



An
Coimisiún
Pleanála

Inspector's Report ACP-323420-25

Development

Change of use of existing detached domestic garage to residential use and demolition of walls, alteration and extension to existing garage to form a residential use and increased roof height to same.

Location

Mountain View, Bansha Road,
Tipperary Town, Co. Tipperary

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

25108

Applicant(s)

Ken Hassett

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Ken Hassett

Observer(s)

None

Date of Site Inspection

23rd October 2025

Inspector

Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site, extending to a stated area of 0.025Ha is located at Mountain View, Bansha Road, Tipperary town, Co. Tipperary, south of its intersection with Bank Place/Father Matthew Street and north of Goat's Lane.
- 1.2. The site contains the subject garage, a gable fronted structure, which is set back from the public road and is served by a short driveway onto Bansha Road (N24). The structure has a stated floor area of 49sq.m.
- 1.3. Within the site is also located a two-storey detached dwelling (No. 1 Mountain View) served by an area of open space to its rear elevation. A pair of semi-detached dwellings are positioned to the south of the garage and are located forward of its front building line. To the east lie outbuildings associated with an adjacent property on Goat's Lane.
- 1.4. The surrounding area is predominantly residential in character, with a terrace of single storey dwellings on the western side of Bansha Road facing the site. Goat's Lane to the south is also predominantly residential.

2.0 Proposed Development

- 2.1. Permission was sought on the 13th June 2025 for the change of use of the domestic garage to residential use. The application provided for amendments and extensions to the structure, including raising the roof to 6.55m and providing *inter alia* kitchen/living accommodation at ground floor with two bedrooms on the upper level.
- 2.2. The floor area of the building as extended is stated as 60sq.m.
- 2.3. New fenestration is proposed to the front (western) and side (northern) elevations. A side door provides access to the rear of No. 1 Mountain View, with the open space shared between both properties.
- 2.4. Material finishes include a slate roof and a nap plaster finish to external walls.
- 2.5. A bin storage area is proposed to the front.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 6th August 2025, Tipperary Co. Co. issued a decision to REFUSE planning permission for the development. The reasons for refusal are set out below:

Reasons

1. *This application seeks permission for a change of use of an existing domestic garage to residential use (2 storey 2 bedroom dwelling) including alterations and extensions to the existing structure. The application site is located on lands zoned for “existing residential” land uses under the Tipperary Town and Environs Development Plan 2013, as varied. The Planning Authority considers that the proposed development, by virtue of the overall floor area and private open space provision and lack of natural light would not satisfy the relevant quantitative and qualitative standards for new dwellings units and would result in substandard residential development with limited residential amenity for future occupants. The proposed development does not comply with the Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities 2007, Design Manual for Quality Housing 2022 and the Sustainable Residential Development and Compact Growth – Guidelines for Planning Authorities 2024. The proposal would therefore be contrary to Policy DM1 of the Tipperary Town and Environs Development Plan 2013, as varied, and Policy 5-2 of the Tipperary County Development Plan 2022-2028 and the proper planning and sustainable development of the area.*

2. *The development as proposed will result in overbearing impacts on No. 7 Mountain View to the south and will overlook the rear amenity space to be shared with No. 1 Mountain View to the north. The Planning Authority considers that the proposal will result in negative impacts on the residential amenity of these properties and is therefore contrary to the land use zoning objective for the site and Policy DM 1 contained in the Tipperary Town and Environs Development Plan 2013, as varied, and*

is therefore not in accordance with the proper planning and sustainable development of the area.

3. The planning status of the existing domestic garage is unclear and it appears that same may be unauthorised development. The proposal is therefore considered to be facilitated by unauthorised development. The proposed development would therefore set an undesirable precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report examined the development against policies and standards contained within the Tipperary County Development Plan 2022-2028; the Tipperary Town and Environs Development Plan 2013 (as extended), as well as national planning documents. The scheme was evaluated in terms of the principle of development; siting and design considerations; services; architectural/archaeological heritage; flood risk and other issues. While the Planning Authority considered the principle of development acceptable, it identified concerns in relation to compliance with the ‘*Quality Housing for Sustainable Communities-Best Practice Guidelines 2007*’, the ‘*Design Manual for Quality Housing 2022 and Sustainable Residential Development and Compact Growth – Guidelines for Planning Authorities 2024*’. Shortcomings were also identified in relation to the provision of private amenity space, overbearance on neighbouring properties, and ability to address carparking requirements. Concerns regarding the planning status of the structure were also raised. A recommendation was ultimately made to refuse permission.

