



An
Coimisiún
Pleanála

Inspector's Report PL-501678-TY-26

Development	Retention of all windows to front facade and permission to convert dwelling over shop located in an ACA to three 1-bedroom apartments and all ancillary works.
Location	3 Mitchel Street, Nenagh, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2561194
Applicant(s)	Martin Okurowski
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sheila Walsh
Observer(s)	None
Date of Site Inspection	15 th September 2026

Inspector

Emma Gosnell

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.008ha and comprises of No. 3 Mitchel Street which is located on the north-eastern side of the street, close to the junction with Kenyon Street, Pearse Street and Silver Street, in the town centre of Nenagh, Co. Tipperary.
- 1.2. The site is adjoined by No's 2 and 4 Mitchel Street (both 3-storey mixed-used, mid-terraced structures) to the south-east and north-west respectively. To the north the subject property backs directly onto the side gable/ rear of a large commercial property at No's 77-78 Pearse Street. The site fronts a public footpath and the one-way, 2-lane R873 to the west. There is on-street parallel parking on the opposite side of the street.
- 1.3. The site comprises entirely of a four-storey, 2-bay, mid-terraced building (c. 224sq.m), with a 2-storey rear return. It was observed to be currently vacant. The ground floor of the building comprises of a retail unit (not subject of the proposal before the Commission) with the upper floors previously being in singular residential use and presently being in a stripped-out condition.
- 1.4. The site comes within the Nenagh Architectural Conservation Area and also within a Zone of Archaeological Potential. It is not a Protected Structure nor is it on the National Inventory of Architectural Heritage. There are a number of Protected Structures in the vicinity including the Bank of Ireland building (TRPS2300) on the corner of Mitchel Street and Silver Street and No's 34, 35 and 39 Mitchel Street (TRPS2297, TRPS2298 and TRPS2301).

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
 - The retention of all windows to the first, second and third floors on the front façade.
 - Permission to convert a single dwelling over a shop located in an architectural conservation area to three 1-bedroom apartments.
 - All ancillary works.

The submitted site layout plan and proposed apartment drawings also provide for a proposed velux window to the rear roof of the main building which is not detailed in the statutory notices.

- 2.2. No changes to the proposed design or layout were made at Further Information (FI) stage.
- 2.3. The design changes made at Clarification of Further Information (CFI) stage comprised of a revision to the proposed internal layout to provide for 2 no. apartments (1 no. 1-bed apartment (68.35sq.m) and 1 no. 2-bed apartment (87sq.m)) rather than the 3 no. apartments as originally proposed at application and FI stages.

3.0 Planning Authority Decision

3.1. Decision

Permission granted on 16/06/2026 subject to 7 no. conditions, generally of a standard technical nature. One condition of note was as follows:

“2. (a) The development hereby permitted relates to two apartments at upper floor levels.

(b) The development hereby permitted shall be used solely for the purposes detailed in the approved plans and particulars. No further change of use shall take place without a prior grant of Planning Permission, (notwithstanding the exempted development provisions of the Local Government (Planning and Development Regulations 2001, as amended).

REASON: In the interest of proper planning and sustainable development.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

5 no. planning reports formed the basis of the planning authority's (PA) assessment:

Planner's Report (16/01/2026) – Initial Application Stage

- **Principle of Development** – residential use is permitted in principle on lands zoned 'Urban Core' under the Nenagh and Environs Local Area Plan 2024 – 2030.

- **Heritage** – site is within Nenagh ACA and proximate to a number of Protected Structures. Special character of structure derived from its proportions and shopfront which remain. Front windows are visually acceptable in this context.
- **Residential Amenity** – concerns raised that proposed apartments do not meet minimum floorspace and storage standards set out under 2025 Apartment Guidelines and that there is no window serving living space in first floor apartment which is also traversed by a bin storage vent. **Further Information** Recommended.
- **Access** – no traffic, road safety or parking concerns arise.
- **Servicing** – proposal already served by public mains and public sewer.
- **Flood Risk** – site is not considered to be at risk of flooding.
- **Archaeology** – site located in a Zone of Archaeological Potential, but it is considered that proposal is not likely to materially impact on same.
- **EIA Screening** – proposal is subthreshold and EIA is not required.
- **AA Screening** – proposal not likely to have a significant effect on a Natura 2000 site on account of its nature, scale and the absence of pathway(s) to same. Appropriate Assessment is not required.

