



## Inspector's Report

### PL-500600-TY-26

<b>Development</b>	Construction of two bungalows with carparking, connection to services, bin storage and ancillary site works with a new shared entrance.
<b>Location</b>	Coille Bheithe, Nenagh, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2560936
<b>Applicant(s)</b>	John Eustace
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	John Eustace
<b>Observer(s)</b>	Pat Harrold
<b>Date of Site Inspection</b>	15 <sup>th</sup> of April 2026
<b>Inspector</b>	Caryn Coogan

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## 1.0 Site Location and Description

- 1.1. Coille Bheithe is a residential estate just northwest of Nenagh town centre and accessed off the R494, linking the town centre with the N52 north and west of the town.
- 1.2 The appeal site is located within the residential estate, Coille Bheithe, has a stated area of 0.095ha. It is positioned north of the main estate road and is fronted by a small narrow green area.
- 1.3 The site is bounded on to the south-eastern and south-western boundaries by houses/ apartments within Coille Bheithe housing estate.
- 1.4 The appeal site is a narrow strip of land positioned between existing houses. The proposed development site measures 96.m in width and 76m in length. The existing access to the is site is from the main service road within the estate across a narrow strip of open space. The open space area is fronted by a footpath and the estate road.
- 1.5 The site is bounded on its north-western side by a single dwelling residential property which has a large curtilage. On the north-eastern site boundary, there is a single dwelling derelict residential property.
- 1.6 The existing front boundary treatment consists of a concrete post and timber panel fence (photo plates 4 & 5). The rear boundary is a post and wire fence, with a mature hedgerow garden associated with the neighbouring properties providing screening into the site.
- 1.7 The site is vacant and level, partially gravelled and grassed. On the day of site inspection, I noted a small amount of dumping occurring on the site.

## 2.0 Proposed Development

- 2.1. The construction of 2No. three bedroomed bungalows, with associated carparking, connection to services, bin storage and ancillary site works with a new shared entrance off Choille Bheithe estate road.
- 2.2. The applicant was requested by way of Further Information to revise certain design details including, access arrangement, height, footprint, boundary treatment,

carparking layout and surface water. In response, the applicant retained the original access proposed. The dwellings were set back 2.1m and 2.4m from adjoining dwellings, but not reduction in the height of the dwellings. Front boundary wall has been reduced 10 1.2m. Additional clarification is required regarding surface water drainage and access, in addition to design details of the rear windows, height of dwellings

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Tipperary Co. Co. decided to **REFUSE** the proposed development for 3No. reasons.

1. The proposal by reason of the siting, height and width of the proposed dwellings, the proposed provision of windows on the rear elevations and the proposed siting and layout of the carparking spaces would give rise to undue harm to the amenity of the occupiers of the residential property to the north-west in terms of loss of light, overshadowing impacts and harm in terms of loss of outlook, actual and perceived overlooking and potential disturbance from the parking of cars particularly late at night. It is therefore considered that the proposed development would be contrary to the objectives of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 and Development Management Standard 4.10 of the Tipperary County Development Plan 2022-2028. The development would set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development by reason of the relationship between Unit B and the neighbouring two-storey apartment block would give rise to:
  - (i) undue harm to the amenity of the future occupiers of the proposed Unit B, in terms of loss of light and loss of outlook and
  - (ii) a risk and fear of crime along with potential opportunities for anti-social behaviour.

It is therefore considered that the proposed development would be substandard in terms of design and layout and for the above stated reasons would be contrary to

the objectives of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. The development would set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.

3. As per the Nenagh and Environs Local Area Plan 2024 - 2030, a part of the site (where access is proposed) is zoned for 'Amenity' use and is laid out as public open space as part of the Coille Bheithe development.

Therefore, the proposal would, if permitted, be at variance with the zoning provisions of the Nenagh and Environs Local Area Plan 2024 – 2030 for the lands and would result in the loss of public open space for an established housing development. The development would therefore be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Report (No. 1, 06/11/2025)**

- The proposal was acceptable in principle.
- The bungalows need to be reduced in height and footprint to reduce negative impact on adjoining residential amenities. They are 6.3m in height and 1.1m from adjoining boundary.
- The 2-metre-high wall proposed along the majority of the southeastern site boundary is considered to be unnecessary.
- The carparking position may cause potential nuisance. The internal layout and private amenity space of each of the proposed dwellings would comply with the standards set out within the Sustainable Residential Development and Compact.
- Inconsistencies in the application drawings
- Unit B there will be limited light into the main living rooms, and no passive surveillance.
- Exempt from Part V

- Letter regarding legal ownership to access of the site
- Further Information Recommended.