3.2.2. Other Technical Reports

The application was referred to the local authority’s Water Services Division (Clonmel) to Uisce Éireann and to the District Engineer (Tipperary, Cashel, Cahir District). No reports were received. The planning officer refers to a previous report from the District

Engineer under Reg. Ref. 25/5 in which concerns were raised in relation to the proposed access arrangements, visibility, parking and the creation of a traffic hazard.

3.3. Prescribed Bodies

No reports sought by the Planning Authority.

Note: Under Reg Ref 25/5 a report from the Department of Housing, Local Government and Heritage – Development Applications Unit required in the event of planning permission, the imposition of a planning condition appointing an archaeologist to monitor all site clearance works and the submission of an archaeological report following completion of archaeological work on site.

3.4. Third Party Observations

None recorded by the Planning Authority.

4.0 Planning History

Reg. Ref. 255: Permission REFUSED for change of use of an existing detached domestic garage to residential use, works to include reconstruction and extension.

Decision Date: 11th March 2025

Note: An appeal to An Coimisiún Pleanála was deemed invalid.

Reg. Ref. 05581654: Permission GRANTED for 2 no. two-storey terraced dwellings and associated site works and services. The application related to lands north of and adjoining No. 1 Mountain View.

Decision Date: 26th January 2006

5.0 Policy Context

5.1. National Planning Guidance

- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities 2024.
- Quality Housing for Sustainable Communities- Best Practice Guidelines for delivering Homes Sustaining Communities 2007.

5.2. Tipperary County Development Plan

- The Tipperary County Development Plan 2022-2028 came into effect on the 22nd of August 2022 and is the operable Development Plan for the county. Tipperary town is defined as a District Town within the County Settlement Hierarchy. The following are also considered relevant:
 - Housing is addressed under Section 5.0 of the Plan, with Section 5.3 referring to Residential Development in Towns and Villages.
 - *Section 5.3 states that ‘all proposals for residential development will be assessed having regard to relevant and current Section 28 Planning Guidance documents (and any review thereof), including the Sustainable Development in Urban Areas: Guidelines for Planning Authorities, (DEHLG, 2009)’.*
 - *Section 5.3 also states that ‘new residential development will be required to take cognisance of the prevailing scale and pattern of development in the area, and be of a design, layout and scale presenting a high-quality living environment’.....Innovative approaches to development of infill sites, and of living accommodation on upper floors of town centre commercial units is supported’.*
 - **Policy 5-2** states: ‘Facilitate residential development, in accordance with the policy and objectives for residential development for towns and villages, as set out in Volume 2, in the relevant LAPs (and any review thereof) and as set out in the relevant Development Plan for each town (and any review thereof) and the Development Management Standards set out in Volume 3’. [Noting that each Town Plan will be reviewed over the coming years and will be replaced with a LAP]

- **Policy 5-4** ‘Support and encourage proposals for public and private sector housing involving the reuse and refurbishment of disused and derelict buildings in towns and villages’.
- **Policy 5-5** states *inter alia* ‘support and facilitate the delivery of new residential development in towns and villages and where the applicant has demonstrated compliance with ... (a) new residential development shall meet the relevant Development management Standards as set out in Volume 3 and (c) new development shall be of an appropriate density and quality in accordance with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DHLGH, 2009), and any amendment thereof....’
- **Section 4.0 Appendix 6, Volume 3** of the Development Plan relating to Residential Development is also relevant. The following in particular is noted:
 - Section 4.6 General Residential Design Standards- ‘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)’.
 - Table 4.1 Minimum Design Standards for Residential Schemes.
 - Section 4.10 Backland and Infill Development- ‘the Council will consider the appropriate development of back-land/infill housing on suitable sites on a case by case basis. Backland/infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land.

