



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP 323528-25**

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### Development

Construction of a vehicular entrance, dwelling house, garage, connection to mains services together with all associated site works.

### Location

Gortlandroe, Nenagh, County Tipperary.

### Planning Authority

Tipperary County Council

### Planning Authority Reg. Ref.

2560534

### Applicants

Gary, Sinead and Jamie Roche.

### Type of Application

Permission.

### Planning Authority Decision

Permission with conditions.

### Type of Appeal

Third Party

### Appellant

Margaret O'Sullivan

**Observers**

None

**Date of Site Inspection**

24<sup>th</sup> October 2025.

**Inspector**

Derek Daly

## 1.0 Site Location and Description

- 1.1. The development is located in the Gortlandroe area on northwestern fringe of the town of Nenagh and has frontage onto the north-eastern side of the Nenagh Portroe R494 regional route. The properties on this side of the regional road are semi-detached residential properties on large sites with very deep gardens and wide road frontages. A number of the properties have been sub divided to provide for an additional dwelling on the original dwelling site.
- 1.2. The site is a back land site with access between two existing dwellings fronting onto the R494 with a frontage of approximately 13 metres along the R494. Approximately 40 metres into the site the configuration of the site widens to approximately 47 metres and a depth of 120 metres and adjoins dwelling house sites to the west and the east and two properties to the south all of which front onto the R494. The residential properties are a mix of detached and semi-detached dwellings with large rear gardens. The remaining boundary to the north adjoins the service road of Gortlandroe Business Park which is also accessed from the R494 and is defined by hedgerows and a panelled concrete fence.
- 1.3. The area although predominantly residential also has other uses including retail and other commercial uses aside from the business park.
- 1.4. The site has a stated area of 0.600 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 18<sup>th</sup> June 2025 was for the construction of a vehicular entrance, dwelling house, garage, connection to mains services together with all associated site works.
- 2.2. The proposed dwelling is single storey building and located at a significant setback in excess of 80 metres from the adjoining residential properties to the southwest.
- 2.3. The proposed dwelling is single storied of modern design and construction with a maximum roof ridge height of 5443mm with an overall area of 542m<sup>2</sup>. The proposal is specially designed to meet the medical needs of one of the applicants' children with an internal courtyard and sensory garden located between two linear blocks.

The dwelling in addition to accommodating conventional residential components also includes a sensory room, a physio room, mobility accessible bedrooms and a hydrotherapy pool in one of the bedrooms.

- 2.4. The garage is a detached structure single storied located in the northeastern corner of the site with a maximum height to the roof ridge of 4800mm and an area of 38m<sup>2</sup>.
- 2.5. It is proposed to connect to existing public water and sewerage piped services and to dispose of surface and roof water to soakpits.
- 2.6. A letter was submitted in relation to the specific housing needs of the applicants' child and the need to reside in a dwelling which meet his specific special needs.
- 2.7. A copy of a letter from Uisce Éireann that they have completed the review of the Pre-Connection Enquiry and that a water connection and wastewater connection without infrastructure upgrade by Uisce Éireann is feasible.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to eleven conditions.

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

#### **3.2.1. Planning Report**

The planning report dated the 31<sup>st</sup> July 2025 refers to the site history; submissions received, national guidance and statutory development plan provisions. Given the site's zoning here are no objections in principle to the current development proposal.

Reference is made to the backland nature of the proposed and that the dwelling proposed will not impact on the privacy or amenity enjoyed by current dwellings; the proposed development aligns with the prevailing density and pattern of development in this area which is detached or semidetached dwellings on large plots and does not compromise the development potential of adjoining backlands. It is noted that the dwelling contains a sensory room, physio room and space for a carer and the proposal is not for a medical facility as suggested in the 3<sup>rd</sup> party submission and

that the dwelling design is influenced by exceptional medical needs that have been clearly documented as part of the application. Permission was recommended.

Nenagh District Engineer report dated the 21<sup>st</sup> July 2025 indicated no objections to the proposal and recommends that existing street light on site to be maintained and standard conditions to apply for vehicular access and footpath adaption.