### **Planning Report (No. 2, 27/11/2025)**

- Revised access from St. Conlon's Road has not been considered and that access did form part of the proposal under reference 24255
- More design details are required regarding the surface water collection in line with Suds
- Revise design of rear windows. The relationship between Dwelling B and the adjoining apartment block is considered to be wholly inappropriate, light into Unit B will be limited and it is concealed without passive surveillance.

### **Planning Report (No. 3)**

Recommendation to REFUSE.

#### **3.2.2. Other Technical Reports**

*Nenagh District Engineer:* It is impossible to know if the surface water infiltration system will work without knowing the permeability of the underlying subsoils.

#### **3.3. Prescribed Bodies**

There were no relevant submissions.

#### **3.4. Third Party Observations**

The resident from an adjoining the dwelling to the north west expressed the following concerns:

- Insufficient details on the submission documents to determine the impacts
- Negative impact on residential amenities
- The access area is zoned as open space
- Insufficient legal interest
- Traffic safety

## 4.0 Planning History

### 4.1. Planning Ref. 24/255

Permission for the demolition of an existing single storey derelict dwellinghouse and the construction of 12 No 2-bedroom apartments in 3 separate Blocks. Block No 1 shall consist of 4 No 2-bedroom apartments in a two-story block with car-parking, connection to services, bin storage and ancillary site works accessed off St Conlons Road. Blocks No 2 & No3 shall each consist of 4 no 2-bedroom apartments in a two-storey block with car-parking, connection to services, bin storage and ancillary site works accessed from a new entrance off the Coille Beithe estate road. **Application Withdrawn.**

### 4.2 Planning Ref. 23303

Permission for the demolition of an existing single storey derelict dwelling house and the construction of 12 No. 2 bedroom apartments in 3 separate Blocks. Block No. 1 shall consist of 4 No. 2 bedroom apartments in a two storey block with car-parking, connection to services, bin storage and ancillary site works accessed off St Conlons Road. Blocks No. 2 & No. 3 shall each consist of 4No. 2 bedroom apartments in a two storey block with car-parking, connection to services, bin storage and ancillary site works accessed from a new entrance off the Coille Beithe estate road.

### 4.3 Planning Ref. 08520052

Permission granted on 05/01/2009 for demolition of an existing single storey house and the construction of 12 x 2-bed apartments in three Phases on a site adjacent Coill Bheithe. Phase 1 shall consist of 4x2 bedroom apts. in a two storey block with car parking, bin storage and ancillary site works accessed from St. Conlan's Road. Phase 2 shall consist of 4x2 bedroom apts. in a two-storey block with car parking, bin storage and ancillary site works accessed from new entrance off Coille Bheithe estate road. Phase 3 shall consist of 4x2 bedroom apts. in a two storey block with car parking, bin storage and ancillary site works accessed from new entrance off Coille Bheithe estate road. The permission expired on 04/01/2014

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1 *Tipperary County Development Plan 2022-2028*

##### **Volume 1 – Written Statement**

Nenagh is designated as a Key Town within the Core Strategy of the County Development Plan. The Core Strategy states that Nenagh is a strategically located urban centre, with accessibility and significant influence in a sub-regional context. Each Key Town is targeted for over 30% growth by 2040.

Strategic Object 2 (SO2) seeks to facilitate and promote the development of Clonmel, Nenagh and Thurles as Key Towns, economic drivers and significant population and service centres for the Southern Region.

Chapter 4 of Volume 1 outlines a settlement strategy for the county including the town of Nenagh.

#### 5.1.2 Volume 3 Appendix 6 ***Development Management Standards***

##### 4.10 Back-land and Infill Development

Back-land residential development relates to small scale development located to the rear of or adjacent to existing buildings in built-up areas. To make the most sustainable use of existing urban land, 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.
- Ensure adequate amenity is afforded to the existing and proposed development.

### 5.1.3. *Nenagh and Environs Development Plan 2024-2030*

#### **Chapter 9 Land Use Zoning Framework**

The subject site is zoned Existing Residential: Provide for residential development and protect and improve residential amenity. Existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development.

The green area fronting the site is zoned 'Amenity Area'.

