



An
Coimisiún
Pleanála

Inspector's Addendum Report

ACP-323598A-25

Development	Change of use from workshop to out patients medical centre. Works to include restoration, alteration and extension with associated site works.
Location	Rear of Boston Health Centre & Boston Pharmacy, Dublin Rd, Ballyroan, Co. Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2510
Applicant(s)	Dr. A. Ahmad
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Patricia Kavanagh & Stefano Peccenini Helen & Sean Sherman Moirá Phelan Kieran & Ann Conroy

	Thomas Maguire
Observer(s)	None
Date of Site Inspection	19/11/2025.
Inspector	Alan Di Lucia

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1.0 Introduction

- 1.1. This is an addendum report to the Inspectors report relating to ACP-323598-25 dated 11th December 2025.
- 1.2. On the 16th January 2026, the Commission decided to issue a notice under Section 132 of the Planning and Development Act, 2000, as amended, to the Applicant to submit information necessary for the purpose of enabling a determination of the appeal. In accordance with the Section 132 Notice the Applicant was required to submit the following:
 - 1.2.1. *“1. The Commission notes that there appears to be a discrepancy between the elevations and sections of the proposed development as shown on drawings submitted to the planning authority. Specifically, the eaves on the northern elevation are shown at a level of 104.990 on Drawing Ref: 2025-12 (submitted to the planning authority on the 9th of June 2025), whereas the eaves (gutters) on the east and west elevations (Drawing Ref: 2025-13 submitted to the planning authority on the 9th of June 2025) are significantly higher (approximate level 106.520). You are therefore required to clarify the exact eaves level on a set of revised elevations and sections and to accurately describe the elevational treatments, and roof profiles, above the eaves level.”*
 - 1.2.2. *“2. It is noted that the proposed development would include an attic storage space with a floor to ceiling height of 2.57 metres, reducing to 1.4 metres where the roof would meet the external walls of the proposed structure. You are required to clarify whether the overall height of the proposed development could be reduced by 1.4 metres by the omission of this attic storage space and to submit a set of revised elevations and sections of the proposed development, without this attic storage space, if such an amendment is considered feasible.”*
 - 1.2.3. *“3. You are required to submit detailed proposals for the collection and disposal of surface water runoff from the roof of the proposed development, and from the yard and car parking areas, ensuring that such proposals can be delivered entirely within the curtilage of the subject site and would not overhang, encroach upon or negatively impact adjacent third-party properties.”*

1.2.4. The Commission received the Applicant's response to the notice on the 6th of February 2026. The Applicant's response was circulated to the Appellants and Planning Authority on the 9th March 2026 in accordance with Section 131 of the Planning and Development Act, 2000, as amended. Responses from the Appellants to the Section 131 Notice were received on the 26th and 27th March 2026; 2nd and 3rd April 2026. No response was received from the Planning Authority.

2.0 **Response to the Commission's Decision.**

2.1. **Applicant's Response**

2.1.1. The Applicant's response, to the notice, submitted on the 9th March includes a planning report detailing all responses to the notice and the following revised documentation:

- Revised Plans, Elevations and Section drawings of the proposed building. (revised ridge height at 104.92 and revised eaves height at 104.92)
- A site layout plan detailing the drainage proposals on site.
- Re-submitted the drainage design report included as part of the Planning Application.

2.1.2. Response to Item No. 1 of the Section 132 Notice.

Revised elevations and section drawing submitted (Ref: 2026 ACP / 01,02,03 & 04) illustrating the proposed elevational treatment and roof profile. The overall height of the revised building is indicated at 106.6 and a revised ridge height at 104.92. The revised drawing confirms a consistent and accurate eaves level across all elevations; clearly illustrates the roof and profile; accurately represents all architectural treatments above eaves level and removes any uncertainty regarding overall building height and roof form.

2.1.3. Response to Item No. 2 of the Section 132 Notice.

The reduction in roof height by 1.4m is shown on drawing reference 2026 ACP / 04. A reduced height option has been submitted which omits the attic storage level. This revised arrangement achieves a reduction in overall building height of approximately 1.4m. The revised design results in a lower roof profile and improved visual

integration with the surrounding context, in accordance with the Board's guidance and established planning principles relating to scale and massing.