A request for Further Information (FI) issued on 19/01/2026 in relation to 3 no. items: revised layout of apartments; submission schedule of accommodation; and, status of alleged unauthorised works to rear of building* (*this matter is not explicitly addressed in report of 16/01/2026).

The applicant's response to the FI request was received on 13/02/2026.

The FI response included a cover letter which addressed each item in turn.

The FI response resulted in no changes to the design of the proposal and did not include a schedule of accommodation.

The response was not determined to be significant.

Planner's Report (26/02/2026) – Further Information Stage

- **FI Items 1 & 2 (Layout and Schedule of Accommodation)** – applicant relies on Section 6.9 [I note there is no such section] of the 2025 Apartment Guidelines to justify their proposed layout. Whilst noting this policy guidance allows for flexibility

in respect to layout of refurbishment schemes/ historic buildings. **Refusal Recommended** on basis PA concerns have not been addressed.

- **FI Item 3 (Works to Rear)** – whilst it is stated that re-roofing and velux window works were originally undertaken over 20 years ago, with recent works being either exempted development or not materially altering character of structure, no evidence (i.e. S.5 declaration) is provided to confirm same. **Refusal Recommended.**

The Case Planner recommended a refusal of permission on 26/02/2026 in light of the foregoing.

Senior Executive Planner's Report (04/03/2026) – Further Information Stage

The Senior Executive Planner, in considering the FI response received and the decision recommendation of the Case Planner, considered the following:

- The absence of an outlook from proposed first floor apartment could be addressed through the use of the space identified for office use as living space, with this design change and the limiting of this apartment to a 1-bed capable of being addressed by **condition**.
- The inadequate storage provision in the 2nd and 3rd floor apartments (which would not justify a relaxation on basis of lack of provision of design quality measures) could potentially be addressed via a redesign/ amalgamation of these units. **Clarification of Further Information Recommended.**
- Planning status of works undertaken to rear roof element has not been addressed. **Clarification of Further Information Recommended.**

A request for Clarification of Further Information (CFI) issued on 04/03/2026 in relation to 3 no. items – revised layout of first floor; amalgamation of 2 no. apartments; and, planning status of works to rear of building.

The applicant's response to the CFI request was received on 01/04/2026. The CFI response included a cover letter which addressed each item in turn and revised floor plans.

Planner's Report (16/04/2026) – Clarification of Further Information Stage

- **CFI Item 1 (Design of Living Space)** – proposal to repurpose earlier proposed office at first floor level for use as apartment living room area (serving proposed 1-bed apartment) is acceptable.
- **CFI Item 2 (Unit Amalgamation)** – proposed amalgamation of 2nd and 3rd floor studio apartments into a 1 no. 2-bed duplex-type apartment is acceptable on basis that revised layout generally meets 2025 Apartment Guidelines standards. Slight shortfall in size of bedroom accommodation was noted and considered acceptable having regard to policy guidance re: flexibility in application of 2025 Apartment Guidelines.
- **CFI Item 3 (Works to Rear)** – applicant's argument that works pre-dated 1st October 1964 and come under 4(1)(h) of the Planning Act is not accepted.

The response was determined to be significant – specifically the revised apartment layout proposed and the works having taken place to the rear of property - and was required to be readvertised.

Planner's Report (11/06/2026) – Clarification of Further Information Stage

Whilst noting third party concerns, having regard to the preceding planning reports (detailed above), report concluded by recommending permission be granted, subject to amending conditions, as detailed in Section 3.1 of this Inspector's report.

3.2.2. Other Technical Reports

Nenagh District Engineer (05/01/2026) – No objection on basis that development will have no impact on the roads network.

Chief Fire Officer (15/01/2026) - No objection on basis that a Fire Safety Certificate was granted for the works in December 2025 and the CFO is therefore satisfied with the design from a fire safety perspective.

3.3. Prescribed Bodies

The file was referred to the following: An Taisce, the Arts Council, Failte Ireland, Heritage Council and the Minister for Housing, Local Government and Heritage. No responses were received.

3.4. Third Party Observations

Clarification of Further Information Stage

1 no. third party submission received from Sheila Walsh raised the following issues:

- Inadequate information provided in respect to structural stability of the building and related works.
- Proposal should be supported by a refurbishment/ demolition survey.
- Issues raised regarding the carrying out of alleged unauthorised works on site.
- Concerns raised regarding safe working practices/ public safety.
- Construction management procedures.
- Procedural issues.
- Further consultation required.