## **5.2 Residential Development**

The 'Development Strategy' for the town has established a framework to facilitate compact residential development on lands zoned within the town centre area and areas close to existing services. The Council will also seek to promote compact growth through the re-use and re development of vacant properties, regeneration and consolidation sites, brownfield and infill sites. In particular, the Council will seek to incentivise the creation of the town centre as a living neighbourhood, encourage and direct new development to the town centre and adjoining areas and support compact growth and the revitalisation of town centre neighbourhoods.

### **5.2.1 Residential Neighbourhoods**

A population density map for Nenagh is set out in Figure 6. Having consideration to this, to the accessibility of the population to the town centre and policy direction for compact development and town centre growth; it is possible to plan for neighbourhood development in the town.

#### **Figure 7 2. Limerick Road / Gortlandroe**

The Council will actively seek to enhance the potential for connectivity in these areas in terms of active travel modes and in particular, will seek the consolidation of existing vacant or underused areas in this part of town, where feasible. 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.

**Policy 3.1** Support compact growth through:

(a) the collaborative redevelopment and reuse of vacant and underused sites and areas in the 'Urban Core' and 'Compact Growth' area,

(b) the development of sites identified through the URDF and RRDF; and

(c) the redevelopment of Town Centre 'Regeneration Sites', 'Consolidation Sites' and areas zoned for 'Regeneration'.

## 5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

Urban Design Manual – A best practice Guide DOEHLG 2009

## 5.3. **Natural Heritage Designations**

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is situated:

- c.6.47km to the south-east of the Lough Derg (Shannon) SPA (site Code 004058) and the Lough Derg pNHA (site Code 00011).
- c.8.9km to the north of the Slievefelim to Silvermines Mountains SAC (site code SPA 004165) and the Slievefelim to Silvermines Mountains SPA (Site Code 004165).
- C.17km to the north-east to the Lower River Shannon SAC (Site code 002165).
- C.14km to the south-west of the Scohaboy (Sopwell) Bog SAC (Site Code 002206) and the Scohaboy Bog NHA (site code PNHA 000937).

## 6.0 **EIA Screening**

- 6.1. The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can,

therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The First Party appeal against the Council's decision to refuse the proposed development is summarised below.

#### 7.1.1 *Response to Reason No. 1*

- The proposed development is for 2No. single storey dwellings. The site previously had planning permission for a larger development multi-units development comprising of a two-storey building (Reg. Ref. 08520052). The permission has expired by is a relevant material issues.
- The current proposal represents a significant reduction in height, massing and intensity with less potential for overshadowing or loss of light that what was previously considered acceptable on the site.
- The two dwellings are single storey bungalows with modest ridge heights. The planning authority has provided no daylight or shadow analysis to substantiate their claims.
- Having regard to the single storey form of development, its orientation, separation distances, material and sustained loss of light is improbable.
- There is a continuous line of mature trees, 6m in height to the north of the proposed bungalow which casts shadows into adjoining lands. The nearest point of the adjacent house lies approximately 18m from the ridge line at the rear of proposed bungalow B while the principal living accommodation of the house is located approximately 27m from the proposed ridge height.
- Mature Trees (height 6m) winter noon shadow approximately 24.8m, equinox approximately 7.9m; summer solstice approximately 3.5m
- Proposed bungalow as drawn (ridge height 6.3m) winter noon shadow approximately 26m, equinox approximately 8.3m summer solstice approximately 3.6m

- The winter noon shadow cast of the existing tree line already overshadows the neighbouring house. The ridge height of the bungalow would have no material overshadowing impact in comparison to the trees. The principal living accommodation of the neighbouring dwelling is 27m from the proposed ridge would not be affected any time of the year.
- To remove any possible doubt, the applicant is prepared to accept a condition reducing the ridge height to 5.7m representing a reduction of 700mm.
- The planning authority also alleges loss amenity due to overlooking. There is no loss of amenity, there is adequate separation distance from the proposed windows to existing windows. The principal living accommodation is 22m from the existing property. The dwellings are single storey, lower than the existing two storey dwellings and apartment blocks. The scale and height do not give rise to dominance, overbearing impact or loss of outlook when viewed from adjoining property. The proposal complies with 4.10 of the Tipperary County Development plan 2022-2028 and Sustainable Residential Development and Compact Settlement Guidelines 2024.
- The proposed parking is to the front and side of the dwelling. The space is 32m from the rear bedroom window of the neighbouring house. The allegation of late night disturbance from the parking is speculative and unsupported by any objective evidence. The development will operate in the same way as any two dwellings. There is no basis that the parking spaces will generate noise, disturbance or loss of amenity.

