



An
Coimisiún
Pleanála

Inspector's Addendum Report

ACP 323163A-25

Development	Retention of construction of dividing wall with pedestrian access, extensions to properties, CCTV structure, sheds and ancillary site works.
Location	26A, 27A, 27B, 27C, 28, 29A and 33 Sarsfield street Sarsfield Street, Nenagh, County Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2460864
Applicant	Marty Properties Limited.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party

Appellant Siobhan Harrahill

Observers None

Date of Site Inspection 24th October 2025.

Inspector Derek Daly

1.0 Introduction

- 1.1. Following a Commission Direction dated the 2nd December, 2024, a notice under section 132 of the Planning and Development Act 2000 as amended was issued to the applicant on the 10th December 2024 with the last date for a response of the 15th January 2026.
- 1.2. The applicant was requested to submit the following particulars;
 1. Revised drawings (as per PO1 A and PO5) to include structures and dimensions at 26 and 30A Sarsfield Street prior to, and after, the conduct of works that are the subject of the application for retention.
 2. Revised floor plans (inc room names/uses and dimensions) for 27 to 29 Sarsfield Street (inclusive) prior to the conduct of any of the works that are the subject of the application for retention.
 3. Provide side elevation drawings for 27 Sarsfield Street, viewed from number 26, and for 29 Sarsfield Street, viewed from number 30.
 4. A services layout plan for water and foul sewer prior to any works that are the subject of the application for retention, and a services layout plan for the site after the conduct of the works for retention.
 5. A management plan/strategy to ensure occupant access to sheds, bin storage and pedestrian walkways that lie outside the boundary walls shown on Drawing P0A.
 6. A management plan/strategy for the control of occupant and pedestrian access, safety and security through the site, particularly with respect to the recessed entranceway to 27C, noting that the pedestrian entrance to Sarsfield Street is not gated.
 7. Provide details of the internal daylight levels achieved within each room of number 29A Sarsfield Street,
- 1.3. No response was received and a further section 132 was issued to the applicant on the 30th January 2026 and a response was received on the 24th February 2026. The response was circulated to the Planning Authority Tipperary County Council and the third party appellant on the 4th March 2026. The Commission received a response

from the third party appellant on the 23rd March 2026 and no response was received from the Planning Authority.

2.0 Submissions received.

2.1. First Party submission.

2.1.1. The applicant submitted a response dated the 23rd February 2026 to the Commission and received on the 24th February 2026 responding to the 7 matters raised in the Commission direction. The submission includes a number of drawings P01 revision B a site layout plan; P02 revision B floor plans; P05 Revision A contiguous elevations; ACP01 which is a site layout plan pre development works; ACP02 side elevations; ACP03 side elevations as per point 2 of ACP request and ACP04 floor plan 29a Daylight Point 7-ACP request.

2.1.2. A cover note indicates specifically

- In relation to point 5 that the rear of the properties has been purchased by Tipperary County Council for housing development and that a 2 metre strip is being retained at the rear of the applicants lands to allow pedestrian access to the boundary wall of the retained site and which will be available for the residents of the appeal site. The existing pedestrian street serving the development will be the main pedestrian access to the proposed development and is indicated on drawing P01 Rev B for clarity.
- In relation to point 6 the properties are managed by the applicant and CCTV is proposed for monitoring and there will be passive supervision from windows overlooking the street.
- Specifically in relation to point 7 the only room changed is the kitchen/dining of 29A and to bring up daylighting it is proposed to enlarge the roof light servicing the room and this is indicated on drawing ACP04.
- The agent has no specific records of the development pre development but have endeavoured to illustrate it based on maps available and drawing ACP01 refers to this and refers to the building footprint on the properties which are the subject of the planning application. this drawing also indicates

existing sewer serving properties 27,27 and 30 and that is also how these properties are served.

- The previous response to the appeal is also submitted and it is indicated that the appellant has reinstated connection to the public sewer on the public footpath in front of the appellant's property.

2.1.3. In relation to the drawings as submitted refer to matters in relation pre-development and proposed development including structures, dimensions and internal layouts.

2.1.4. Drawing P01 revision B which is a site layout plan indicates the following;

- an existing structure no 26 and a rear garden to the rear of 26 and it is indicated that the garden area is increased from 16m² to 28m² which is in part not part of the appeal site but there is also a yard area to the rear of the existing garden of 26 which is within the demarcated boundary of the site under appeal.
- the two storied extension area to the rear of no 27 forming apartments 27b and 27c which front onto the western side of the pedestrian walkway and to the rear of the apartment building is an area indicated "subdivide existing garden to provide private amenity space to units 27b and 27c". In relation to the apartment building there is reference to a general arrangement for new proposed balcony area for first floor apartment 27B.
- in relation to 28 there is a single storey extension to the rear of 28, which fronts onto the eastern side of the pedestrian walkway.
- the existing property 30A and its rear yard which is not part of the appeal site.
- Drawing P01 revision B also refers to other points raised in the Commission request indicating locations of bin storage areas in the rear gardens of apartment 27C and houses and a designated location for bin storage for units 27A and 27B which is located within garden sheds to the rear of the open area of 28 and facing onto the laneway. There is also another shed indicated as for landlord maintenance of the development.
- the drawing also refers to retaining a strip of land to provide for access via doorways to the rear of the properties.