2.1.4. Response to Item No. 3 of the Section 132 Notice.

Surface water run-off from the proposed development, including yard and car parking areas, will be fully accommodated within the curtilage of the subject site. There will be no overhang onto adjoining lands and no encroachment or adverse impact on adjacent third-party properties. Refers to accompanying engineering drawings for further details. The proposed surface water drainage system addresses run off generated from roof areas, external yard, service areas, car parking and hard stand areas. The submitted drawings clearly identify drainage catchments, pipe routing, attenuation measures, and on-site disposal arrangements, and in the opinion of the applicant provides a robust and implementable solution in accordance with best engineering practice.

A response from the Applicants engineer, states that the enclosed copies of the drainage report originally submitted to Laois County Council outlines the surface water strategy for the proposed works. The proposal provides an underground surface water attenuation tank along with a petrol interceptor which is designed to have capacity that exceeds the required capacity for a 1 in 100-year flood event. All surface water including storm water from the new roof generated from the development will be attenuated within the system and discharged to the existing storm network during low flows. They confirm that all proposed drainage works are achievable within the site boundaries without impacting on neighbouring properties.

2.2. Planning Authority Submission

2.2.1. No submission received from the Planning Authority.

2.3. Appellant's Response

2.3.1. **Response by Kieran and Ann Conroy received on the 26th March 2026.**

2.3.2. Concern that the proposed development will block access to the manholes that provides access to their sewerage system. Unacceptable that their sewerage system, in situ over 40+ years, should become inaccessible.

- 2.3.3. The existing shed has a shared party wall with their garage, concern that there will be structural damage to property during construction or completion, notes Applicants have not approached them regarding construction along their shared boundary.
- 2.3.4. In relation to the building height, the Applicant appreciates the query regarding the building height. However, notes that their property is single storey and their garage share a party wall with the Applicant. Considers the expansion of the medical clinic as overdevelopment of the overall campus with limited space to accommodate parking and the volume of traffic onto the main road. Highlights planning history on site and has concerns that residential development will be repropoed once permission has been secured and expresses concerns raised in original application are still valid.
- 2.3.5. Outlines their concern regarding parking provision for the development proposed as outlined in their original grounds of appeal. Highlights concern regarding emergency vehicle access to the proposed development. Also highlights concerns raised in their original grounds of appeal relating to use of the access laneway during construction and operation of the proposed development.
- 2.3.6. **Response by Thomas Maguire (GM Architects) received on the 27th March 2026.**
- 2.3.7. In relation to Eaves Level Confirmation, the response notes the inconsistencies in the presentation of such a proposal and questions the Planning Authority in accepting the planning application. They consider that such a development must have contiguous elevational and streetscape drawings essential to enabling a fully informed decision on the development. Notes that there is no information or detail of the roof material and profile, questions the roof cladding material and colour and notes that critical design information is not just minimum it is non-existence and presents further concern as there is not adequate information presented to make an informed decision.
- 2.3.8. In relation to Attic Space, notes the reduction in height by 1.4m is a vast improvement, notes drawings submitted include three roof lights, questioning the necessity to include such roof lights as there is no indication as to their use. The adjoining property owners who share a party wall have not consented to the

construction proposed along this party wall and notes that from a building construction perspective this form of building construction is non-compliant.