### **3.3. Other submissions.**

- 3.3.1. The application was referred to Uisce Éireann and no response was received.
- 3.3.2. An observation was submitted by a third party in relation to the proposed development which are reflected in the grounds of appeal.

## **4.0 Planning History**

### **4.1. P.A Ref. No 12520025**

Outline permission granted on the appeal site on the 31/12/2012 for a development comprising of: (a) Subdivision of existing dwelling plot to provide 1 no. additional part single storey part 2 storey dwelling (b) the erection of a single storey garage ancillary to rear of proposed dwelling (c) proposed new access to dwelling from R494 to serve new dwelling (d) connection to existing foul and surface water sewers (e) all associated site works. This permission has expired.

## **5.0 Policy and Context**

### **5.1. Development Plan**

- 5.2. The statutory development plans for the area are the Nenagh and Environs Development Plan 2024-2030 and the Tipperary County Development Plan 2022-2028.

### **5.3. Tipperary County Development Plan 2022-2028**

- 5.3.1. Chapter 4 of Volume 1 outlines a settlement strategy for the county including the town of Nenagh.
- 5.3.2. Section 4.7 refers to Planning Policy and

Policy 4-1 indicates that new development will be considered in line with the following:

(a) The provisions of the relevant Town Development Plan and LAPs as set out in Table 4.2: Framework of current Town Plans and Local Area Plans shall apply to new development in each of the towns and support the provisions of this Plan as set out in Section 4.3 Key Towns and 4.4 District Towns, until replaced by LAPs.

(d) An appropriate density will apply for new residential development in line with the following guidance and any review thereof - Section 28 Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and Urban Design Manual, (DEHLG,2009), NRUP 02/2021 - Circular Letter: Residential Densities in Towns and Villages, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

Chapter 5 refers to Housing and policies in relation to this include;

5-2 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.

5-3 Require that residential schemes proposed on lands zoned for residential use, or a mixture of residential and other uses, comply with Part V of the Planning Act (or any amendment thereof).

5-5 Support and facilitate the delivery of new residential development in towns and villages and where the applicant has demonstrated compliance with the following:

a) New residential development shall meet the relevant Development Management Standards as set out in Volume 3

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, and shall demonstrate that all opportunities for connectivity and linkages have been explored and incorporated in accordance with the 10-Minute Town concept and supporting active travel options.

5.3.3. Volume 3 of the plan refers to Development Management Standards

Section 4.0 refers to Residential Development and outlines that development adhere to national guidance on a range of criteria including open space and refuse storage.

Section 4.10 refers to back-land and infill development and make the most sustainable use of existing urban land and 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.

Proposals should:

- Align with the prevailing density and pattern of development in the immediate area including plot sizes, building heights, and proportions;
- Not impact negatively upon the residential amenities of surrounding properties such as the potential loss of daylight or increased overlooking;
- Take cognisance of the potential of adjacent infill/backland sites being developed and shall not prejudice the development potential of such lands.

5.3.4. It is noted that the Nenagh and Environs Development Plan 2024-2030 was subsequent adopted in relation to the lands on which the appeal site is located.

**5.4. Nenagh and Environs Development Plan 2024-2030**

5.4.1. The site is zoned 'Existing Residential', the development objective of which is 'Provide for residential development and protect and improve residential amenity' on the zoning map.

5.4.2. The Nenagh plan largely mirrors policies and strategies as outlined in the Tipperary CDP.

5.4.3. Section 5.2 refers to Residential Development and in relation to the Limerick Road / Gortlandroe area it is expected that a significant proportion of new population growth will occur in this area with a focus on higher density, well connected and high-quality urban housing.

5.4.4. Policy 5.1 refers to support new development and growth in the town and within the identified 'Neighbourhoods', in accordance with the principles for each 'Neighbourhood' as set out in Section 5.2.1, ensuring appropriate residential densities on central areas in accordance with the relevant s28 planning guidelines.