4.0 Planning History

4.1. Appeal Site

P.A. Ref. 25/60901 – application by Martin Okurowska for permission for a new shop front to replace existing shop front at 3 Mitchel Street, Nenagh was **Withdrawn** on 11/11/2025 prior to a decision being made by the planning authority.

P.A. Ref. TUD-25-129: Warning letter issued by planning authority on 25/07/2025 in respect to alleged unauthorised development having taken place at the subject property:

- Undertaking of works to the interior of the building in order to facilitate new commercial and residential uses involving the subdivision of the upper floors of the unit to apartments.
- The replacement of the windows in the building elevations.
- The reroofing of part of the building and installation of 2 no. velux windows.

4.2. Neighbouring Properties

No's 5-7 Mitchel Street

P.A. Ref. 07/520071 – application by Edward Guerin for (a) Alterations to ground floor No. 5 Mitchel Street to link with pharmacy in No. 6/7 Mitchel Street and to provide new independent access to first floor dwelling above No. 6/7 Mitchel Street (b) Alterations to ground floor of No. 6 Mitchel Street to eliminate existing access stairs (c) Change of use of existing dwelling at first/ second floor of No. 5 Mitchel Street to independent office unit at first/ second floor (d) all associated site works, granted on 27/03/2008 subject to 7 no. conditions.

5.0 Policy Context

5.1 Town Plan

The Nenagh and Environs Development Plan (NEDP) 2024-2030 applies.

Chapter 9 - Land use Zoning Framework.

The site is zoned 'Urban Core' (as per the plan Zoning Map) the development objective of which is to: *'Provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses'*.

The NEDP zoning matrix provides that 'Residential' use is permitted in principle on lands zoned 'Urban Core'.

Regeneration

Section 2.4 – Spatial Development Strategy.

Policy 2.2 - Support new development that will enable sustainable housing growth, employment, community development and prosperity for Nenagh as a Key Town in line with the Strategic Objectives of the TCDP.

Policy 2.4 - Support compact residential growth in Nenagh through the sustainable intensification and consolidation of the town centre and established residential areas to meet identified housing targets and requirements in line with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DHLGH, 2024) and any review thereof.

Section 3.2 - Consolidation, Regeneration and Compact Growth: Underused and poorly consolidated sites and areas are important to provide opportunities for residential and town centre development, and to ensure that people can live, work and

socialise in the town thereby reducing the need for reliance on the private car for short journeys.

Section - 3.3 Land Activation and Strategy for Vacancy and Regeneration.

Section 3.3.3 - Upper floor and Commercial Vacancy: There is scope in the town centre to better use existing vacant space, particularly at upper floors of buildings. However, there are a number of costly and time-consuming barriers to the refurbishment of existing town centre premises. One such barrier is the uncertainty, cost, and delays associated with the multiple, separate statutory permissions needed to bring a building back into use. The Council will, in conjunction with its Town Centre First programme, work with owners to support the occupation of upper floors and commercial vacancy.

Section 3.6 - Protecting and Enhancing the Historic Core.

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'.

Housing

Section 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.

Section 5.2.1 - Residential Neighbourhoods – 1. The Town Centre.

Conservation/ Archaeology/ Built Heritage

The site comes within both an 'Architectural Conservation Area' (Nenagh) and a 'Zone of Archaeological Potential' as per the Built Heritage Map.

Section 7.2.2 - Architectural Conservation Areas: Normal planning exemptions for works do not apply in an ACA as set out in Section 82(1) of the Act. This means that development to the exterior of a building in an architectural conservation area may require planning permission. The owner of a protected structure or structure/feature located within an ACA should seek advice before making any alteration to the interior or exterior. The Council will support new development that is sensitive to the special character and amenity of the relevant ACAs.

There are no recorded monuments shown to be in the immediate vicinity of the site and there are no protected structures on the site.

Views

Section 7.2.4 - Respecting Views/Streetscapes/ Landscapes as part of new development: The following views and streetscapes are particularly important and should be given due consideration as part of the design process for new development: 1) Views into and out of the ACAs... 9) Views from Mitchell Street, Kenyon Street, Pound Street and Pearse Street towards Market Square.

Flood Risk

The site is excluded from Flood Zones A and B as per the Zoning Map of Town Centre.

5.2 Development Plan

Tipperary County Development Plan 2022-2028 also applies.

