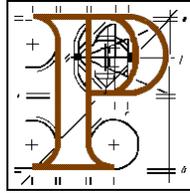


An Bord Pleanála



Inspector's Report

Development: Construction of 12 no. apartments and associated works at Hillside, Mill Road, Corbally, Co. Limerick.

Planning Application

Planning Authority: Limerick City Council
Planning Authority Reg. Ref.: 06/244
Applicant: Camogue Developments Ltd.
Type of Application: Permission
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): As Above
Observer(s):
1. Mill Road Action Group,
2. Maura & Maria Ryan,
3. Kieran Martin
Type of Appeal: 1st Party
Date of Site Inspection: 15th January 2007

Inspector: **Fiona Tynan**

1.0 SITE DESCRIPTION AND LOCATION

The appeal site is situated in north Limerick City, proximate to the City and County Boundary of Limerick and the River Shannon. Access to the site is from the Corbally Road (R463) and the Mill Road. Corbally is a suburban area of Limerick City. The site is surrounded in the immediate vicinity by larger detached dwellings, whilst the wider area comprises of two storey semi-detached dwellings. The Appeal site projects onto the Mill Road, such that it is substantially forward of the building line. This projection acts almost as a form of traffic calming on this otherwise straight road.

On the site is a two storey 5 bay dwelling, though to the front elevation it has the appearance of a single storey property. The windows for the first floor are on each gable end and there are also 2 dormer windows at roof level on the rear façade. There is a single storey return building to the rear. The dwelling is bounded by a low stone wall with pillars and wooden gate and some derelict outbuildings to the side and rear. The dwelling appears to be in good condition both internally and externally. The site has a silvicultural nature with a large number of mature trees along the boundaries of the site. Bounding the site to the south is a large two storey red bricked detached dwelling set in its own grounds and to the north is a two storey dwelling with a mansard roof. These dwellings are located 2-5m from their respective party boundary with the appeal site. To the rear of the site are two storey detached dwellings located 15m from the shared boundary. Located opposite the site is a single storey structure, Laurel Cottage, which is of considerable character. The stated area of the site is 0.20 ha (0.49 acres).

I attach photographs taken at the site inspection.

2.0 PROPOSAL

The proposal is to demolish the existing single storey dwelling and two sheds on the site and to erect 12 no. apartments on the site with vehicular access from Mill Road. The apartments are to be set out in two detached but neighbouring blocks. The blocks which comprise of three floors are identical in scale, design and form. There are two apartments per floor and all are two bedrooms and have a stated floor area of 84.2 sq.m. All apartments are to have dual aspect. Four “Juliet” balconies are proposed to each block. The proposed external finish comprises of a selected clay brick to the front façade with a pre-mixed render to the central bay. The gross floor area of the proposed development is 567sq.m.

Twenty parking spaces are allocated for the development (formerly 17 spaces were provided in the application to the Council) and will be located to the front of the development adjoining the front boundary of the site. To the front of the site it is proposed to erect a rendered concrete wall and railing.

3.0 PLANNING CONTEXT

3.1 Planning History

P.A. Ref. 91/68: Refers to an application by Dineen & Co. Ltd for the erection of two no. detached houses on sites 29/30, the Hermitage and demolition of the existing buildings thereon now known as “Hillside”, Mill Road, Corbally, Limerick. Permission was granted by Limerick Corporation.

P.A. Ref. 84/131: Refers to an application by Dineen & Company to construct 2 no. dwelling houses at Hermitage, Mill Road, Corbally, Limerick. Permission was granted subject to conditions. This was subsequently appealed to the Board (PL30.5.68096) and the decision by Limerick Corporation was upheld.

3.2 Development Plan Policy

The site is governed by the policies and provisions of the Limerick City Council Development Plan 2004-2010, wherein the Appeal site is zoned “Residential”. Chapter 7 of the Plan outlines the Housing Strategy and it is the stated policy of the Council to promote balanced and sustainable communities (Policy H4) and to promote high quality living environments and the protection of the character of residential neighbourhoods (Policy H5). With regard to Policy H5, it is stated that it is the policy of Limerick City Council to “ensure that all development proposals for new build or alterations to existing structures take into account the architectural, archaeological, cultural or special amenity of the neighbourhood, so as not to detract from the general ambiance or character of the area”. Chapter 10 of the Plan considers Urban Design Principles and contains guidance for the Corbally area, a copy of which is attached. Regarding the Mill Road it is stated that additional roads design objectives envisage the upgrading of Mill Road and its access to Corbally Road and the provision of a network of collector roads within Corbally thus linking the development of all the housing estates within the area in terms of a co-ordinated structure plan. It is also stated that it is intended that a Local Area Plan will be prepared for the controlled development of this precinct during the life of the development plan. Policy ZL18 of the Plan states that in the Residential Land Use Zone, “the minimum density for residential units shall not be less than 20 units per ha or 60 units per ha pro rata”.