5.3. Tipperary Town and Environs Development Plan 2013 (as extended)

Table 4.2 of the Tipperary County Development Plan 2022-2028 refers to the Tipperary Town and Environs Development Plan 2013 (as extended). Section 4.2.1 states *inter alia* that ‘current Town Development Plans and LAPs will remain applicable until they are replaced with LAPs, in accordance with the framework and timeline as set out in Table 4.2’. Table 4.2 states that an LAP for Tipperary Town was to commence preparation in 2023. Accordingly, the following is relevant to this appeal:

- The site is zoned R ‘Existing Residential where the objective seeks *‘to preserve and enhance Existing Residential amenity, ensuring that any new development does not result in excessive overlooking of existing residential properties, does not reduce general safety for existing residents and does not reduce the usability and security of existing public and private open space’*
- Section 6.0 relates to Housing. Section 6.2 states *‘proposals for new residential development will be assessed on their merits; however, the minimum requirements set out under the Development Management Section shall be provided for new residential development on lands zoned for residential use. The Council recognises that in infill development there may have to be a relaxation in Development Management Standards where considered appropriate by the Planning Authority’*
- Section 9.0 relates to Development Management Guidelines and Section 9.6 pertains to Residential Development.

5.4. Tipperary Town Local Area Plan (Pre-Draft Stage)

Public submissions with regard to the Pre-Draft stage of the LAP concluded on the 4th June 2024. The Draft Plan has not yet been published by the planning authority.

5.5. Natural Heritage Designations

Lower River Suir SAC (Site Code 002137)

Moanour Mountain SAC (Site Code 002257)

Glen Bog SAC (Site Code 001430)

The Galtee Mountains SAC (Site Code 000646)

Lower River Shannon SAC (Site Code 002165)

Slievefelim to Silvermines Mountains SPA (Side Code 004165)

5.6. Archaeology

The appeal site is in proximity to zones of notification for the following recorded monuments:

Ref: TS067-004002 unclassified castle to the southwest.

Ref. TS067-005 St. Bridget's Well or Toberbreda located northeast of the appeal site.

The site is also located within a zone of archaeological potential as set out in Map 9 of the Tipperary Town and Environs Development Plan 2013-2019

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The decision of the Planning Authority is the subject of a First Party Appeal. The Appellant, Mr. Ken Hassett, provides a cover letter setting out the issues raised which are summarised as follows:

- The proposal regenerates a dilapidated and underutilised town centre site creating a development which is accessible, affordable, safe and resource efficient.

- The building is structurally sound and could facilitate housing to qualifying applicants.
- No subdivision is proposed from No. 1 Mountain View to form a separate entity. Occupiers would have access to No. 1 and its garden area.
- Storage requirements of '*Quality Housing for Sustainable Communities*' are complied with, and the property would benefit from car parking and a refuse area accessible from the street.
- Development would not impact No. 1 in terms of overbearance
- The proposal would not overbear No. 7 given its height, set back and lack of overlooking. The development would enhance both structures, addressing dilapidation.
- The structure was constructed at the time of the existing dwelling verified by the type of construction and predates planning legislation.

7.2. Planning Authority Response

None received.

7.3. Observations

None received.

7.4. Further Responses

None received.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal and inspected the site, and having

regard to the relevant local, regional and national policies and guidance, I consider that the main issues in this appeal relate to:

- Principle of Development.
- Compliance with Development Plans and National Planning standards.
- New Issue- Car Parking
- Impact on Residential Amenities.
- Planning Status.

8.2. Principle of Development

8.2.1. The existing structure, a domestic garage, is located within the urban area of Tipperary town and currently forms part of the adjoining dwelling, No. 1 Mountain View. While the Planning Authority is currently preparing a Local Area Plan for the area, I note under the Tipperary Town and Environs Development Plan 2013-2019 (as extended) that the site is zoned 'Existing Residential', forming part of a larger landbank of similarly zoned lands located east of Bansha Road and either side of Fr. Matthew Street to the north. Residential development is permitted thereunder. I note also Policy 5.4 of the Tipperary County Development Plan which supports the reuse and refurbishment of disused and derelict buildings in towns and villages and Section 6.2 of the Tipperary Town & Environs Development Plan which also references infill development. Accordingly, given the applicable zoning objective and supporting Development Plan policy, the principle of residential development is acceptable in principle.