Volume 1 – Written Statement

Section 13.5 - Architectural Conservation Areas.

Policy 13.2 - Encourage and support new development that contributes to the enhancement of ACAs with regard to;

- a) Impact on the character, appearance and integrity of the ACA in terms of compatibility in design, colour, finishes and massing of form;
- b) Impact on the existing amenities, character and heritage of the ACA;

c) The importance of retaining important architectural and townscape elements such as shopfronts, sash windows, gutters and down pipes, plasterwork etc as appropriate.

Policy 13.3 - Seek the sympathetic restoration, appropriate re-use and maintenance of buildings/features which are considered to be of local and vernacular architectural importance.

Policy 13.4 - Safeguard sites, features and objects of archaeological interest, including Recorded Monuments, National Monuments and Monuments on the Register of Historic Monuments, and archaeological remains found within Zones of Archaeological Potential located in historic towns and other urban and rural areas.

Volume 3 – Development Management Standards

Sections 4.0 – Residential Development and 4.6 General Residential Design Standards.

Section 4.7 Apartments - Applications for apartments will be assessed against the Design Standards for New Apartments (DSFNA). (DHLGH, 2018) and any amendment thereof.

Table 4.1 - outlines Minimum Design Standards for Residential Schemes.

Section 4.8 Living over the Shop: Proposals for the residential development of upper floors in town centre commercial, office and retail properties will be encouraged where they are deemed to contribute positively to the renewal of areas and where any proposed modifications will not have a negative impact on visual amenities or the existing streetscape. Subject to the design quality of the development, there may be circumstances where private open space and car-parking standards can be relaxed. In such cases a high level of residential amenity shall be provided ensuring natural light in living rooms and bedrooms, and minimum standards are met in relation to overall floor areas and storage space requirements as set down in the Sustainable Urban Housing: Design Standards for New Apartments (DHPLG, 2018), and guidance set out in Bringing Back Homes: Manual for the reuse of existing buildings, (DHPLG, 2018).

Section 4.9 - Waste Storage and Collection.

Section 4.15 - Light and Overshadowing: New residential development should be designed to maximise the use of natural daylight and sunlight. Innovative building

design and layout that demonstrates a high level of energy conservation, energy efficiency and use of renewable energy sources will be encouraged. Care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided.

5.3 Regional Policy

Regional Spatial & Economic Strategy for the Southern Region 2020-2032 – Nenagh is identified as a ‘Key Town’ with RPO 11(a) and (e) supporting population growth and urban renewal in same. RPO 34 - Regeneration, Brownfield and Infill Development.

5.4 National Policy

Project Ireland 2040 – National Planning Framework, First Revision (April, 2025):

- National Strategic Outcome No. 1 – Compact Growth.
- NPO 7 (deliver 40% new housing within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth).
- NPO 14 (regenerate towns to provide for increased residential population).

Planning Design Standards for Apartments – Guidelines for Planning Authorities (DoHLGH, 2025) [these apply to applications submitted after 9th July 2025 (application submitted on 20/11/2025)]:

- Provides guidance, standards and policy requirements in relation to the design of apartment developments to take account of current Government policy and economic, social and environmental considerations.
- Specific Planning Policy Requirement (SPPR) 2 sets out minimum apartment floor areas which apply.
- Appendix 1 relates to Minimum Floor Area and Standards.
- Section 6.1: Planning Authorities are requested to practically and flexibly apply the general requirements of these Guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and ‘over the shop’ type or other existing building conversion or refurbishment projects, where property owners must work with existing building fabric and dimensions.

- Advice is also given on Urban Design and Placemaking, (Chapter 4), and Development Standards for new housing, (Chapter 5).

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoEHLG, 2024).

Architectural Heritage Protection Guidelines for Planning Authorities (2011) – Chapter 6 (Development Control), Section 6.8.8 (Material Change of Use), Chapter 17 – Alterations to Enhance Fire Safety and Section 17.2 (Applications for Works to Enhance Fire Safety) – in cases where works to enhance fire protection would necessitate a level of intervention which the planning authority considers unacceptable in terms of excessive loss or disruption of the historic fabric, the developer should be encouraged to explore alternative fire-safety solutions, including alternative uses, which may have fewer implications for fire safety.

Development Management Guidelines for Planning Authorities (2007) – Section 7.8.3 Fire Conditions.