## 5.5. National Guidance

5.5.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024,

5.5.2. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance in relation to the growth priorities for settlements, residential density, urban design and placemaking and introduce development standards for housing.

5.5.3. Chapter 3 'Settlement, Place and Density' sets out policy and guidance in relation to the key growth priorities for settlements at each tier in the national settlement hierarchy and in relation to residential density and outlines recommendations in relation to density

5.5.4. Chapter 3 indicates desired density ranges for urban areas for a range of settlements, area types and indicates density ranges for different types of urban areas including large towns and also refers to tailoring policy to local circumstances.

It also in section 3.3.6 outlines exceptions including

(b) Strategic and sustainable development locations of scale (described in section 4.4.4 of the Development Plans Guidelines for Planning Authorities 2022) will be capable of defining densities or density ranges across different neighbourhoods on a plan led basis, based on considerations such as proximity to centre, level of public transport service and relationship with surrounding built form. Densities within strategic and sustainable development locations may therefore, exceed the ranges set out in Section 3.3 on a plan-led basis.

(c) In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development and to protect the amenities of surrounding properties.

## 5.6. Natural Heritage Designations

- 5.6.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA or approximate to such a site or having a direct connection (Source-Pathway- Receptor) to a site.

## 6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. 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

- 7.2. The appellant grounds of appeal in summary refers to;
- The grant of permission is not in accordance with the proper planning and sustainable development of the area and does not comply with the provisions of the Nenagh and environs Plan or the Tipperary County Development Plan (CPD).
  - The address provided in the application and public notices inaccurately describes the site as being located on 'St Conlons Road, Gortlandroe, Nenagh.' This is factually incorrect. St Conlons Road lies entirely within the townland of Nenagh North, while Gortlandroe is an entirely separate townland. The development site comprises the rear gardens of properties numbered 3 and 4 Gortlandroe. Notably, the earlier planning application (reference number 12520025), which also pertains to a portion of this site, correctly referred to the location as Gortlandroe.

- The applicant has sought approval for the construction of a private medical/rehabilitation/therapy facility with ancillary accommodation in an area zoned exclusively existing residential development and not conditioned that the facility not be used for commercial purposes.
- No details are submitted in relation to the access onto the R494.
- The scale of the development is incongruous with the established character of the area.
- The development is not in accordance with section 1.3.5 of the Planning Guidelines and section 5.3 of the CDP and in particular policies 4-1(d), 5-2 and 5-5.
- Reference is made to Section 4.10 of the Development Management Standards of the CDP bullet point one, which states that a proposed development of such a site should 'Align with the prevailing density and pattern of development in the immediate area including plot sizes, building heights, and proportions.'
- Specifically, the proposed development fails to reflect the established characteristics of the surrounding context, including: plot sizes as the proposed plot configuration deviates significantly from the typical existing plot dimensions in the area; proportions and massing as the scale and bulk of the proposed development are inconsistent with the surrounding built form, resulting in a discordant visual impact. As such, the proposal does not comply with the relevant development management standard, which requires new development to respect and integrate with the existing urban form.
- Reference is made to section 4.10 bullet point three, which states that a proposed development of such a site should 'Take cognisance of the potential of adjacent infill/backland sites being developed and shall not prejudice the development potential of such lands.' And it is contended that the proposed development fails to take cognisance of the potential for adjacent infill and backland sites to be developed in the future. By virtue of its layout, orientation, and site coverage, the proposal would restrict access or servicing potential for adjoining lands that may otherwise be suitable for development; compromise

the efficient and sustainable use of urban land by creating a piecemeal or fragmented development pattern; and prejudice the development potential of neighbouring sites, contrary to the principles of proper planning and sustainable development through site consolidation. Accordingly, the proposal does not comply with the stated development management standard, which seeks to safeguard the future development capacity of adjoining lands and promote coherent urban growth.