#### **7.1.2 Response to Reason No. 2**

- The claim that the sitting room of Unit B would lack adequate daylight or outlook is not supported by the submitted drawings. Unit B is dual aspect. The window of the sitting room is orientated towards and opens onto a private rear garden which is 116sq.m. There is an open aspect.
- No daylight analysis or technical assessment has been provided by the P.A. Having regard to the separation distances and the single storey height of the dwelling, the allegation of substandard amenity is not justified.

- The concern regarding perceived risk and fear of crime arising from the location of the entrance to Unit B. The concern is not supported by any specific policy of design objective. The entrance to unit B is private in nature and is overlooked from within the site. Entrances accessed via side passages or shared courtyards are common and accepted features in residential estates. A perceived risk of crime is a subjective social concern and does not constitute a valid material planning concern.

#### 7.1.3 **Response to reason No. 3**

- The Deed of Grant dated 26<sup>th</sup> of January 2009 grants general rights of way together with rights of access and service provisions benefitting the appellants lands. The access is pedestrian, construction, and general access associated with residential use.
- The right of way is not marked on the Land Registry plan, the scope in the deed

#### 7.2. **Planning Authority Response**

There was no further response to the appeal from the planning authority.

#### 7.3. **Observations**

Mr. Pat Harrold has made an observation on appeal fully supporting the decision to refuse planning permission for the two dwellings.

##### 7.3.1 **Insufficient grounds for overturning Council's decision**

- The proposed development cannot be considered as will it allow the derogation of the open space commitments under the parent permission for Choille Bheithe or the amenity zoning under the Nenagh and Environs Local Area Plan 2024-2030.
- The applicant has failed to provide any meaningful argument to the planning authority's sound and reasonable decision. The planning authority provided the appellant ample opportunity to address the reasons for refusal in its further information.
- The applicant has failed to address the unauthorised works across the open space area and failed to address the change in the zoning from existing

residential to open space/ amenity in the LAP. The proposal forms a material contravention of the zoning.

- The appellants were requested to find an alternative access arrangement despite previous withdrawal applications and the current proposal. The access and overall design have been deemed unacceptable.
- The proposal would seriously detract from the amenity of the existing residents. The applicant has failed to provide evidence why access across amenity zoned lands should be permitted in this instance.

### 7.3.2 **Subject site and Environs**

- The site is located to the rear of a semi-derelict dwelling. The dwelling bounds the site to the north-east and is located to the south-west of St. Conlan's Road. The proposed development site measures 96.m in width and 76m in length.
- The observers family home is to the north-east of the subject site. It was renovated and extended in 2014 on the 'TV Programme @room to Improve'.
- The site is partially gravelled and grassed. It is bounded to the north-east by a two-storey apartment block. An unauthorised entrance has been created through the open space along the south-eastern site boundary. There are a pair of semi-detached dwellings to the south-west.
- The majority of the site is zoned Existing Residential, and a small part where the access is located is zoned Amenity Area. The use of amenity lands to provide access is contrary to the zoning objective.

### 7.3.3 **Planning History**

- The two previous in-depth development proposals on the site area cited. Both were withdrawn. This development had previously been granted planning permission in January 2009 under planning reference 08520052. The permission expired 2014. It does not set any form of precedent for the current proposal under appeal.

### 7.3.4 **Nature and extent of Proposed Development**

- A description of the proposed development is given in detail.

- The applicant did not amend or address clear deficiencies in the application in terms of access and layout but instead tried to justify the design based on the long since expired 2008 permission.

#### 7.3.5 ***Reason for Refusal No. 1***

- The Council did accept the residential element complied with the zoning objective on most of the site, and it was an improvement on the previous proposal in the site.
- However it was stated the bungalows are only 6.38m in height and only 1.1m from shared boundary to the northwest, and they would have a negative impact on the observers residential amenity.
- In terms of the relationship between the proposed carparking area and rear garden of the property to the northwest, this would lead to noise and light disturbance, particularly at night. There is little or no space for onsite landscaping buffer areas.
- The applicant then re-sited the dwellings to the southeast so that they were 2.11m and 2.25m from the northwest boundary with our clients property. These changes do not address the concerns of the neighbouring residential amenity concerns in a meaningful way.
- There were also concerns regarding the negative impact of House B on the adjoining apartment block.
- The appellant claims the existing trees along the common boundary create a shadow, and to reduce the ridge height of the dwellings to 5.7m
- The appeal fails address the inappropriate layout in the context of the adjoining residential amenities.