6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- Lough Derg (Shannon) SPA (Site Code 004058) – c. 7km from the site to north-west.
- Slievefelim to Silvermines Mountains SPA (Site Code 004165) – c. 8km from the site to south.
- Silvermines Mountains West SAC (Site Code 002258) - c. 9km from the site to south.
- Lough Derg, North-east Shore SAC (Site Code 002241) – c. 10km from the site to north-west.

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- Lough Derg pNHA (Site Code 000011) – c. 6km from the site to north-west.
- Lough Ourna pNHA (Site Code 000650) - c. 6km from the site to north.

7.0 EIA Screening

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

8.0 Water Framework Directive Screening

I have concluded, 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 (refer to form in Appendix 3 for details).

9.0 The Appeal

9.1. Grounds of Appeal

One third party appeal was received on the 03/07/2026 from Sheila Walsh. This raised the following points:

- Queries nature of action required in response to warning letter.
- Seeks clarity in respect to fire escape strategy.
- Alleged unauthorised works having taken place incl. to shopfront.

The appeal was accompanied by a significant volume of enclosures, in summary:

- Copy of observation made by appellant on 05/06/2026 at CFI stage.
- A copy of the warning letter (Ref. TUD-25-129) issued to the applicant on 25/07/2025.

- Various undated photographs of the front of the subject property and the adjoining public realm (some of which are annotated).
- Weblinks to aerial photographs of the property subject of the appeal [accessed via Apple and Google Maps and also via Bing].
- Technical details in respect to undertaking of searches on Apple Maps.
- Various undated annotated and unannotated screenshots of/ aerial maps of the subject property and Nenagh town more generally.
- An undated aerial photograph of subject property/ neighbouring property with annotation 'legacy waste services on rear wall'.
- Hand sketched plans and photos of part of the rear of the subject property with details of waste services, rear facing windows and down pipes being annotated.
- Close up images to the rear of the property (stated to be part of scheduled works identified over period 2023-2025) with some annotated to identify alleged unauthorised works to rain goods, roof etc.
- Hand sketched plans and aerial photos of the urban form/ roofscape around the appeal site, with details of rear velux windows and a ground floor window being annotated.
- Copies of historic photographs of Market Cross and Mitchel Street from 1960s.
- Undated screenshot of P.A. Ref. 2561194 application status taken from the Tipperary Planning Public Viewer.
- Instruction material on completing site notices, making a planning complaint and on being a VRT customer.
- Interpretation of the Planning and Development Regulations 2001 (to 2021) and the Planning and Development Act (Exempted Development) Regulations 2022 with sections highlighted.
- Various extracts from the Law Reform Commission website re: planning legislation and also from the website of Cornell Law School.
- Unsourced policy extracts in respect to privacy, private and communal open space.
- Details on Rialto Business and Enterprise Hub Part 8 consent process.

- A list of ‘approved identifying documents to be provided to witness of statutory declaration’.
- Details of ‘fiduciary duties of public employees’.
- A Latin saying and its English translation.
- An incomplete personal public service letter addressed to a Mrs. Walsh.
- A letter from Tipperary County Council (dated 21/12/2016) re: Civil Defence Activities and related correspondence.
- Information on ‘right of access to (copies of) data/ information about processing’, ‘lawful basis for processing’, the concept of ‘four corners’ and ‘the right to privacy’.
- An extract from the Taxes Consolidation Act 1997.
- Extracts from Black’s Law Dictionary.

9.2. Applicant Response

No response received.

9.3. Planning Authority Response

No response received.

9.4. Observations

None received.

9.5. Further Responses

None received.

10.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, having inspected the site and, having regard to the relevant local/ regional/

national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Other Matters

10.1. Principle of Development

- 10.1.1. The proposal subject of this appeal is a residential development which involves the retention of windows on the front façade of an existing 4-storey building and permission to convert its 1st to 3rd floors from a single residential unit to 2 no. separate apartment units.
- 10.1.2. The property, at No. 3 Mitchel Street, forms part of the ‘Urban Core’ zoning in Nenagh town centre where the objective is to ‘Provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses’, with ‘residential’ use being permitted in principle under this land use zoning.
- 10.1.3. In principle, the proposal for the conversion, and by implication refurbishment and regeneration, of the building’s upper floors is supported by NPOs 7 and 14, RPOs 11 and 34 and by Policy 2.4 and Sections 3.2, 3.3.3 and 5.2 of the Nenagh and Environs Development Plan 2024-2030 and also by Section 4.8 of the Tipperary County Development Plan 2022-2028.
- 10.1.4. The grounds of appeal state that the proposal should be supported by a demolition/refurbishment survey and that evidence of the building’s structural stability and related works be provided. I note that in respect to refurbishment proposals there is no policy requirement under the development plan or NEDP for such a survey. Notwithstanding, Section 6.1 (Content of Planning Applications) of the 2025 Apartment Guidelines provides relevant policy guidance in respect to refurbishment schemes such as ‘over the shop’ type schemes and building conversions such as that proposed. This provides that *“Ultimately, Building Regulations must be complied with and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors”*. I deal with the matter of building regulations under Section 10.2 of this Inspector’s report.
- 10.1.5. In terms of future residential amenity, the grounds of appeal raise no issues in this regard. The apartment design and layout as proposed (received by the PA on