- The site is located within the Limerick road/Gortlandroe Neighbourhood as identified in the Nenagh & Environs Local Area Plan 2024-2030. Under this, it is stated that 'It is expected that a significant proportion of new population growth will occur in this area with a focus on higher density, well connected and high-quality urban housing'. The proposed development of one dwelling on 0.6ha is not in accordance with this statement.
- The Nenagh and Environs Local Area Plan 2024-2030, Planning Policy 2.2 states that it is the policy of the council to 'Support new development that will enable sustainable housing growth, employment, community development and prosperity for Nenagh as a Key Town in line with the Strategic Objectives of the TCDP.' As per above, the proposed development does not comply with this policy as a sustainable development. The proposed development of the backland sites should strengthen the overall urban structure and create opportunities for new linkages where possible.
- The Nenagh and Environs Local Area Plan 2024-2030, Policy 2.4 supports 'compact residential growth in Nenagh through the sustainable intensification and consolidation of the town centre and established residential areas to meet identified housing targets and requirements in line with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DHLGH, 2024) and any review thereof.' As proposed the development does not conform with the objective of the policy as contained in the Nenagh and Environs Local Area Plan 2024-2030 and in particular; the density of the development and it is contended that the proposed one-off house on 0.6 hectares does not comply with the housing density for urban areas in

large towns according to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

- The site is located in a Suburban/Urban Extension area of a Key Town which the Guidelines refers to as greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of the Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns as per Table 3.5 Areas and Density Ranges for Key Towns and Large Towns (5,000+ population). The proposed development is 1 unit on 0.6ha which equals 1.7dhp which is significantly lower than the stated density ranges proscribed.
- Reference is made to the Character, Amenity and Natural Environment considerations under Section 3.4.2 of the Guidelines state ‘While considerations of centrality and accessibility will have a significant bearing on density, it is also necessary to ensure that the quantum and scale of development at all locations can integrate successfully into the receiving environment. New development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment’. It is contended that the proposed development does not respond in a positive and proportionate way to the receiving context through inappropriate site responsive design. New development should respond in a positive way to the established pattern and form of development and to the wider scale of development in the surrounding area.

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

- 7.3.1. The planning authority has not submitted a response to the appeal submission.

### **7.4. First Party Response**

- 7.4.1. The first party in a response to the appeal submission in summary refers to;
- The appeal is without substance or foundation and is vexatious.

The appellant does not reside near the appeal site and consultations were held with adjoining landowners to the appeal site and section 138(1)(a)(i) should apply to this appeal, and to utilise the powers available to it under Section 138 of the Act, and to dismiss the Appeal as being vexatious and without substance or foundation at the earliest possible date.

- Without prejudice to the preliminary and fundamental point as regards the validity of this Appeal, and for the avoidance of doubt, a response is made in detail to the points raised.
- In relation to the address of the planning application a record of the validation procedure undertaken in respect of the subject development is set out in the report titled 'Validation Check List' included on the planning application file. This report notes that the planning application was validated following two sets of review.

Tipperary County Council confirmed that the plans and particulars lodged with the planning application on the receipt date comply with all legislative requirements, and it proceeded to process the application and to approve the development. Whilst the appellant expressed a concern regarding the public notices, this matter was noted by the Planning Authority and subsequently set aside.

We confirm that the statutory notices published in this case are valid.

- In relation to the description of the Proposed Development
- Reference is made to the 'Housing Accommodation Needs Report' prepared for the application; the proposed dwelling is single storey courtyard layout in form, with all but one wing of the house dedicated to conventional family residential use, albeit incorporating all appropriate accessibility requirements, such as enlarged corridors and circulation spaces.

The ancillary medical and occupational therapy facilities provided are in response to the recommendations of the 'Housing Accommodation Needs Report' in the north-western wing of the new house, which includes suitable but basic overnight accommodation for a carer. Any assertion that the

proposal comprises or is designed to facilitate any form of commercial medical consulting practice is objectionable.