- the drawing also indicated location of bollards existing located at the southern end of the pedestrian walkway and proposed on the northern end of the pedestrian walkway referred to in point 6 and also the locations of 3 light points for public lighting referred to in point 7.

2.1.5. Drawing P02 Revision B indicates floor plans of units 28 and 29A to the east of the archway access with single storied extensions to the rear of 36m² floor area for each unit and private open areas for each unit to the rear. To the west of the archway and rear access the drawing indicates the two storied unit 27A fronting onto Sarsfield Street and a two storied extension at the rear incorporating two apartment units a one bedroom apartment unit 57m² in floor area at ground floor level (27B) and a one bedroom apartment unit 73m² in floor area at first floor level (27C).

Private amenity open space for the units is also indicated with a ground floor area for units 27A and 27C at the rear and a balcony area for 27B. In relation to this balcony this was indicated on the submitted drawings received on the 13th May 2025 by the planning authority but was not in place on the date of site inspection.

2.1.6. Drawing P05 Revision A indicates contiguous elevations to the north (Sarsfield Street) with no alterations and to the south facing the open yard area with estimated pre development elevations and existing elevations.

2.1.7. Drawing ACP01 is a site layout plan pre development works which as indicated in the cover letter is based on historical mapping. This drawing also indicates foul sewer connections to the property. I would note that the numbers on the properties appear to vary on drawings and this is referred to in the first party submission. Property no 30 on the drawings appear to 30A in the third party submission and the number on the front door is 30A.

2.1.8. Drawing ACP02 refers to side elevations but indicates in hatched areas the estimated extent of the single storied footprint of the buildings on the site pre development.

2.1.9. Drawing ACP03 indicates the side elevations of units 27 and 29A which indicates the rear bolt on balcony serving 27B.

2.1.10. Drawing ACP04 is a floor plan of unit 29a indicating the roof light referred to in the cover letter.

2.2. Third Party Submission.

- 2.2.1. The submission refers to the blocking of the sewer serving her property 30A Sarsfield Street arising from the works undertaken and has had to undertake works at her expense to rectify the problem and the onus is on the applicant to accept responsibility for the blocking of the sewer and works undertaken to address this.
- 2.2.2. The statement of a full survey in relation to the sewer is not correct as this would have required looking at connections on the appellant's property and the appellant has indicated the direction of the sewer which is indicated on a map submitted with the submission.

3.0 Comments on Section 131 notice and submissions arising

- 3.1. The submission received in response to the Section 131 notice by the applicant primarily address the matters requested by the Commission and also restates the response submission made to the grounds of appeal. The third party response largely focusses on the issues initially raised which are in relation to the blocking of the sewer serving her property.
- 3.2. The submission provides additional clarification in relation to ownership of lands and the retention of a 2 metre wide strip at the rear of the property to facilitate access for the occupants of the development to shed and bin storage areas which I consider satisfactory.
- 3.3. Clarification is also given in relation to the management of the overall site and internal daylight levels. In relation to the latter, I consider that a condition requiring the development shall provide for revised daylight provision for property 29A by the provision of a rooflight as indicated on drawing ACP04 received by An Coimisiún Pleanála on the 24th day of February 2026 should be included in a grant of permission.
- 3.4. The primary ground of appeal as submitted by the appellant and restated in the response to the section 131 submission refers to the blocking of the sewer serving her property 30A Sarsfield Street arising from the works undertaken and the appellant has had to undertake works at her expense to rectify the problem and the onus is on the applicant to accept responsibility for the blocking of the sewer and

works undertaken to address this. The response submission also refers to the statement of a full survey in relation to the sewer as not correct as this would have required looking at connections on the appellant's property and the appellant has indicated the direction of the sewer which is indicated on a map submitted with the submission.

- 3.5. In relation to this matter drawing ACP01 does indicate a sewer layout which includes sewers serving the existing development which do not extend to property 30/30A and in submissions in relation to this appeal indicate that this was based on a survey undertaken. In relation to this the sewer shown on drawing ACP01 does indicate the direction of the sewer from the laneway across properties 28 and 29 however it does not indicate a sewer extending to the boundary of 29 and 30/30A.
- 3.6. As already indicated both the first and third parties dispute that a sewer serving 30/30A was interfered with and blocked and the first party indicates that the survey undertaken would indicate no interference and blockage has occurred and the third party has not provided any evidence that the blockage in question arises from the development under appeal.
- 3.7. As previously indicated the matter of piped services is matter for Uisce Éireann who have responsibility for the public sewer and sewerage network and if the sewer is located within private properties, Uisce Éireann will not take responsibility for any issues or blockages in relation to any identified blockage. It may therefore be a civil matter between the parties and a grant of permission does not remove or eliminate any remedies which may arise. As previously stated, it is noted that the planning application was referred to Uisce Éireann, who did not or have not provided a response.
- 3.8. I have nothing further to add to my initial report.

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.

Derek Daly
Planning Inspector

8th June 2026