Inspector's Report
PL-501670-CW-26

Development	a division of the existing site into two parts, a new four bedroom bungalow, alterations to the existing vehicular access and all ancillary site works
Location	Tullow Hill , Tullow , Co.Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	2660105
Applicant(s)	Bernard & Bernie Byrne
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Joseph Mc Hucheon
Observer(s)	None
Date of Site Inspection	10th September 2026
Inspector	Kathy Tuck

1.0 Site Location and Description

1.1. The appeal site which has a stated area of 0.41ha is situated within the townland of Tullow Hill, Tullow, Co. Carlow. The appeal site is located approximately c. 1.3km to the east of Tullow and 16.6km to the south-east of Carlow Town Centre.

1.2. The appeal site is irregular in form being narrow along the front and wider to the rear. The site forms part of the side garden associated with an existing dormer dwelling situated to the east. There is a domer dwelling situated to the west. The northern boundary is formed with the shared boundary of a dwelling situated on the Shillelagh Road while the southern boundary is formed with the Tullow Hill Road.

2.0 Proposed Development

2.1. Permission is sought for the division of the existing site into two parts, the provision of a new four bedroom bungalow, alterations to the existing vehicular access and all ancillary site works.

2.2. The proposed dwelling has a stated area of 250.6 sq.m and is finished with a flat roof profile with a given ridge level of c.5.113m. The proposed dwelling is elongated in form having a maximum depth of 32.75m and a maximum width of 12.7m.

2.3. The dwelling has been situated c.4m from the western boundary of the site and 2.4m from the eastern boundary.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant planning permission on the 8th June 2026 subject to 11 no. conditions.

Condition no. 11 requires the payment of a development contribution of €7,520.70.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer sets out the site location, details of internal reports received, a summary of submissions received, relevant planning history pertaining to the site, relevant development plan objectives and provides for an AA, EIA and Flood Risk Screening assessment.

The assessment considered that the development would be acceptable in terms of the nature, extent and design of the dwelling given the location of the site and the character of the surrounding area and that to permit development would not seriously injury the existing level of residential and visual amenity of the surrounding area. As such, a recommendation in line with the decision issued was made.

3.2.2. Other Technical Reports

- Municipal District Engineer – report dated 11th May 2026

  No objection subject to condition.

- Environment – report dated 20th May 2026

  No objection subject to condition.

- Chief Fire Officer – report dated 24th April 2026

  No objection subject to condition.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 1 no. submission which raises concerns in line with the grounds of the appeal which I have summarised in section 7.1 of my report below.

4.0 Planning History

PA Ref CW2608 Outline permission granted for a dormer bungalow.

5.0 Policy Context

5.1. Carlow County Development Plan 2022-2028

5.1.1. The appeal site is situated at Tullow Hill , Tullow , Co. Carlow. Tullow is identified as being a district town within the Settlement Strategy of the core strategy of the Carlow County Development Plan.

5.1.2. Relevant sections are considered to be as follows:

Chapter 3 – Housing.

- Section 3.3.1 – Lands Identified for Residential Use.
- Section 3.7 - Quality design and healthy placemaking.
- Section 3.15 – Other Residential Development in Urban Areas
    - Urban Infill and Backland Development

      Policy UI.P1 - Encourage and promote the development of underutilised infill, corner and planned co-ordinated backland sites in existing urban areas subject to appropriate siting, compliance with development management standards for dwellings and the character of the area and the environment being protected.

Chapter 16 – Development Management Standards.

- Sections 16.8 – Residential Development
- Section 16.18.9 – Land use Zoning

  B – Existing residential/Infill Residential.

  Table 16.6 - Land Use Zoning Categories, Objectives and Land Use Acceptability.

5.2. Variation no. 2 of the Carlow County Development Plan 2022-2028: Tullow District Plan 2026

5.2.1. This variation was adopted on Monday, 11th May, 2026 with the variants being effective immediately. Variation No. 3 incorporates the Tullow District Town Plan, 2026 into the Carlow County Development Plan, 2022-2028.