#### 7.3.6 ***Reason for Refusal No. 2***

- The planning authority were correct to have concerns regarding the visual amenity of the future residents of Dwelling B due to its closeness to a two storey building.
- The claim of a longterm right of way across the open space area is completely unfounded.

- The claim the open space area is unusable must be dismissed by the Commission. The proposed development would split the open space area reducing its amenity value, for which it is permitted and zoned. The decision to refuse reflects the change in the zoning in the 2024 LAP. In the previous plan the open space strip was zoned as residential also, but now it is zoned amenity.
- The subject site has an achievable access form the public road which has been omitted form the application.
- The appellants claim to have purchased t he site separate to the dwelling that formed the entire site of previous applications. The fact the appellants purchased potentially a landlocked site is a matter for them to resolve. There is no right of way across the open space area.

#### 7.3.7 ***Reason For Refusal No. 3***

- No policies in the plans support the road access through amenity lands and where the appellant .
- The access across the amenity open space area is contrary to the zoning objectives. The applicant has insufficient legal interest in the open space area to make the application. To grant the access across the open space area would create a wholly inappropriate form of development.

7.3.8 The concluding statement summarises previously stated points.

## 8.0 **Assessment**

8.1. Having inspected the site, considered the planning and appeal file, I intend to examine the key issues relating to this appeal under the following headings:

- Suitability of Site for Residential Development
- Design and Layout
- Impact on Existing Residential Amenities
- Access across an Open Space Area

### 8.2 ***Suitability for Site for Residential Development***

- 8.2.1 The subject site, 0.095Ha is located within an established housing estate *Coille Bheithe*, off the Regional Road R494 in Nenagh town. The estate consists of two storey dwellings/ small apartment blocks, served by a long spinal road with the number of cul de sacs addressing different pockets of open space areas. It is a large residential estate, running east to west from the R494.
- 8.2.2 The subject site is a small slither located north of the main spinal road of *Coille Bheithe* in close proximity to the main entrance of the estate off the R494. The site is located behind a timber fence detached from spinal estate road by small linear green area. Access to the site is across the green area which is fronted by a public footpath (Photo Plate 9). Immediately, north-west there is a detached dwelling on a large curtilage than extends the full length of the rear site boundary. There is mature planting along the common boundary of the subject site and the neighbouring detached dwelling (observer's dwelling house).. There is an old post and rail fence currently along this common boundary, and screening in the form of trees and hedgerows (Photo plates 8 and 9).
- 8.2.3 There are a number of notable constraints associated with the subject site, in particular the narrow width of the site at 9.67m in comparison to its length, 76metres. Another obvious constraint is the access to the site comes from an opening along the common boundary with the narrow strip of open space fronting the site. Another factor is the position of existing residential units and their relationship to the subject site and proposed development.
- 8.2.4 In the current development plan for the area, Nenagh and Environs Local Area Plan 2024-2030, the subject site is zoned as Existing Residential. This zoning objective allows for the protection of existing residential amenity balanced with new infill development. The proposed development consisting of two single storey dwellings complies with the zoning objective of the site.
- 8.2.5 The planning histories associated with a larger site area, including the subject site and a dwelling house to the north-east, included Planning References 24255, 23303 and 08520052. In previous planning applications, there were 12No. apartments proposed in three separate blocks. The 2008 planning permission for apartments on the site, was granted, but it subsequently expired in 2014 without been executed. The two later planning applications were withdrawn. As stated, the previous site

included the single storey dwelling which addresses the main Regional Road. However, under the current application there is a reduced site area, excluding the dwelling house and a reduced density is proposed, by including only two small bungalows in the scheme. This is an important issue because the planning authority had requested the applicant to revise the proposed access arrangements to the proposed development, from the Coille Bheithe estate to a direct access off the R494.