- In relation to the entrance, it is noted that the proposed entrance and access arrangements have been prepared utilising a current topographical survey of the site, the public road carriageway (R494), boundary lines, and neighbouring boundary walls and entrances. The submitted site plan clearly shows the proposed entrance walls with required sightline splays. Furthermore, the contiguous elevation drawing submitted with the planning application (Drawing No. P04) shows the proposed entrance arrangement in elevation. The proposed outside piers align with neighbouring boundary walls, ensuring consistency with the street, pattern and established access arrangements and the approach used is to demonstrate safe visibility at the proposed entrance.

The District Engineer's Report confirms that sightlines and entrance arrangements meet the applicable requirements and the recommendations noted are incorporated into conditions attached to the Notification of Decision to Grant Permission.

- In relation to the issue of that the size, scale and bulk of the proposed development does not reflect the established characteristics of the surrounding context the rationale for the scale of the proposed house is a response to the residential needs of the applicant's family.

The prevailing density and pattern of development is characterised by low scale, low density family homes, in a mix of single storey and dormer/two-storey detached houses on large plots. The proposed development aligns with the prevailing scale and pattern of development in the area, is appropriately zoned for residential purposes and will present no adverse visual impact to the surrounding urban context. Specifically, the proposed dwelling is single storey, 5.6m in height that is separated some 67m from the neighbouring dwellings (Nos 3 and 4 Gortlandroe), and raises no issues in terms of overlooking or loss of sunlight on existing residents and none of the neighbours at this location considered it necessary to object to the planning application.

It is acknowledged that the density of infill related to this application is lower than the densities stipulated in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. However, this is an application for a single dwelling not a proposal for a housing scheme and the proposed single storey dwelling is purposefully large for medical accommodation reasons to facilitate the medical and care needs of the Applicant within the family home.

Moreover, in the interest of proper planning and sustainable development, it is considered preferable to have a dwelling of this size located within the settlement limit than in the countryside.

- In relation to impact on access or servicing potential of adjoining lands and being prejudicial to the development potential of neighbouring sites/lands the location and nature of this proposed development is entirely consistent with the land use zoning objective that applies. It is backland/infill development that will not sterilise the potential for adjacent backland areas to be developed in the future.

The development, as conditioned, integrates with existing intensification patterns and does not preclude future, compliant infill development in the surrounding area.

The Appellant has proffered no plausible or convincing evidence to support a contention that the proposed new house would impede future development on adjacent lands that can proceed under parallel planning processes, subject to due process and the usual statutory requirements.

- The Applicants wish to request an expeditious decision on the appeal having regard to the exceptional medical circumstances arising and reference is made to medical opinion on the need to provide the accommodation provided for in the proposed development.

## 8.0 **Assessment**

- 8.1. The main issues in this appeal relate to the principle of development matters raised in the grounds of appeal in particular local and national policy guidance, site specific

matters/design and the location/address of the development. Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.

## **8.2. The principle of the development**

- 8.2.1. The proposal as submitted is for a vehicular entrance, dwelling house, garage, connection to mains services together with all associated site works.
- 8.2.2. I note that in the grounds of appeal there is reference to the proposal described as the construction of a private medical/rehabilitation/therapy facility with ancillary accommodation but the public notices and documentation specifically refer to the development as a dwelling house. There is also documentary submission in relation to why the dwelling house was designed to accommodate the special needs of a child of the applicants and includes an internal courtyard and sensory garden, a sensory room, a physio room, mobility accessible bedrooms and a hydrotherapy pool in one of the bedrooms based on a medical assessment of needs. There is nothing to suggest that the proposal is intended for any other than a residential unit but a grant of planning permission could include a condition limiting the use.
- 8.2.3. The site is located within an area zoned existing residential and the site and immediate area is largely residential and the principle of residential development is therefore acceptable.

## **8.3. Grounds of appeal.**

- 8.3.1. The grounds of appeal largely refers to the inappropriateness of the development in the context of the low density of the development given the site's location in an urban area which is fully serviced and reference is made to national guidance in this regard.
- 8.3.2. National guidance as stated in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 in general does promote efficient use of services lands and applying higher densities but it also recognises that any development must be considered on its own merits and as indicated in section 3.3.6 of the guidance there is provision for exceptions including (c) that in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of

surrounding development and to protect the amenities of surrounding properties. Although the site may not be fully considered to be a very small infill site it is also important to consider the appeal site in the context of the surrounding pattern of development and the need to consider whether it responds to the scale and form of surrounding development and to protect the amenities of surrounding properties.