5.2.2. The appeal site is situated within the settlement boundary of the district plan and is zoned under objective Existing/infill residential. Relevant sections are considered as follows:

- Section B.4.0 Housing

  B.4.2 - Estimated Residential Land Capacity

  Existing/Infill Residential', may also present an opportunity for delivery of housing in existing built-up areas of the town. This is through the potential re-use and re-development of derelict sites and buildings, brownfield sites and through infill and backland development. There will be a requirement for development proposals in these areas to respect the existing built fabric and residential amenities enjoyed by existing residents.

  Policy B4.P8: Deliver compact and sustainable growth in Tullow focusing primarily within the existing built -up footprint of the town and to promote a town centre first approach through the development of strategic brownfield and infill sites.

5.3. **Natural Heritage Designations**

The appeal site is not situated within of adjoining any natura 2000 sites. The site is situated c.655.9m to the north-west and c.1.13km to the north-east of the Slaney River Valley SAC (site code 000781).

6.0 EIA Screening

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 commission received a 3rd Party appeal against the decision of the Planning Authority the concerns raised can be summarised as follows:

- Front line of the proposed dwelling is not in line with the existing adjacent properties on the road.
- Was a main planning condition of permission granted on adjoining site.
- Development appears to be in an elevated position behind existing dwelling.
- Vast impact on existing level of privacy.
- No objection to the proposed development if it is moved forward on the site in line with adjoining property –
    - There is sufficient space to facilitate this.

7.2. Applicant Response

None received.

7.3. Planning Authority Response

The Commission received a response from the Local Authority on the 24th July 2026 which notes that the planning authority have no further comment.

8.0 Assessment

8.1. Introduction

Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Impact on Amenity.

8.2. Impact on Amenity

8.2.1. The main concern raised by the appellant is the positioning of the proposed dwelling on the appeal site and the impact this may have upon the existing level of residential amenity in terms of privacy. It is contended that the dwelling appears to be elevated on site and positioned behind the established building line of the dwellings situated to both the east and west of the appeal site. The appellant further states that respecting the established building line was a main condition of planning when they sought permission for their dwelling (situated to the west).

8.2.2. In the first instance I note that there is no record available on Carlow County Councils Planning Register Select Search Type for the neighbouring dwelling situated to the west of the appeal site and as such I consider that permission was granted for this dwelling prior to the adoption of the current Carlow County Development Plan 2022-2028 when different planning policies applied.

8.2.3. The dwelling as proposed is single storey in nature having a maximum height of c.5.113m. The proposal is set c.9m behind the front elevation of the dwelling to the west and c.6.2m behind the existing dwelling situated to the east. The proposed dwelling has been set c. 4m from the western boundary and c.1.9m from the eastern boundary of the appeal site.

8.2.4. From a review of the Carlow County Development Plan 2022-2028 and the Tullow District Plan 2026, I note that there is no reference with regard to maintaining established building lines in terms of infill/backland development.

8.2.5. I witnessed, from undertaking a site visit, that the dwellings situate to the east have established a front building line however the dwelling constructed on the site to the west of the appeal site, that is within the ownership of the appellants is forward of this established building line by approximately c. 2.41m. This is also evident on the site location map (dwg no. 01A submitted to the Planning Authority).

8.2.6. As such, I do not accept that there is a formalised building line established along this section of the Tullow Hill Road.

8.2.7. Having regard to the single storey nature of the proposed dwelling together with the separation distance provided from the western boundary of the site, I do not anticipate that the proposed dwelling will give rise to any undue level of negative impact upon

the current level of residential amenities enjoyed at this location and I therefore do not consider it warranted to relocate the dwelling as requested by the appellant.

9.0 AA Screening

9.1. 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 the Slaney River Valley SAC (site code 000781) or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore 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 Planning Authority.

9.3. See Appendix 3 of this report for Appropriate Assessment Screening Determination. 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 situated at Tullow Hill, Tullow, Co Carlow. The application is seeking permission to construct 1 no. two storey dwelling houses together with all associated and ancillary site works.

10.2. The Tullow River is situated c.556.9 m to the west of the site which has a poor status and the Derreen River flows c.723.8m to the east which has a good status. The site is also situated within the Ballyglass groundwater catchment which has a good status.

10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies 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.

10.4. 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.

10.5. 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

It is recommended that the decision of the Planning Authority be Upheld and permission be GRANTED.