8.3. Compliance with Development Plans and National Planning Standards

8.3.1. Drawing Ref. DWG/Tipp/Planning 02 includes the annotation '*development is an integral part of existing dwelling site (not an independent unit)*'. In this regard I note that while the County Development Plan contains policy with respect to Domestic Extensions and Ancillary Family Accommodation, the proposal is not considered to be

based on either criterion. Save for a connection to the amenity space serving the adjacent dwelling, the unit would not otherwise be connected to No. 1 Mountain View. No case was made that the proposal would function or be occupied as a subsidiary unit to No.1 Mountain View. Accordingly, notwithstanding the references to the contrary, it is appropriate that the proposal is assessed as an independent residential unit.

8.3.2. Accordingly, the development is required to demonstrate compliance with all relevant standards of the Development Plan, noting in particular Policy 5-2 which states '*facilitate residential development, in accordance with the policy and objectives for residential development for towns and villages, as set out in Volume 2, in the relevant LAPs (and any review thereof) and as set out in the relevant Development Plan for each town (and any review thereof) and the Development Management Standards set out in Volume 3*'. [Noting that each Town Plan will be reviewed over the coming years and will be replaced with a LAP].

8.3.3. The *Quality Housing for Sustainable Communities – Best Practice Guidelines* set out under Section 5 - Dwelling Design, applicable floor space standards and other requirements to ensure high quality living environments. Table 5.1 '*Space provision and room sizes for typical dwellings* relates in this regard. Although not stated if the dwelling is intended for 2 or 3 persons, I note that the target gross floor area for a 2no. bed 3-person house (2 storey) is 70sq.m. This is not achieved in the subject proposal which would have a stated area of 60sq.m following the carrying out of extensions and amendments. Consequently, rooms such as the double bedroom at first floor level also do not meet minimum floor area requirements as per Section 5.3.2 and Table 5.1. Furthermore, the floor plans provided do not demonstrate indicative furniture layouts or heating systems and do not clearly indicate the form and extent of internal storage. I am of the view therefore that the accommodation would be of a substandard nature and would fail to provide a high-quality residential environment.

8.3.4. Policy 5-5 of the Tipperary County Development Plan supports and facilitates the delivery of new residential development in towns and villages where the applicant demonstrates *inter alia*, appropriate density and quality in accordance with the Sustainable Residential Development in Urban Areas, Guidelines for Planning

Authorities, (DHLGH, 2009), and any amendment thereof. I note the adoption of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities revoked the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, (DHLGH, 2009) (Circular Letter NRUP 02/2024). SPPR2 of the updated guidance specifies minimum private open space standards for houses, requiring a minimum of 30sq.m. for a two-bedroom dwelling. For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

- 8.3.5. No dedicated private open space is provided to serve the new residential unit. Drawing Ref: DWG/Tipp/Planning02 includes the annotation '*development is an integral part of existing dwelling site (not an independent unit)*'. The appeal documents also state that '*occupiers of the proposed development would have access to No. 1 & its garden etc.*' A connection from the ground floor to the rear open space of No. 1 is shown and I note also the area in front of the dwelling is identified as a car parking space. Notwithstanding, I do not consider that the proposal before the Commission can be considered as anything other than an independent dwelling unit and as such commands separate dedicated private open space. While I note the relaxation in standards available under SPPR 2 pertaining to urban infill schemes on smaller sites, I do not consider such relaxation is appropriate in this instance given the constraints of the internal accommodation, the lack of alternative dedicated amenity space on site and the absence of public open space in proximity.