- 2.3.9. In relation to Surface Water Run-Off, concern is raised as to the potential impact of the proposed surface water attenuation tank will have on the existing services that are located along the shared laneway. Concern that the proposal will also compromise adjoining neighbours party walls, access to and from their property and the water, sewerage and electrical services to their property. Concern that construction will affect pedestrian and vehicular access to the rear of their property. Notes that the Drainage Design Report refers to the laneway as car parking area of the site. Includes photographs showing all services potentially impacted by the proposed development.
- 2.3.10. **Response by Moria Phelan (Oliver Ryan Purcell Solicitor) received on the 2nd April 2026.**
- 2.3.11. The response relates to Item 3 of the Section 132 Notices relating to the Applicant to submit detailed proposals for the collection and disposal of surface water runoff ensuring that such proposals can be delivered entirely within the curtilage of the subject site and would not overhang, encroach or negatively impact adjacent third-party properties.
- 2.3.12. The submission notes that the Applicant appears to rely on their folio mapping to assert that the laneway falls within the curtilage of the subject site. Notes that the legal status of the laneway was formally established in 1997, includes solicitors letter stating that it was their belief that the said laneway is in the charge of Laois County Council. Highlights that this confirms the laneway was a taken in charge road under By Laois County Council. The submission also highlights correspondence from the Applicant's predecessor in title, acknowledging and confirming their rights of access. They note that these two documents conclusively establish that the laneway cannot form part of the Applicant's private curtilage and therefore cannot lawfully be relied upon to satisfy Item 3 of the Section 132 Notice.
- 2.3.13. The submission highlights the Applicant's assertion that all surface water drainage works will be full accommodated within the curtilage of the site and have no encroachment or adverse impacts on adjacent properties. Highlights the Applicants drawing showing the proposed attenuation tank located directly under the laneway, a

shared access route serving their garage and several neighbouring properties. The submission ascertains that the Applicants claims that the drainage works are site contained is therefore legally unsustainable.

- 2.3.14. Enclosed an engineering report confirming that access and use of the Appellants garage will be prohibited during the construction of the attenuation tank. Notes outbuildings have opening directly onto the passageway / laneway and that the development would cause a restriction in use and enjoyment of access to their property, further undermining any claim that it lies within the Applicant's curtilage. The report records that surface water from the existing building discharges directly to the ground on the passageway / laneway demonstrating the laneways long-established shared use, further undermining any claim that it lies within the Applicant's private boundary. Questions feasibility of the capacity of the existing disposal network to cater for the additional loading and if the attenuation tank has the load bearing capacity to cater for the type of traffic using the access. Identified significant access constraints and highlighting access to Appellants' property will be restricted during construction. Identifies fire fighting concerns, noting the Applicant must demonstrate how fire fighting access will be maintained, installing an attenuation tank beneath the laneway is incompatible with emergency requirements.

2.4. Response by Helen & Sean Sherman received on the 2nd April 2026.

- 2.4.1. Notes the situation with the existing building and gutter falling towards their property, which is difficult to access after rain. Also note that the documents refer to their garage as a store. They utilise the laneway to access this garage.
- 2.4.2. In relation to Eaves Levels, questions how Laois County Council did not request clarification on this issue.
- 2.4.3. In relation to Attic Space, concern regarding windows in attic space and issues of overlooking, which will result in lack of privacy and refers to a balcony on the second floor.
- 2.4.4. In relation to the underground storage tank, notes that it is proposed to be situated immediately outside their garage door which will restrict their access. Note that the description stated the existing workshop and carpark, they note that this area was never used as a car park. Highlights impact of attenuation tank on their services at

this location being disrupted and to restricted access to the rear of their property during construction.

2.5. Response by Patricia Kavanagh & Stefano Peccenini received on the 3rd April 2026.

- 2.5.1. Notes that the Applicant has indicated a willingness to broadly omit the attic space and reduce the overall height of the proposed structure. However, the changes do not address the fundamental planning concerns raised in their appeal relating to intensification of use, traffic generation, parking demand and the constrained nature of the site and surrounding infrastructure. Highlights that while the omission of the attic reduces the overall volume of the structure, it does not alter the underlying planning context in which the development is to operate.
- 2.5.2. When considered in conjunction with the existing campus the proposal contributes to the incremental intensification of activity on a site that is already constrained in terms of access, parking and physical configuration
- 2.5.3. Considers the urban nature of the site and its proximity to several significant traffic generators, it is reasonable to consider that the proposed development would result in an over concentration of activity in a location where the supporting infrastructure is inherently limited.
- 2.5.4. Concerned that the practical buildability of the proposal within the existing structure and site boundaries has not been adequately demonstrated. The structure appears to extend to the site boundaries on several sides and forms party boundaries with not only adjoining properties but with adjoining buildings and structures on at least three sides. Concern raised in relation to daylight, overshadowing and overlooking and that the residential amenity of neighbouring properties would need to be adequately protected. Notes that changes may be required to comply with building regulations. Highlights that the planning assessment should be for the campus as a whole and not the individual, as this would have significant impacts relating to scale, traffic generation and parking demands.
- 2.5.5. The documentation submitted does not provide sufficient contextual information to clearly demonstrate the relationship of the proposed development to adjoining properties, including matters of materiality and boundary interferences. They