01/04/2026) does not provide for any private amenity space and falls slightly short in respect of the area (only) of the bedroom accommodation in apartment No. 2 (c. 10sq.m/ 11.2sq.m provided where 11.4sq.m required) and also in respect to the daylighting to the kitchen/dining area of apartment no. 1 which is not conventionally daylit i.e. being lit by 2 no. velux rooflights. In respect to the former, I note that this is explicitly allowed for under Section 4.8 (Living over the Shop) of the NEDP. In respect to the latter, I note that a separate living room area overlooking Mitchel Street (with a favourable westerly aspect) is provided to the front of the building, with natural light therefore being provided to both bedrooms and living spaces in compliance with the policy requirements of Section 4.8. I also note that the storage provision and overall floor areas of both apartment units exceed the minimum areas set out under Appendix 1 of the 2025 Apartment Guidelines – with 1-bed apartment no. 1 (first floor) being 68.35sq.m (where 45sq.m required) and 2-bed apartment no. 2 (2nd & 3rd floors) being 87sq.m (where 73sq.m required plus floor area for stairways and landings) and also as required in compliance with Section 4.8 of the NECP.

10.1.6. I also draw the Commission's attention to the improvements made to the layout at planning application stage and also the policy guidance under Section 6.1 of the Apartment Guidelines which requires planning authorities *"to practically and flexibly apply the general requirements of these Guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and 'over the shop' type or other existing building conversion or refurbishment projects, where property owners must work with existing building fabric and dimensions"*. I am satisfied that this is such a case. Therefore, overall, in light of the foregoing and having considered the information on file, it is my view that the proposal subject of the appeal, which is located within a constrained urban site, is generally compliant with the applicable policy guidance set out under Section 4.0 of the of Volume 3 of the development plan and also with that set out under the 2025 Apartment Guidelines.

10.1.7. The proposal subject of this appeal seeks retention for its existing front windows. Whilst not being a protected structure or listed on the NIAH, the property forms part of the Nenagh ACA and the planning authority considered that its special character derived from its proportions and shopfront. I note that no changes are proposed to either of these defining features and I consider the retention element to be visually acceptable on this basis and I am satisfied that it would not give rise to a negative

impact on the Nenagh ACA or on the character or setting of nearby Protected Structures.

10.2. Other Matters

Enforcement/ Alleged Unauthorised Development

- 10.2.1. The appellant raises the issue of the carrying out of alleged unauthorised works on the site subject of the appeal – with much of the enclosures provided with their appeal (i.e. photos, aerial maps, legislative extracts, warning letter etc.) being related to this issue. A query is also raised by the appellant with regard to the nature of action required in response to the issuing of a warning letter.
- 10.2.2. Whilst I acknowledge the concerns raised, I would note that planning enforcement is a matter for the planning authority and falls outside the scope of this appeal. In this regard, I draw the Commission's attention to Section 3.2.1 of the Inspector's Report which provides details in respect to the planning authority's concerns regarding works (re-roofing and installation of velux windows) undertaken to the rear of the property which do not appear to have the benefit of planning permission.
- 10.2.3. In respect to the related concerns raised by the appellant regarding the planning and enforcement procedures that have been followed, I note that the applicant has sought to use the planning application process to apply for retention permission for works already undertaken, with this element of the proposal being assessed under Section 10.1 of this report. Any other alleged unauthorised works undertaken at the property do not form part of the permission/ retention permission as applied for and would not therefore be covered as part of any grant of permission which may arise from this appeals process.