8.4. New Issue- Car Parking

- 8.4.1. In relation to car parking and access arrangements, it is unclear from the plans and particulars if the parking space to the front of the garage would continue to serve the host dwelling or would be allocated to the new unit. I note the appeal documents indicate the unit would be served by this facility. No additional parking provision is available on site, and I note double yellow lines to the road edge. While no report was received from the District Engineer, the Commission is referred to the planning report

of the Planning Authority which refers to discussions held with the engineering section under Reg. Ref. 25/5, a substantially similar development. The planning officer refers to concerns raised at that time regarding the access arrangements, visibility, parking and creation of a traffic hazard given the restricted nature of available sightlines.

In addition, Table 6.4 Minimum Car Parking Standards (Appendix 6 Volume 3) Development Management standards of the Tipperary County Development Plan require a minimum of 1 no. car space for dwellings of up to two bedrooms. 1 no. bicycle parking space is required. No floor plans are provided for the existing dwelling and therefore the minimum parking demand cannot be determined. I note that the Planning Authority was nonetheless satisfied that a Development Contribution could be attached in lieu of the parking space required and a further condition imposed prohibiting the identified area for parking use.

While noting the town centre location of the site I would nonetheless be of the opinion that the matter of satisfactory car parking arrangements to serve both the extant and proposed dwelling units, and the quantum required, has not been satisfactorily addressed as part of the application.

8.5. Impact on Residential Amenities

- 8.5.1. The structure, a domestic garage is set behind the front building line of the host dwelling and is also positioned behind the front elevation of No's 7 and 8 to the south. The introduction of residential use within the building necessitates the insertion of window and door opes to the northern and western elevations. No opes are provided to the east where the structure addresses outbuildings and residential property on Goat's Lane. Living room and kitchen windows at ground floor as well as a bedroom window at first floor introduce direct overlooking of the amenity space serving No. 1 Mountain View. No separation of the two plots is proposed, and I note that the ground floor openings are in close proximity to the two-storey rear return of the neighbouring property, No. 1 Mountain View. This arrangement is not appropriate and would result in diminution of and loss of amenity to the neighbouring property, notwithstanding the intention of shared use of this space as envisaged by the Appellant.

- 8.5.2. The position of the structure relative to neighbouring two-storey dwellings is such that a 'tunnel effect' is created in the approach from the public road. Given the orientation of the plot and the relationship between the garage and adjoining two storey properties, (both taller than the subject structure) it is likely that the proposed front bedroom and entrance would have restricted levels of natural light ingress.
- 8.5.3. Accordingly, I am of the view that the scheme, given the substandard internal accommodation proposed, the deficiency of quality outdoor amenity space, unsatisfactory parking arrangements and levels of direct overlooking and loss of amenity to neighbouring properties, would result in a poor-quality living environment for future residents and would have a negative impact on the amenities of adjacent dwellings.

8.6. Planning Status

- 8.6.1. I note no reference in the documents to current or previous enforcement action with respect to the structure, including within the planning officer's report. Refusal reason No. 3 refers to a lack of clarity surrounding the planning status of the domestic garage, potentially constituting unauthorised development. The Appellant indicates that the garage was constructed at the same time as the existing dwelling and prior to the Planning Act, as verified by the type of construction employed.
- 8.6.2. The report of the Planning Authority refers to the historic 6" maps of the area illustrating a terrace at this location, with the garage potentially constructed at a later date. The report also refers to works carried out to the structure in 2009 and 2011 as observed from online street photography. Given the documentation on file and in the absence of verifiable evidence provided as part of the appeal documentation, I am unable to confirm the planning status of the structure and/or date of its construction. Notwithstanding, having regard to the concerns raised under the Assessment Section of this report, there are fundamental concerns in relation to the suitability of the structure to accommodate residential development.

9.0 Appropriate Assessment Screening

9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.

The appeal site is located within Tipperary town centre on zoned, serviced lands. The separation distances between the appeal site and Natura 2000 situated in the wider area are set out below:

Lower River Suir SAC (Site Code 002137) -c.5.6km

Moanour Mountain SAC (Site Code 002257) -c.7.7km

Glen Bog SAC (Site Code 001430) -c.24km

The Galtee Mountains SAC (Site Code 000646) -c.8.7km

Lower River Shannon SAC (Site Code 002165) -c.13.5km

Slievefelim to Silvermines Mountains SPA (Side Code 004165) -c.18.6km

9.2. The proposed development comprises the conversion of a domestic garage to residential use, with alterations to the structure including demolition of walls, and extensions, including an increase in height. The development will connect to public wastewater and surface water sewers and to public water mains.