conclude that the proposal constitutes overdevelopment of the site having regard to its context and infrastructural constraints.

3.0 Assessment

3.1. Building Design and Residential Amenity

- 3.1.1. I note the Applicant's response received on 6th February 2026 in respect of Items 1 and 2 of the Section 132 Notice, together with the revised architectural drawings submitted under Drawing Refs. 2026/ACP-01 to 04. I also note that the floor plans and side elevations are both referenced as Drawing No. 2026/ACP-01.
- 3.1.2. In relation to Item 1 of the Section 132 Notice, I note that the eaves level is now consistently indicated at 104.920 across the entirety of the proposed structure, thereby resolving the discrepancy identified between the plans originally submitted to the Planning Authority. I further note that the revised elevational treatment comprises nap plaster finish in a selected colour to match the existing buildings, together with aluminium windows and doors in a selected colour finish. The revised design incorporates a curved roof profile with a maximum height of 106.600 above ground level, finished in corrugated cladding in a selected colour. I also note the inclusion of three rooflights positioned at the apex of the roof structure. In addition, an extended parapet is proposed adjoining the northern site boundary, extending approximately 1.3 metres above the eaves level. Having regard to the submitted revisions, I am satisfied that the Applicant has adequately addressed the matters raised under Item 1 of the Section 132 Notice.
- 3.1.3. In relation to Item 2 of the Section 132 Notice, I note that the attic storage area has been omitted from the proposal and that the overall height of the building has been reduced by approximately 1.4 metres. In this regard, the ridge height has reduced from 108.000 to 106.600 (6.6m above ground level). I am satisfied that the revisions submitted adequately address the matters raised under Item 2 of the Section 132 Notice.
- 3.1.4. Having reviewed the revised building design, I am satisfied that the reduction in roof height and redesign provides a more consistent approach with the architectural character of the structures within the existing campus. In my opinion, the revised design reduces the visual massing and overbearing nature of the proposed

development, as previously identified in my report dated 11th December 2025. I am also satisfied that the reduction in the overall height of the structure would reduce the potential for overshadowing of the adjoining property to the north of the site.

- 3.1.5. With regard to the issue of overdevelopment, as identified in my previous report dated 11th December 2025, I consider that the proposed development at this location should be confined to the footprint of the existing structure on site. I note that annex structures proposed to both the eastern and western elevations of the building. Notwithstanding the reduction in overall height, I consider that the inclusion of these annexes would result in a degree of visual imbalance having regard to the proportional relationship between the overall building height and length. I also note the submissions received concerning potential interference with access to the rear of adjoining properties. In this regard, I consider that the omission of the western annex would remove any uncertainty in relation to rights of access to the rear of adjoining properties from the yard area.
- 3.1.6. I further note that upper floor windows are proposed on the southern and western elevations, which may give rise to overlooking of the rear curtilage of existing residential properties located to the north, southwest and southeast of the site. I do not consider that the proposed roof lights will have any impact on adjoining properties. I note that the Planning Authority attached a condition requiring obscure glazing to the upper floor windows on the western elevation. I am satisfied that a condition requiring obscure glazing to all upper floor windows would satisfactorily address potential overlooking concerns.
- 3.1.7. I note the Applicant's submission that the internal layout and operational requirements are governed by health and environmental standards rather than planning legislation. However, I consider that the operational requirements of the proposed development may necessitate the installation of plant, ventilation equipment, or specialised waste storage facilities, which could require subsequent modifications to the external form of the proposed structure, which has the potential to negatively impact adjoining residential properties. In this regard, I consider that the omission of both annex structures would provide sufficient flexibility to accommodate any future alterations required under health or environmental legislation, whilst avoiding undue impacts on adjoining residential properties.