Public Consultation

- 10.2.4. The appellant seeks that the applicant and planning authority undertake further public consultation in respect to the property/ the proposal.
- 10.2.5. The statutory requirement to publish and erect statutory notices in respect to a development proposal and the subsequent five week statutory period allowed for submissions on the application serve as the statutory public consultation period in respect of planning applications. I note from the information on file that there were

multiple opportunities during the planning application stage for the submission of third party observations and that the appellant made a submission at CFI stage. Furthermore, the PA's reports raise no procedural issues in respect to this process and it does not appear that any party was unduly prejudiced in this regard.

Fire Safety

10.2.6. The appellant seeks that further clarity be provided in respect to the fire escape strategy for the building.

10.2.7. The Development Management Guidelines (2007) state that fire safety considerations, which are covered and governed by a separate statutory code, can only be considered where they are relevant to the proper planning and sustainable development of the area. In this case, issues have been raised in respect to fire access and egress for the proposed development. Tipperary County Council are the competent authority on such matters, and I note that their Chief Fire Officer was satisfied with the design from a fire safety perspective and raised no objections to the subject proposal on the basis that a Fire Safety Certificate was granted for the works in December 2025. I consider that any revisions required to this certification on foot of the design changes made at CFI stage are a matter for resolution between the applicant and the competent authority.

Site Safety

10.2.8. The appellant has raised various issues relating to safe working practices and public safety - matters which I consider fall outside the remit of the Commission and under a separate statutory code. The competent authority for such matters is the Health and Safety Authority which was established under the Safety, Health and Welfare at Work Act 1989, which has since been replaced by the Safety, Health and Welfare at Work Act 2005.

Construction Management

10.2.9. Concerns are raised regarding construction management, working methods and waste disposal. The proposal is contained and relatively uncomplex and small scale in nature and for these reasons, I am satisfied that the issues raised by the appellant in this regard are capable of addressed by condition where the Commission are minded to grant permission.

Works to Shopfront

10.2.10. A number of close up photographs of the ground floor shop unit are provided as part of the grounds of appeal. Notwithstanding the proposal for permission for a new shopfront under P.A. Ref. 25/60901 which was withdrawn on 11/11/2025 by the same applicant, I note from the submitted plans and from the description of development provided in the statutory notices in the case of the application subject to this appeal that no changes are proposed to the design/layout or use of this unit nor to its existing streetscape elevation at ground floor level.

Servicing

10.2.11. The property has existing connections to the public wastewater (foul drainage) network and to the public water supply mains which are to continue to be used to serve the proposed apartments.

10.2.12. Whilst I note that there is no correspondence on file from Uisce Eireann (UE), I am satisfied that there is no evidence to suggest that the local water supply distribution network or foul drainage network are over capacity and I am satisfied that 2 no. additional units will not give rise to significant additional demand.

11.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

12.0 Reasons and Considerations

Having regard to the location of the site on lands zoned 'Urban Core' with the objective to 'Provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses', to the planning policies, objectives and development standards of the Nenagh and Environs Local Area Plan 2024 – 2030, and specifically to Policy 2.4, Sections 3.2, 3.3 and 5.2, to Section 4.8 of the Tipperary County Development Plan 2022-2028, to NSO1 and NPOs 7 and 14 of the National Planning Framework (2025), to RPOs 11(a), 11(e) and 34 of Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and specifically to Section 6.1 of the Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025) to the nature, scale and design of the proposed development and development to be retained relative to adjoining properties, and to the existing pattern of

development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposal is an acceptable form of development at this location and would not seriously injure the amenities of adjoining properties or the Nenagh Architectural Conservation Area, and would therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	(a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 13/02/2026 and the clarification of further information received on the 01/04/2026, 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. (b) The development hereby permitted relates to two apartments at upper floor levels. Reason: In the interest of clarity.
2.	A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan. Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.
3.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of amenities, public health and safety and environmental protection.
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.	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: To safeguard the amenity of property in the vicinity.
6.	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 Coimisiún 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.

Emma Gosnell

Planning Inspector

7th October 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	PL-501678-TY-26
Proposed Development Summary	Retention of all windows to front facade and permission to convert dwelling over shop located in an ACA to 2 no. apartment units and all ancillary works.
Development Address	3 Mitchel Street, Nenagh, Co. Tipperary.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ 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)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for conversion of upper floors of building to provide 2 no. dwelling units (apartments). Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is 0.008ha.