9.3. The Planning Authority conducted an Appropriate Assessment Screening Report, determining that there was no likelihood of significant effects on a European Site.

9.4. No nature conservation concerns were raised in the planning appeal.

9.5. 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 effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works i.e. change of use from domestic garage to a residential unit.
- Location and distance from the nearest European site and lack of connections.
- Taking into account determination of the Planning Authority.

9.6. I conclude 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 thereafter Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site is located in Tipperary town centre and is separated by a distance of approximately 260m from the ARA_020 river to the southwest Ref. IE_SE_16A030300 and by a distance of 575m from the FIDAGHTA_010 to the north east, Ref IE_SE_16F010100

I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works concerning the change of use from an existing domestic garage in a town centre location with connections to public wastewater, water supply and surfacewater systems.
- Distance from nearest water bodies and/or lack of hydrological connections.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that permission be refused in accordance with the reasons and considerations set out below:

12.0 Reasons and Considerations

Having regard to the above it is recommended that permission is refused based on the following reasons and considerations.

1. Having regard to the relationship between the structure and adjoining properties at No. 1 and No. 7 Mountain View; the substandard nature of the internal accommodation, the deficit in private amenity space and car parking arrangements; together with resultant overlooking of areas of private open space; it is considered that the proposal would constitute a substandard development which would seriously injure the amenities of neighbouring properties and those of future occupants. The proposal would also be contrary to the requirements *Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities* and contrary to the *Sustainable Residential Development and Compact Settlements- Guidelines for Planning Authorities*. Furthermore, the development would contravene Planning Policy 5-2 and Planning Policy 5-5 of the Tipperary County Development Plan 2022-2028 Volume 1, and contravene Section 4.0 Residential Development, Development Management Standards, Appendix 6, Volume 3 of the Tipperary County Development Plan 2022-2028, thereby resulting in substandard residential development which would 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.

Patricia Byrne
Planning Inspector

12th December 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP 323420-25
Proposed Development Summary	Change of use of existing detached domestic garage to residential use including demolition of walls, alterations and extensions.
Development Address	Mountain View, Bansha Road Tipperary, Co. Tipperary.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b)(i) Infrastructure Projects-Construction of more than 500 dwelling units.</p> <p>Class 10(b)(iv) Urban Development which would involve an area greater than 2 hectares in the case of a Business District, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	
Proposed Development Summary	Change of use of existing detached domestic garage to residential use including demolition of walls, alterations and extensions
Development Address	Mountain View, Bانشa Road, Tipperary Co. Tipperary.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development is for the change of use of an existing detached domestic garage to residential use with amendments and alterations to the existing structure.</p> <p>The appeal site is located within a zoned urban area in Tipperary town.</p> <p>The proposed floor space would extend to 60sq.m. and would include 2 no. bedrooms.</p> <p>The development would connect to the public water supply and public wastewater and surface water connections.</p> <p>The project due to its modest scale and nature would not give rise to significant production of waste during both the construction and operational phases or give rise to significant risk of pollution and nuisance. The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas,</p>	<p>The receiving environment is a town centre site, and the development would connect to existing public services in terms of wastewater and surface water disposal and in terms of water supply arrangements. The development provides for a change of use within an existing built structure. There is no real likelihood of significant effects on other significant environmental sensitivities in the area.</p>

landscapes, sites of historic, cultural or archaeological significance).	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The size of the proposed development, comprising a change of use and modifications to an existing structure to create a new residential unit is significantly below the mandatory thresholds in respect of Class 10 Infrastructure Projects of the Planning and Development Regulations, 2001 (as amended). The urban area is also significantly below the threshold established under Class 10 Infrastructure Projects of the same Regulations. There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area. I am satisfied that there is no potential for significant effects on water quality, flora and fauna or any other environmental factor, or any requirement, therefore, for environmental impact assessment.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____

Date: _____