3.1.8. In conclusion, having regard to the revised design submitted on 6th February 2026, I am satisfied that, subject to the development being confined to the footprint of the existing structure and with the omission of the proposed annexes to the eastern and western elevations, the proposal would adequately address the concerns identified under Section 7.3 of my original report dated 11th December 2025. I consider that a revised scheme would address Reason No. 1 for refusal, as set out under Section 11.0 of my original report, and therefore, would not seriously injure the residential amenities of the area or of adjoining properties in the vicinity.

3.1.9. Should the Commission decide to grant permission, I recommend that consideration be given to the attachment of a condition omitting both annexes from the proposed development and for the inclusion of obscure glass to all upper floor windows.

3.2. Surface Water Attenuation

3.2.1. In response to Item 3 of the Section 132 Notice, I note the Applicant's submission stating that the proposed drainage strategy has been designed to address surface water runoff arising from roof areas, external yards / service areas, and hardstanding surfaces within the site. The Applicant states that the drainage design will ensure that all surface water is managed entirely within the site boundary, with no discharge or overspill onto adjoining lands or third-party properties, and that no adverse impacts would arise to neighbouring properties or infrastructure. I further note the Applicant's submission states that the drawings provided identify drainage catchments, pipe routing, attenuation measures, and on-site disposal arrangements, and that the proposed system represents a robust and implementable engineering solution in accordance with best practice. I also note that the submission includes the drainage report previously submitted to the Planning Authority as part of the original application documentation.

3.2.2. Notwithstanding the above, I note that the Drainage Strategy prepared by CKCE, submitted in response to Item 3 of the Section 132 Notice, has not been revised or updated. Accordingly, the inconsistencies identified under Sections 7.4.2 and 7.4.3 of my original report remain unresolved and continue to be of relevance to the assessment of the proposed development.

3.2.3. I note the surface water layout plan submitted in response to the Section 132 Notice, which indicates the provision of a single new gully located at the southwest corner of

the main structure. I note that this appears to represent the only clearly identified pathway through which surface water runoff from the proposed structure would enter the proposed surface water drainage system.

- 3.2.4. I further note the revised roof plan drawings, which indicate the provision of a low parapet wall, extending upwards from the roof, along the northern site boundary incorporating a hidden gutter arrangement. The submitted drawings indicate that surface water runoff from the hidden gutter would discharge both eastwards and westwards from the central point of the roof, directing flows towards the side elevations of the proposed structure. However, it is not clearly demonstrated within the submitted details how runoff from this hidden gutter arrangement would ultimately connect to, or be directed into, the proposed surface water drainage network. I also note that the east side elevation drawing appears to indicate the presence of an additional gutter arrangement along the boundary side of the parapet wall, the function and connection details of which remain unclear.
- 3.2.5. I note that both annex structures proposed to the eastern and western sides of the building incorporate parapet walls enclosing flat roof areas, with surface water runoff directed towards proposed rainwater downpipes. However, no clear detail has been provided demonstrating how runoff from these flat roof areas would discharge into the proposed surface water drainage system.
- 3.2.6. In addition, it is also unclear from the submitted documentation how surface water runoff arising from the roof area along the front elevation and projecting gable feature of the proposed structure would be collected and directed to the proposed surface water drainage system.
- 3.2.7. I also note from the submitted drainage layout plan that it has not been clearly demonstrated how all surface water generated from the yard area to the west of the proposed structure would enter the proposed surface water drainage network, as new gullies are only indicated towards the western extremity of the site boundary. Furthermore, I note that the proposed drainage layout plans provide no detail regarding the management and disposal of surface water runoff arising from the car parking and hardstanding areas within the site.
- 3.2.8. Having regard to the submitted documentation, I am not satisfied that the details provided, clearly identify drainage catchments, pipe routing, attenuation measures,

or on-site disposal arrangements, as asserted in the Applicant's response. In my opinion, the submitted information does not demonstrate a sufficiently robust or fully implementable surface water management solution, having regard to the number of unresolved matters and uncertainties identified above. Therefore, I do not consider that the Applicant has adequately addressed the information requested under Item 3 of the Section 132 Notice.