8.3.3. Specific to the appeal site the land immediate to the site are characterised by large residential sites which would appear to have been semi-detached dwellings with extensive rear gardens. A number of the sites have been subdivided with building lines largely retaining the established building line. There is a large undeveloped area to the rear of the properties but it is not a single block of land and therefore any major redevelopment of the back land area would require amalgamation of the various individual site plots.

8.3.4. Section 4.10 of Volume 3 of the CDP referring to Development Management refers to back-land and infill development and make the most sustainable use of existing urban land and 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.

Criteria are outlined for the assessment of development and that proposals should:

- Align with the prevailing density and pattern of development in the immediate area including plot sizes, building heights, and proportions. In this regard given the prevailing pattern of development the proposal would comply with this,
- Not impact negatively upon the residential amenities of surrounding properties such as the potential loss of daylight or increased overlooking. The proposal given the separation distances impact negatively upon the residential amenities of surrounding properties
- Take cognisance of the potential of adjacent infill/backland sites being developed and shall not prejudice the development potential of such lands. The proposal would not prejudice the development potential of adjacent infill/backland sites being developed. I would note that other properties in the area can also subdivide

existing residential plots and the construction of a dwelling of the nature proposed does not inhibit such future development.

8.3.5. Having regard to the current scale and form of surrounding development the proposed development would not therefore be inappropriate.

**8.4. Site specific considerations/design.**

8.4.1. The proposed development is for the construction of a vehicular entrance, dwelling house, garage, connection to mains services together with all associated site works.

8.4.2. The proposed dwelling is single storey building and located at a significant setback in excess of 80 metres from the adjoining residential properties to the southwest. Although it is set back from the prevailing building line, I would not have any objections to the location of dwelling given the separation distance from existing properties.

8.4.3. The proposed dwelling is single storied of modern design and construction with a maximum roof ridge height of 5443mm with an overall area of 542m<sup>2</sup>. The proposal is specially designed to meet the medical needs of one of the applicants' children with an internal courtyard and sensory garden located between two linear blocks. The dwelling in addition to accommodating conventional residential components also includes a sensory room, a physio room, mobility accessible bedrooms and a hydrotherapy pool in one of the bedrooms. As indicated previously a condition limiting the use of the dwelling can be considered.

8.4.4. I would have no objection to the design as submitted as the building although large in footprint retains a low visual profile.

8.4.5. Given the distance from the nearest dwellings which are two storied and that the proposed dwelling is single storied issues of overlooking do not arise and the dwelling as proposed will not impact on the privacy or amenity enjoyed by these dwellings. I would note as stated in the planners report that the boundary to the west side of the residential property that adjoins the site to the east is low and that a higher screen boundary and landscaping would mitigate the impact of the driveway on the amenity enjoyed by this property.

- 8.5. In relation to services, it is proposed to connect to existing public water and sewerage piped services and to dispose of surface and roof water to soakpits. There is no objection to this.
- 8.6. It is proposed to create a vehicular entrance onto the R494 within the built up and I note no objections were raised by the district engineer subject requirements that an existing street light on site to be maintained and standard conditions to apply for vehicular access and footpath adaption.

8.6.1. **Location of development**

Reference is made to the address provided in the application and public notices as inaccurate describing the site as being located on St Conlons Road, Gortlandroe, Nenagh and this is factually incorrect. From an examination of mapping the site is located within the townland of Gortlandroe and Gortlandroe Road is referred to as the section of R494 fronting the site and is a continuation westward of St Conlons Road. The public notices refer to Gortlandroe in addition to St Conlons Road.

Given that Gortlandroe is specifically referred I do not consider that there is an effect to mislead in relation to the application or that any party was prejudiced from participation in the process

9.0 **AA Screening**

- 9.1. I have considered the proposal for construction of a
- 9.2. vehicular entrance, dwelling house, garage, connection to mains services together with all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on an established residential area
- 9.3. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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; the nature of the development, the distance to designated sites and the absence of pathway to these sites.