- 8.2.6 The Development Management Guidelines of the Tipperary County Development Plan 2022- 2028, **Section 4.10 Back-land and Infill Development** states that back-land residential development relates to small scale development located to the rear of or adjacent to existing buildings in built-up areas. I would consider the proposed development to be an infill form of residential development. To make the most sustainable use of existing urban land, the plan states the Council will consider the appropriate development of back-land/infill housing on suitable sites on a case by case basis. In certain cases, the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. In this instance, the subject site is a vacant strip of land sandwiched between existing residential developments and orientated into a mature residential estate.
- 8.2.7 In terms of the, **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024**, it states in order to achieve compact growth, the more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites should be supported by planning authorities, in addition to the development of sites in locations served by existing facilities and public transport. The subject site is a fully serviced infill site and has the use of existing road and footpath infrastructure in close proximity to Nenagh town centre. Currently, there is a small level of dumping occurring on the site, it is a waste land and it inefficient use of prime suburban serviced land in a time of significant housing need nationally.
- 8.2.8 Having regard to the zoning objective of the site, the nature of the proposed development, the location of the site and the pattern of development in the area, and the benefits of bringing forward much needed housing on a serviced and sustainable

infill site within the existing built up area, I consider the proposed development to be acceptable in terms of development plan policy and the national guidelines.

### 8.3 Design and Layout

- 8.3.1 Due to the unusual configuration of the subject site, the proposed design and layout are in my opinion, irregular. The proposed development consists of a pair of three bedroomed bungalows, located on each side of the site with a courtyard parking area in the middle. Both bungalows have a floor area of 154sq.m. and a ridge height of 6.38m which was reduced to 5.7m by way of further information. The existing pattern of development in Coille Bheithe consists of standard two storey suburban housing on standard layouts, with 2No. two-storey small apartment blocks located at the main entrance to the estate.
- 8.3.2 The first reason for refusal states 'by reason of the siting, height and width of the proposed dwellings, the proposed provision of windows on the rear elevations and the proposed siting and layout of the carparking spaces would give rise to undue harm to the amenity of the occupiers of the residential property to the north-west in terms of loss of light, overshadowing impacts and harm in terms of loss of outlook, actual and perceived overlooking and potential disturbance from the parking of cars particularly late at night'. The issue of impact on residential amenities is addressed later in this report.
- 8.3.3 The proposed dwellings are modest in scale and height. Given the narrow width of the site, I would consider their scale to be in keeping with the proportions of the subject site. Visually, two storey structures would be more in keeping with the general existing pattern of development in the area, however, the proposed single storey building envelop will add variety to the receiving environment and provide for a mix of housing types, and less impact on residential amenities. I consider the single storey legibility is appropriate for the subject site and in the wider context of the receiving environment.
- 8.3.4 Although, the separation distances from the front and rear boundaries are very narrow, i.e. 1m to the rear and 2.3m to the front, each dwelling has their own private open space areas to the side, with parking in between both bungalows. I would accept it is an unorthodox layout, however, given the necessity to provide housing in

the current time, with planning policy aimed had increasing housing stock in urban areas, I consider the proposed development represents a positive contribution to the existing housing estate. The dwellings are not obtrusive, with an appropriate increase in density that respects the existing neighbourhood. I consider the proposed height, layout and building envelop create an appropriate response to the site's constraints.

#### **8.4 *Impact on Existing Residential Amenities***

- 8.4.1 I refer to the revised site layout submitted to the planning authority on the 11<sup>th</sup> of November 2025. The context of the existing adjoining residential units and their respect curtilages is apparent on the layout. The negative impact on adjoining residential amenities was a salient concern in the planning authority's reasons for refusal, and yet these issues were not substantiated by the planning authority in the reports on file.
- 8.4.2 The Planning Reports expressed concerns regarding the proposed height and footprint of the two bungalows. A original ridge height proposed of 6.30m is, in my opinion low, however the planning authority considered it to be excessive, and the ridge heights were reduced to 5.7m by way of further information. The existing planting along the northwestern site boundary exceeds 6.0m, therefore the overshadowing and overlooking impact from the back of the proposed bungalows will not result in serious injury to existing residential amenities.
- 8.4.3 The issue of the carparking area causing a nuisance at night can be dismissed by the Commission. This is a residential estate, the proposed use is residential, and there are no late-night disturbance associated with these uses. The carparking associated with the two dwellings will generate the same traffic and noise as the existing houses in the estate.
- 8.4.4 I would concur with the planning authority regarding the relationship between Unit B and the existing two storey apartment block within Coille Bheithe. It would have been more appropriate to redesign the internal layout and main door to the dwelling as requested by the planning authority, in terms of the amenities of the future residents of the dwelling. The planning authority was concerned that the about the lack of passive surveillance regarding the front door of unit B. I believe the development of the site as proposed, offers greater passive surveillance and security to the existing

residents of Coille Bheithe, as opposed to a secluded vacant site. The front door can be relocated to the side, south-west elevation of the proposed dwelling by way of a planning condition without materially altering the overall development. This will result in limited material changes to the elevations of the dwelling but would enhance the access and layout of the dwelling considerably.