3.2.9. In conclusion, I consider that the Applicant has failed to adequately demonstrate that the proposed surface water management system would safely and effectively accommodate and dispose of all surface water generated within the site, without giving rise to impacts on adjoining lands or properties outside the Applicant's control. Therefore, having regard to the foregoing, I recommend that permission be refused for the second reason set out under Section 11.0 of my original report dated 11th December 2025.

3.3. Other Matters

3.3.1. I note the submission received from one of the Appellants questioning the ownership of the lands within which the proposed surface water attenuation tank is to be located. In this regard, it is asserted that Laois County Council has taken ownership of the laneway adjoining the site and, therefore, that the yard area in question does not form part of the curtilage of the lands within the ownership or control of the Applicant. I note that there is an existing laneway extending from the public road to the property located to the north of the subject site. However, I further note that the yard area within which the proposed surface water attenuation tank is to be located, appears physically separate and distinct from the laneway itself. I also note that the Applicant has submitted Land Registry mapping indicating ownership of the subject yard area. No substantive evidence has been submitted by the Appellants demonstrating that the yard area and the laneway constitute a single landholding or that the subject lands are outside the ownership or control of the Applicant. In my opinion, any issue relating to rights of access or rights of way over the lands concerned constitutes a private legal matter between the relevant parties and falls outside the scope of the current planning appeal.

3.3.2. I have addressed the issue of Parking Provision under Section 7.5 of my original report dated 11th December 2025

- 3.3.3. I have addressed Traffic Related Issues under Section 7.6 of my original report dated 11th December 2025
- 3.3.4. I have addressed legal issues pertaining to legal rights of access under Section 7.7 of my original report dated 11th December 2025
- 3.3.5. I have addressed the issue of compliance with Building and Fire Regulations under Section 7.8.1. of my original report dated 11th Development 2025
- 3.3.6. I have addressed potential damage to existing infrastructure under Section 7.8.4. of my original report dated 11th December 2025
- 3.3.7. For the Commission's clarity, I confirm that the screenings undertaken for EIAR, AA and WFD included in my original report remain valid.

3.4. **Conclusion**

- 3.4.1. Having regard to the assessment set out above, I am satisfied that the information and revised details submitted by the Applicant adequately address the matters raised by the Commission under Items 1 and 2 of the Section 132 Notice. However, for the reasons outlined in my assessment of Item 3 Surface Water attenuation, I do not consider that the Applicant has adequately addressed the concerns raised by the Commission under Item 3 of the Section 132 Notice. Therefore, I recommend that permission be refused for Reason No. 2, as set out in my original report dated 11th December 2025, as below.

4.0 **Recommendation**

- 4.1.1. Having considered the contents of the application, the provisions the Laois County Development Plan 2021-2027, the grounds of appeal, the responses to the Section 132 Notice in accordance with the Planning and Development Act, 2000, as amended, my site inspection, and my assessment of the planning issues. I recommend that planning permission be refused for the reasons and considerations set out below. However, should the Commission decide to grant permission, I recommend that consideration be given to the attachment of a condition limiting the proposed development to the footprint of the existing building, omitting both annexes from the proposed development and for the inclusion of obscure glass to all upper floor windows.

5.0 Reasons and Considerations

1. Having regard to the location of the proposed development, to the rear of existing residential properties and the surface water drainage system proposed, the Commission is not satisfied that the surface water generated from the development proposed can be adequately discharged through the proposed surface water drainage system without the risk of flooding or negatively impacting adjacent residential properties. Therefore, it is considered that the proposed development would be contrary to the proper planning and 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.

Alan Di Lucia
Senior Planning Inspector

20th May 2026