9.4. 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

10.1. I recommend that permission be regranted.

## 11.0 Reasons and Considerations

11.1. Having regard to the nature of the development, the existing residential use on the site; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the provisions of the Nenagh and Environs Development Plan 2024-2030 and the Tipperary County Development Plan 2022-2028, as well as national guidance including Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024; it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 11 <sup>th</sup> day of June 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.
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	<b>Reason:</b> In the interest of clarity
2.	<p>The proposed dwelling shall be not used for any non-residential use unless planning permission is granted for such a use. The garage shall be used only for purposes incidental to the enjoyment of the dwelling house and shall not be used for any residential, commercial or industrial purpose.</p> <p><b>Reason:</b> In the interest of proper planning and development of the area.</p>
3.	<p>Prior to development commencing a revised site layout plan to a scale of 1:500 shall be submitted for the written agreement of the Planning Authority showing the following:</p> <p>a) Proposals for a boundary screen and landscaping along the eastern boundary of the site at the interface of where the site adjoins the residential property to the east, between the garage on this adjoining property and public road by the provision of a solid boundary 1.8m high fence or similar agreed structure.</p> <p>b) Proposals in relation to the boundary treatment to the other external site boundaries.</p> <p>c) A timescale for the implementation of boundary proposals and landscaping proposals agreed under this condition.</p> <p><b>Reason:</b> To preserve and protect the residential amenities of the area and in the interest of proper planning and sustainable development.</p>
4.	<p>Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a proper standard of development.</p>
5.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health</p>
6.	<p>Details in relation to the design and construction of the proposed entrance to the site shall comply with the detailed requirements of the planning</p>

	<p>authority for such works and services. Any damage to the footpath and restoration works in relation to the grass verge shall be at the applicants' expense.</p> <p><b>Reason:</b> In the interest of traffic safety and visual amenity</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>
8.	<p>(a)The applicant shall submit for the agreement of the Planning Authority a numbering scheme to serve the proposed development.</p> <p>(b) The planning authority will approve the naming of the residential development in order to avoid confusion with similar names in the locality and other locations.</p> <p><b>Reason:</b> In the interests of orderly street naming and numbering; to enhance urban legibility and to retain local place name associations</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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>
10.	<p>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</p>

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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Derek Daly  
Planning Inspector

5<sup>th</sup> November 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323528-25
<b>Proposed Development Summary</b>	Construction of a vehicular entrance, dwelling house, garage, connection to mains services together with all associated site works.
<b>Development Address</b>	Gortlandroe, Nenagh, County Tipperary.
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input type="checkbox"/> <b>X Yes</b> , it is a 'Project'. Proceed to Q2.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> <b>X Yes</b> , it is a Class specified in Part 1.	
<input type="checkbox"/> No,	
<b>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?</b>	
<input checked="" type="checkbox"/> <b>No</b> , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> <b>No</b> , the proposed development is of a Class and meets/exceeds the threshold.	
<input type="checkbox"/> <b>Yes</b> , the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>	

<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: Derek Daly Date: 5<sup>th</sup> November 2025

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	AP323528-25
<b>Proposed Development Summary</b>	Construction of a vehicular entrance, dwelling house, garage, connection to mains services together with all associated site works.
<b>Development Address</b>	Gortlandroe, Nenagh, County Tipperary.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (	<i>The development provides for a dwelling in an established residential area where public services are available. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</i>
<b>Location of development</b> (	<i>The development is situated in an area which is an urban area with an established residential development in which existing services are available. The development is not located in proximity to sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan</i>
<b>Types and characteristics of potential impacts</b>	<i>Having regard to the nature of the proposed development and the availability of piped services there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of	EIA is not required.

significant effects on the environment.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	No
There is a real likelihood of significant effects on the environment.	No

Inspector: Derek Daly      Date: 5<sup>th</sup> November 2025