the Commission. Under planning reference 2460858, they were drawn correctly but the measurements indicated on the drawings did not reflect the actual separation distances between the subject dwelling and the site boundaries, which resulted in confusion and misleading information. I am satisfied the revised drawings now reflect the as constructed dwelling. As per my earlier report, having regard to the context of the streetscape and the receiving urban footprint, I consider the overall height, separation distances and massing to be acceptable. Given its orientation and relationship to the layout of No. 6 Connolly Park, I do not consider the development will be oppressive when viewed from the neighbouring property or result in an undue loss of light. Furthermore, the development for retention, complies with the General Residential Design Standards outlined Volume 3 of the Tipperary County Development Plan 2022-2028.
- 5.4 A rear bedroom window (first floor) has been moved more south along the western elevation. The relocation of the window more south, reduces potential overlooking of the neighbouring property to the north owned by the third-party appellants. The position of the first-floor bedroom windows, as indicated in the drawings submitted to the Commission on the 18<sup>th</sup> of July 2025, reflects the permitted development granted under the original proposal, planning reference, 22/268. Under the original proposal, the planning authority requested the windows at first floor level to be relocated away from No. 6 Connolly Park to reduce potential overlooking. I would concur with the planning authority's requirements under planning reference 22/268. Unfortunately, when the applicant applied for retention and completion of the as built structure under planning reference 2460858, the subject windows at first floor, were as per the

original submission of ref. 22/268 and not the revised fenestration granted by the planning authority. My concern was the submitted drawings included a window overlooking No. 6 Connolly Park at first floor level which did not match with the actual as constructed window placement on site. This has now been corrected in the drawings submitted on appeal and reflects the as constructed rear elevation as per Plate 7 of the photographs taken during my site inspection. I am satisfied, the windows on the first-floor level as per the submitted drawings of 18<sup>th</sup> of July 2025 are in keeping with the permitted window location granted under Planning reference 22/268, and are in keeping with the as-constructed development on site, and will reduce potential overlooking onto the yard area of No. 6 Connolly Park.

- 5.5 On a final note, No 6 Connolly Road is perpendicular to the subject dwelling, therefore there are no opposing windows on the ground or first floor level of both dwellings. The main concern is the perceived loss of privacy associated with the rear first floor windows of the subject dwelling. The level of oblique overlooking onto No. 6 Connolly Park from the subject dwelling, is confined to the first-floor bedroom windows, and not the main living areas of the house. I consider the loss of privacy associated with the first-floor rear windows to be minimal and is considered to be normal for a built up residential urban area. In my opinion, the loss of privacy will not be significant and the development will not cause a serious injury to existing residential amenities associated with No. 6 Connolly Park.

## **6.0 Recommendation**

- 6.1 I refer to my previous Inspector's Report and recommendation on this appeal dated 30<sup>th</sup> of May 2025. Having regard to the information currently before me, I conclude that, if An Coimisiún is so minded, planning permission should be granted as per my previous recommendation.

## **7.0 Reasons and Considerations**

Having regard the planning history of the site with particular reference to the permission granted under planning reference 22/296 for a substantially similar development on the subject site, to the pattern of development in the area, to the zoning as 'Residential 1 - Existing Residential' in the Clonmel Local Area Plan 2024,

the separation distance to the existing properties, the location of the corner site in an existing residential area, the scale, form and design of the development for retention, it is considered that the development would not seriously affect the residential amenity of the area, and be in keeping with the streetscape qualities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the terms and conditions of the original planning permission granted for the development under planning reference 22/296 except as may be otherwise required by the plans and particulars lodged with the application, and on appeal to An Coimisiún Pleanála on the 18<sup>th</sup> of July 2025. 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.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interest of visual amenity and to ensure an appropriate high standard of development.

3. The rear garden shall be bounded by block walls, not less than 1.8 metres and not greater than 2 metres in height, capped and rendered, on those side facing public/communal areas, to the written satisfaction of the planning authority.

**Reason:** in the interests of residential and visual amenity.

4. 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

**Reason:** To prevent flooding and in the interests of sustainable drainage.

5. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Eireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

**Reason:** in the interest of public health and to ensure adequate water/wastewater facilities.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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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Caryn Coogan

Planning Inspector

17<sup>th</sup> of October 2025