12.0 Reasons and Considerations

Having regard to the land use zoning of the subject site, the provision of the Carlow County Development Plan 2022-2028 and the Tullow District Plan 2026, together with the design, scale and layout of the proposed development, and the pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, would provide for an appropriate form of development and would not adversely impact upon the existing level of amenities in the area, and therefore, be in accordance 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, as amended by the further plans and particulars received by the planning authority on the 15th of April 2026, 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be as indicated on plans submitted on the 15th April 2026, unless otherwise agreed in writing with the planning authority prior to commencement of development.

   Reason: In the interest of visual amenity

3. (a) The site shall be landscaped in accordance with the details as indicated on the site layout plan submitted to the Planning Authority on the 15th April 2026.
   (b) All new planting shall be carried out in the first planting season following the completion of the development along the site boundary. When planted, the trees/hedgerows shall be adequately protected from damage by animals or wind.
   (c) Any failure within 5 years shall be replaced and the trees allowed to grow to maturity.
   Reason: In the interest of the character and visual amenity of the area.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
   Reason: In the interest of public health and surface water management

5. The developer shall enter into a water connection and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

6. a) The site and building works required to implement the development shall only be carried out between the hours of: Mondays to Fridays - 8.00am to 6.00pm; Saturday - 8.00 a.m. to 1.00pm; Sundays and Public Holidays - No activity on site.

   b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Carlow County Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Carlow County Council.

   Reason: In order to safeguard the amenities of adjoining residential occupiers.

7. (a) The entrance to the site and the sight distance shall be provided strictly in accordance with the details specified on the site layout plan (dwg no, 02B) submitted on the 15th April 2024.
   (b) any road opening works on the public road required to facilitate the development shall be subject to a Road Opening Licence in compliance with '*Guidelines for Managing Openings in Public Roads (2017)*'. The Road Opening Licence shall be submitted for the written agreement of the Planning Authority.
   (c) Any damage to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the Planning Authority.
   Reason: To ensure the provision of an adequate

8. (a) The development shall comply with all current Building and Fire Regulations.
   (b) Access for fire vehicles and water supplies for fire-fighting shall comply with the requirements of the Chief Fire Officer.
   Reason: In the interest of public safety and fire safety.

9. Electricity, telecom, cable, t.v. and other services shall be laid underground, where possible.

   Reason: In the interest of visual amenity and proper planning and development.

10. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

    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.

Kathy Tuck
Planning Inspector

23rd September 2026.

Appendix 1

EIA Pre-Screening

Case Reference	PL-501670-CW-26
Proposed Development Summary	division of the existing site into two parts, a new four bedroom bungalow, alterations to the existing vehicular access and all ancillary site works.
Development Address	Tullow Hill , Tullow , Co. Carlow**.**
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	

☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ 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. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	PL-501670-CW-26
Proposed Development Summary	division of the existing site into two parts, a new four-bedroom bungalow, alterations to the existing vehicular access and all ancillary site works.
Development Address	Tullow Hill , Tullow , Co.Carlow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Permission is sought for the provision of a dwelling on a site situated at Tullow Hill, Tullow, Co Carlow. It is proposed to serve the dwelling via a new connection to the public mains for both water supply and wastewater. The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. 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.
Location of development (The environmental sensitivity of geographical areas likely to be	There are no significant sensitivities in the immediate area.

affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	There is no direction connection from the subject site to any Natura 2000 sites. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments. There are no other locally sensitive environmental sensitivities in the vicinity of relevance.
Types and characteristics of potential impacts	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
There is no real likelihood of significant effects on the environment.	**EIA is not required.**

Inspector: _____ Date: _____

Appendix 3

AA Screening

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

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

The proposed development comprises the construction 1 no. dwelling houses and all associated and ancillary site works.

The Planning Authority, within their assessment, undertook a screening determination of the proposed development and found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. It was concluded that a full Appropriate Assessment of this project is therefore not required.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 1 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- the Slaney River Valley SAC (site code 000781).

There are no direct natural hydrological connections from the subject site to any Natura 2000 Sites.

Screening Determination

Finding of no likely significant effects

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 the Slaney River Valley SAC (site code 000781) or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.

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 Planning Authority.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.