3.3 Technical Reports

Water Services Department: It is recommended in the report that permission be refused as the developer proposed to install a pumped system of foul sewerage discharge to an adjoining estate not taken in charge. It is stated that this is not a discharge system which the Council actively supports.

3.4 Decision of Planning Authority

A large volume of objections were received by the Planning Authority during the course of the application. On the 23rd of August 2006, Limerick City Council decided to refuse permission for the development as proposed for 5 reasons, which are summarised as follows:

1. Inadequate separation distances has been provided between the proposed development and the property to the rear.
2. Having regard to the absence of public transportation in the vicinity of the site it is considered that the applicant has failed to provide adequate off-street parking to serve the development.
3. The applicant has failed to provide adequate sightlines at the entrance to the proposed development.
4. Having regard to the existing Mill Road and its limited width near the junction with the Corbally Road and the general lack of adequate facilities for pedestrians and cyclists, the development is considered premature.
5. It is proposed to pump sewerage from the proposed development on to a development that is not taken in charge.

4.0 GROUNDS OF APPEAL

An appeal has been lodged by Declan Brassil & Company Ltd on behalf of the applicant, Camogue Developments Ltd. The appeal submission contains the following comments:

Design:

- The development was designed so that the massing of the two blocks would read as two large detached houses rather than as apartment blocks. The external materials were selected to reflect the residential nature of the surrounding dwelling houses.
- The provision of apartments will diversify the housing mix of this area.
- It is stated that the development would not give rise to overlooking by virtue of significant screening on the boundaries, the provision of gables only to the side boundaries, angled design of the rear windows and the height and set back of the apartments will ensure that that the development is not significant in massing or unreasonable in scale. As an additional measure, windows are also obscured at a high level to remove any cause for undue overlooking. Revised drawings in this regard have been submitted.
- It is stated that the overall height of the blocks would not present a sudden change in established height character with the ridge height of Block A to be no more than 600mm above the ridge level of the dwelling to the south. Block B would have a ridge height difference of circa 3m with the property to the north, contributed partly by the difference in road level.
- Reference is made to established precedents by Limerick County Council for apartment developments in the area. In particular, P04/65 on the South Circular Road is referred to, where distances to the rear boundary were similar to the current appeal and where the use of screen tree planting was used to justify protection of privacy and windows were designed to prevent overlooking.

- The Applicant has also provided recommendations by Ken Ryan Tree Services to ensure the protection of trees to be retained adjacent to the site boundaries.

Density:

- It is stated that the development of the site is consistent with the principle of sustainable development and Limerick's role as a designated gateway under the Regional Planning Guidelines.
- The open space area amounts to 34% of the site area and is therefore in excess of the 10-14% recommended by the Residential Density Guidelines.
- The density of the proposal accords with Section 5 of the Development Plan which states that "in the residential land use zone, the minimum density for residential units shall not be less than 20 units per Ha or 60 apartments per Ha, pro rata".

Traffic:

- It is stated that the provision of 12 apartments in 2 blocks on a residential zoned site, will not generate significant traffic volumes and can be accommodated in two buildings designed to integrate visually with the established pattern of development in the area.
- Concerns regarding traffic issues are disputed, particularly, as the development can make an improvement to the road width along Mill Road and sightline distances can be achieved. It is proposed to recess the boundary line westward by over 6m.
- A revised layout has been submitted to illustrate 20 spaces for the 12 apartments, thus any potential overspill or parking onto Mill Road is negated.
- A drawing is submitted which shows sightlines of at least 100m in both directions.
- The development would give rise to an increase of 1-3 vehicles/hour and not all will impact upon the Mill Road/Corbally Road junction at the same time. The development would give to a maximum delay of 4 minutes at this junction.

Infrastructure:

- With regard to reason no. 5 of the decision to refuse, a letter of consent from Keeny Builders Ltd. has been submitted confirming that they have no objection to the Applicants connecting into their gravity sewer network. In addition, a letter from White Young Green is submitted which confirms the ability to connect into the gravity sewer network outside the site.