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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-501678-TY-26
Proposed Development Summary	Retention of all windows to front facade and permission to convert dwelling over shop located in an ACA to 2 no. apartment units and all ancillary works.
Development Address	3 Mitchel Street, Nenagh, Co. Tipperary.
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	The development is for the conversion of the upper floors of a town centre terraced building, formerly in use as a single residential unit, into 2 no. apartment units over three floors and all related works. It comes forward as a standalone project, does not involve the use of substantial natural resources, or give

resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	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 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).	The development site constitutes an existing 2-4 storey building (shop on ground floor with residential use on upper floors) which forms part of the existing mixed-use streetscape on Mitchel Street in Nenagh town centre. The nearest surface waterbody to the site is the River Nenagh (EPA Code: IE_SH_25N010700) which is located c. 175m to its south-east. This watercourse flows in a northerly and then westerly direction toward Lough Derg (EPA Code: IE_SH_25_191a) and the Lough Derg (Shannon) SPA which is located c. 7km from the site to north-west. It is considered that there is no realistic pathway from the appeal site to the River Nenagh on account of the intervening distance involved and lack of hydrological connectivity – see Appendix 2 for further details. The development is generally removed from sensitive natural habitats and designated sites identified significance in the Town Plan and County Development Plan is dealt with in the main body of the Inspector's Report. Whilst material concerns are raised regarding the impact of the proposal on the integrity of the subject structure and related matters, it is concluded that no significant impacts on built heritage character, the ACA or the site's subsurface archaeology are likely. Having regard to the above and the nature and limited scale of the proposed development and the development to be retained, I am satisfied that impacts on environmental sensitivities can be adequately assessed in this case without the need for EIA.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Due to the nature and scale of the development, the construction stage is not and will not be significant in terms of duration or complexity. The main operational impacts would be limited to residential amenity, and the wastewater and surface water emissions arising from the site. These elements would be subject to standard assessment, and I am satisfied that these matters can be assessed without potential for significant environmental effects that would require EIA.

	There would be no significant cumulative impacts with other projects. Having regard to the nature of the proposed development and development to be retained, 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.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required).

Appendix 2: AA Screening Determination

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

I have considered the proposal comprising the retention of all windows to front facade and permission to convert dwelling over shop located in an ACA to 2 no. apartment units (1 no. 1-bed and 1 no. 2-bed) and all ancillary works at 3 Mitchel Street, Nenagh, Co. Tipperary in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located relative to:

- Lough Derg (Shannon) SPA (Site Code 004058) – c. 7km from the site to north-west.
- Slievefelim to Silvermines Mountains SPA (Site Code 004165) – c. 8km from the site to south.
- Silvermines Mountains West SAC (Site Code 002258) – c. 9km from the site to south.
- Lough Derg, North-east Shore SAC (Site Code 002241) – c. 10km from the site to north-west.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project in a town centre location, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The nature and scale of the proposed development and development to be retained which has an existing connection to the public mains and public sewer network.
- The location of the development within an existing property located within a built-up and serviced urban area, its distance from European Sites and the urban nature of intervening habitats and the absence of ecological pathways to any European Site.
- Taking into account screening report/ determination by PA.

I conclude, on the basis of objective information, that the proposed development and development to be retained would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

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

Appendix 3

Screening the need for Water Framework Directive Assessment Determination

The subject site is located at 3 Mitchel Street, Nenagh, Co. Tipperary.

The River Nenagh (EPA Code: IE_SH_25N010700, which has a Moderate ecological status under the WFD and is At Risk) is located c. 175m to the south-east of the appeal site and is separated from same by intervening commercial and residential town centre development. This watercourse flows in a northerly and then westerly direction toward its outfall at Lough Derg (EPA Code: IE_SH_25_191a, which also has a Moderate ecological status under the WFD and is At Risk) and also into the Lough Derg (Shannon) SPA which is located c. 7km from the site to north-west.

The site is underlain by the Nenagh groundwater body (EPA Code: IE_SH_G_178) which has a Good ecological status under the WFD that is Not At Risk.

The proposal comprises of the retention of all windows to front facade and permission to convert dwelling over shop located in an ACA to 2 no. apartment units (1 no. 1-bed and 1 no. 2-bed) and all ancillary works - see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission on this brownfield site at Mitchel Street in Nenagh town center and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The relatively small-scale nature and scale of the subject development.
- The location-distance from nearest water bodies, intervening land uses and lack of hydrological connections.

Conclusion

I conclude that, on the basis of objective information, the proposed development and development to be retained 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.