- 8.4.5 The bedroom window of Unit B has a window on the northeastern elevation overlooking the neighbouring garden area which was a concern of the planning authority. I note, there is a 1.1m wide footpath around the entire dwelling, which is an acceptable separation distance within suburban areas. The proposed 2m high timber fence along the rear site boundary will ensure there will be no overlooking of the adjoining property to the northwest of the site from both bungalows.
- 8.4.6 On balance, the site is located within a long-established residential estate, where oblique overlooking of private amenity areas is normal. The proposed dwellings are low profile, only single storey with screen fencing along site boundaries. The unusual configuration of the subject site must be taken into consideration, and in my opinion, the proposal is appropriate on the subject site in terms of residential amenities and visual amenities.

## 8.5 Access across the Open Space Area

- 8.5.1 The planning authority continued to suggest to the applicant during the planning application assessment, that an alternative access to the site directly off St. Conlons Road was to be used to access the site. The St. Conlons Road had originally formed the access to all previous planning applications on the subject site. The planning authority was not favourably disposed towards the proposed access via an area zoned as Amenity Area in the current development plan and is a public open space area within Coille Bheithe. This issue also formed the planning authority's third reason for refusal.
- 8.5.2 The applicant responded to the planning authority stating he does not own or control the existing dwelling and former access off St. Conlons Road. On appeal the applicant has provided evidence of the Deed of Grant dated 26<sup>th</sup> of January 2009 with associated right of way to the applicants land between the landowner and the Nenagh Construction Company Limited. The Right of Way is not mapped but stated in the title deeds. On appeal the applicant has submitted the green area which is

zoned Amenity Area does not function as usable open space. It is submitted it is not laid out for recreational purposes and does not contribute to the amenity value of the estate. The third-party observation disputes these claims and states the strip of land was specifically zoned as Amenity Area in the current Nenagh LAP and the proposed access materially contravenes the zoning objective.

- 8.5.3 I note from my site inspection, the access across the open space area is existing (Photo Plates 9, 10 and 11). The subject green area is in close proximity to the main entrance of Coill Bheithe, and the spinal estate road is heavily trafficked at this point. Due to its narrow configuration and location on a bend on the estate road in close proximity to the main entrance, the subject section of open space is not suitable or safe for recreational purposes. In my opinion, it has aesthetic purposes only and may have been inserted to make up the quantitative requirements of public open space areas within a housing estate applicable at the time the planning application for Coill Bheithe was applied for. Upon closer examination, it is my opinion, the subject access traversing the open space section, has minimal material impact to the green area. The 1.8m timber fence along the common boundary of the green area and the subject site, is unsightly. The front elevations of the two proposed bungalows will improve the spatial definition and visual amenities at this location.
- 8.5.4 The third reason for refusal states the proposed access will result in the loss of the public open space area serving Coillte Bheithe. I do not agree with the planning authority's view on this issue because the small portion of public open space holds very little amenity value, apart from aesthetic and visual amenity. In addition, the subject entrance is only 4-5metres in length and 3metres in width and is discreet in appearance. Therefore, the impact on the aesthetic qualities of the green created by the subject access will be minimal. Furthermore, the entire length of the green area is bordered by a 2metre footpath, in my opinion, the short access road into the subject site will not look out of place or inappropriate.
- 8.5.5 On balance, I consider the applicant has provide evidence of the right of way, and I do not consider the short access traversing the open space will materially undermine the open space or contravene the zoning objective, Amenity Area, associated with the green area fronting the subject site.

## 9.0 AA Screening

- 9.1 See Appendix 3 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lough Derg (Shannon) SPA, Slievefelim to Silvermines Mountains SAC and the Slievefelim to Silvermines Mountains SPA, Lower River Shannon SAC and Scohaboy (Sopwell) Bog SAC or any other European site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.2 This determination is based on:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
  - Distance from and weak indirect connections to the European sites.
  - Taking into account screening determination by LPA
- 9.3 No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## 10.0 Water Framework Directive

- 10.1. The subject site is located in a residential estate, Coille Beithe, Nenagh, Co. Tipperary. This is an application for 2No. bungalows on a narrow strip of land accessed from a residential estate, Coille Beithe. No water deterioration concerns were raised in the planning appeal. The subject site is situated c.1200m to the west of the Nenagh River (IE\_SH\_25N010700).
- 10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & 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.