5.0 OBSERVATION

A number of observations were submitted regarding the appeal. The submission from the four parties contain the following comments:

Mill Road Action Group:

- The Group does not object to the redevelopment of Hillside for residential purposes but is strongly opposed to the scale and character of the development.
- With an area of 0.2 ha the subject site is well below the threshold where a development can set its own character, in accordance with the Residential Density Guidelines. The nature of the development would therefore be determined by the character of the surrounding area and constrained by the necessity to protect the amenities of directly adjoining neighbours.
- The aforementioned Guidelines recommend a plot ratio of 0.25-0.35 for outer suburban sites remote from public transport. The proposed scheme has a plot ratio of 0.6, more than twice the Guidelines standard. The site is 980m from the bus route on Corbally Road and a kilometre from the nearest bus stop. There are no plans to provide a bus service on Mill Road.
- The scheme will result in either significant overlooking or a significant sense of overlooking of directly adjoining properties.
- The proposal contains only a semi-private open space, the apartments do not have any private spaces.
- “Hillside” makes a visual contribution to the streetscape of the northern end of Mill Road, in particular its woodland, the majority of which are ash and sycamore, some up to 18m in height. It would appear that approximately half of this tree cover will be destroyed.
- “Hillside”, a single storey Edwardian farmhouse has charm and character and the architectural assessment concludes that the house has some features of architectural significance.
- The nature of Mill Road with its multiple access points is an insurmountable obstacle to residential densification. The Road should be engineered to cope with existing volumes of traffic and no permission be granted by the Council for new development in the area that would generate additional traffic. Furthermore, the adopted engineering approach should take account of the historic character of the road (one of the oldest in the city according to the conservation assessment).
- The submission prepared by Brendan McGrath and Associates compares the density of Hillside to that referred to by the Appellant, on South Circular Road.
- The proposal represents a serious over-development of the subject site. Photographs of the proposed scheme and that referred to by the Appellant on South Circular Road have been submitted.

Maura and Maria Ryan:

- The minor adjustments made by the applicants at appeal fail to disguise the fact that the proposed development is unreasonable in scale, discordant, unsympathetic and totally at variance with the houses on either side.
- Photographs have been submitted which are stated to show that the proposed development fails to respect the character of the adjacent/neighbouring houses.
- Block A will result in their house being overshadowed and overlooked. The ridge level of Block A is higher than the ridge level of their house.
- The height and mass of the development would have a major adverse impact on their privacy, use and enjoyment of their property.

- The hanging balconies to the front of Blocks A and B are stated to be totally unacceptable as they change the nature of the housing stock on Mill Road.
- Car parking provision is inadequate.
- The development will intensify the traffic hazards for all users of the Mill Road and will open up the Mill Road to future high density development without the appropriate infrastructure being already in place.

Kieran Martin:

- It is argued that the application as submitted to the Council is invalid as the description of the development as set out on the application form and the newspaper advertisement both make reference to the construction of a pumping station, which is excluded from the site notice.
- It is also argued that the appeal as submitted is invalid as the Board are being asked to consider what amounts to a different application to that which the Council decided to refuse. It is submitted that the application to be determined by the Board must be the application decided on by the Planning Authority and not a modified application responding to reasons for refusal stated by the Planning Authority in its decision.
- The proposal is contrary to the Limerick City Plan and the Residential Density Guidelines.
- The Observer's property directly adjoins the development site to the north and the boundary of this site is surrounded by trees which the Appellant proposes to cull.
- The revised drawings submitted to the Board do not lessen their impact of address the issue of proximity to the dwelling to the rear of the proposed development.
- The Appellant places the site's plot ratio as between inner suburban and outer suburban. The Observer disagrees and suggested that if the site's revised size is taken in account (i.e. as a result of road widening), the plot ratio is in fact 0.66, which is double that of an outer suburban site, which the Planner classified the site to be.
- It is argued that the proposed development will dominate the roadway and does not bridge two types of development densities as the surrounding developments are similar in density.
- The report from Michael Punch and Partners which states that 100m sightlines are available do not attempt to address the concerns regarding the close proximity of the proposed entrance to existing entrances (in particular, Laurel Cottage) and the gradient of the road.
- Expresses concerns regarding the location of a pump house at this location in particular, the impact of the operation of the same on this residential amenity, public health and existing waste water infrastructure.
- It is contested that the Appellant does not actually own all of the said lands and a photograph is submitted which is stated to illustrate this point.

6.0 PLANNING AUTHORITY RESPONSE

The Planning Authority has submitted no response regarding the appeal.

7.0 ASSESSMENT

Arising from an examination of the file documentation and inspection of the site, it is considered that the key issues in relation to this appeal centres upon the following:

- Principle of development
- Density
- Planning History
- Architectural Heritage
- Layout & Design
- Landscape
- Residential Amenity
- Access & Parking
- Services

Principle of Development: The proposed development is acceptable in principle as the site is zoned for residential development in the Limerick City Development Plan 2004.