10.3. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.4 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

11.1 I recommend the planning authority's decision to refuse be overturned and that planning permission be granted for the two bungalows within an existing housing estate on lands zoned for residential use.

## 12.0 Reasons and Considerations

Having regard to the 'Existing Residential' zoning objective of the site, the nature of the proposed development, the site configuration and the pattern and layout of the residential development in the area, and the benefits of providing much needed housing on a serviced and sustainable infill site within the existing built up area of Coille Bheithe, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable level of amenity for future residents, would not seriously injure the residential amenities of property in the vicinity or the visual amenities and character of the area, would not compromise traffic or pedestrian safety and would, therefore, be in accordance with the provisions of the Tipperary County Development Plan 2022-2028 and the Nenagh Local Area Plan 2024-2030 and with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 19<sup>th</sup> of September 2025, as amended by the further information received on 11<sup>th</sup> of November 2025, and Clarification of Further Information received on 3<sup>rd</sup> of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** in the interests of clarity.

2. The internal layout of Unit B shall be revised and submitted to the planning authority for agreement prior to the commencement of the development, to include the main doorway / access to the dwelling from the side elevation (south-west).

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

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

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

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

This scheme shall include the following:

- a) details of all proposed hard surface and/or permeable surface finishes, including details of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
- b) landscaping details including the proposed locations of trees and other landscape planting in the development, including details of proposed species.
- c) details of proposed street furniture, including bollards and lighting fixtures. details of all proposed boundary treatments, including type, heights, materials and finishes.

The developer shall consult with the owner of the adjacent property to the northwest in relation to the boundary treatment along the boundary with that property. All boundary treatments shall be of a permanent nature and designed to facilitate the retention and protection of existing trees and hedgerows. Boundaries shall be installed in a manner that prevents the creation of inaccessible or unmanaged areas. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: in the interest of visual amenity.

- 5. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the Planning Authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

- 6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

**Reason:** in the interest of public health.

7. The road network serving the proposed development including parking areas, footpaths, kerbs, materials and surfacing shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. The development shall otherwise comply with the transport requirements of the Council.

**Reason:** in the interests of traffic safety.

8. 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.

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

9. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Eireann to provide for a service connection to the public water supply and/or wastewater collection network. The developer shall note that all development shall be carried out in compliance with Uisce Eireann's Standard Details and Codes of Practice. Uisce Eireann does not permit build over of its assets. Where it is proposed to build over or divert existing water or wastewater services, the Applicant shall have received written Confirmation of Feasibility from Uisce Eireann prior to any works commencing.

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

10. Site development and building works shall be carried out only between the hours of 0700 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.

**Reason:** In order to safeguard the residential amenities of properties in the vicinity.

11. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, storage of plant and materials, and off-site recovery and disposal of construction/demolition waste.

**Reason:** in the interest of public safety and amenity.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimision 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

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Caryn Coogan  
Planning Inspector

26<sup>th</sup> of April 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL 500600-TY-26
<b>Proposed Development Summary</b>	2No. three bedroomed Bungalows
<b>Development Address</b>	Coille Beithe , Nenagh, co. Tipperary
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
<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"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<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 type="checkbox"/> No, 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>	<b>State the Class and state the relevant threshold</b>
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Section . 5 P.2 10(b)(ii) construction of more than 500 dwelling units.
<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>	
Yes <input type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>
No <input checked="" type="checkbox"/>	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PI-500600-TY-26
<b>Proposed Development Summary</b>	Construction of 2NO. 3 bedroomed bungalows
<b>Development Address</b>	Coille Bheithe, Nenagh, Co. Tipperary
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></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>This is an application for 2No. single storey dwellings located on a vacant infill site at Coille Bheithe, Nenagh, Co. Tipperary. There are connections to the existing public mains.</p>
<p><b>Location of development</b></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</p>	<p>The development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural</p>

<p>of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>developments. There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>
<p><b>Types and characteristics of potential impacts</b></p>	<p>There are no significant cumulative considerations</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

### Appendix 3 Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c.6.47km to the south-east of the Lough Derg (Shannon) SPA (site Code 004058) and the Lough Derg pNHA (site Code 00011); C.17km to the north-east to the Lower River Shannon SAC (Site code 002165); and C.14km to the south-west of the Scohaboy (Sopwell) Bog SAC (Site Code 002206) and the Scohaboy Bog NHA (site code PNHA 000937).

The development is seeking planning permission for two single storey dwellings, at Coille Bheithe, Nenagh, Co. Tipperary.

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

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_