Density: The proposed development would give rise to a density of 60 units per hectare. The Applicant's agent states in their submission that the site conforms with the definition of Infill Residential Development in particular section 3.3.1 where "*potential sites may range from small gap infill, unused or derelict land and backland areas up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill*". It is argued by the Applicant's Agent that the site conforms with this section by way of providing a higher density scheme of high quality, designed to mark a respectful transition from established character and would create a more positive frontage to Mill Road. The density proposed by the applicant is consistent with Policy ZL18 of the Plan which recommends a density of 60 apartments per ha. However, having regard to the surrounding area where a density of 7 units per hectare appears to be the norm, the proposed development will significantly exceed the density of the immediate area. It is therefore considered that to apply the policy as stated in the Development Plan would create a development at odds with the local environment. Furthermore, due regard has not been had to the Residential Density Guidelines which takes precedence over the County Development Plan, and it is stated in the Guidelines that developers in the application of densities to infill sites, in particular where the density of sites of less than 0.2 ha in area, must be determined by the density of the surrounding area. In this instance, a balance has not been achieved between the development on the proposed site and that of the surrounding area.

Planning History: The Applicant has referred to the precedent established on the site for residential development with reference to applications that were

granted permission in 1984 and 1991. However, it is important to note that this precedence as argued, refers to the development of two dwellings only and was before the lifetime of the current development plan. Therefore, in my opinion no established precedence has been set for an apartment development.

Architectural Heritage: The Applicant submitted an Architectural Heritage Assessment of the property at Hillside with the application to the Planning Authority. According to that Report, the date of the dwelling has not been established. However the form and detailing of the building suggest that its Edwardian and was probably constructed in the late 19th Century. It is argued in the Report that the dwelling has no particular features, its architect unknown, nor has it been added to the Council's Record of Protected Structures. However, as a conclusion to the Report the following statement is provided: *"The structure does have some features of architectural significance. The exterior of the building has some quality despite the loss of the original windows. It does retain its internal features (these are the fireplaces/stove) though these are not in themselves significant. Hillside does make a contribution to the streetscape of Mill Road. Much of the impact of the house on the streetscape is certainly due to the mature trees on the site"*. However, despite the assessment concluding that Hillside contributes to the "streetscape of Mill Road", it is not proposed to retain the property or any of its outbuildings. Whilst it is accepted that Hillside is not identified for protection in the Council's RPS, the structure is in a habitable condition, has been identified in the report as dating from the late 19th Century and as having features of architectural significance. It is therefore considered that inadequate justification has been provided to demolish Hillside and therefore it would be contrary to the proper planning and sustainable development of the area.

Layout & Design: The proposed layout of the scheme incorporates the provision of parking spaces to the front of the site and the arrangement of the 12 apartments into 2 three-storey blocks. The reconfiguration of the site to take into account road widening at the front of the site has restricted the developable area of the site. However, a number of aspects of the layout of the development have given rise to concerns. Firstly, the proximity of the two blocks to the side boundaries which varies from 2.76m to 5.2m, and 5.4m from the rear boundary has given rise to concerns of the impact of the development upon residential amenity, as evidenced in the third party submissions. Secondly, the proposal to locate two blocks of apartments on the site would necessitate the removal of a significant number of trees, which are indigenous and contribute to the silvicultural character of the area. Lastly, the site layout plan indicates a proposal to locate 20 no. car parking spaces to the front of the development behind a low wall with railings. This would present a very urban edge to a suburban environment.

The design of the scheme is considered to be unremarkable with an oval porch to eaves projection which incorporates the central porch and internal staircase. The front elevation will comprise of double doors onto a "Juliet" balcony and clay brick finish to the external walls. The rear elevation incorporates triangular projections from ground to eaves level, wherein the double windows facing south are of obscure glazing and those facing west are of standard

glazing but only 0.3m wide. In the context of the adjoining dwellings which are of different architectural styles, it is considered that the proposed design of the dwelling is inoffensive. It is noted that the 12 apartments are to have dual aspect which is in accordance with the proper planning and sustainable development of the area.

Landscape: A tree survey was submitted with the planning application to the Planning Authority due to the large number of semi-mature/mature trees on site. The trees on the site comprise of Ash, Sycamore, Elm and Beech. From the survey, it is recommended that those trees to the front and middle of the site be removed and those along the boundaries be pruned and retained. Recommendations have been attached regarding those trees to be retained. Whilst the recommendations of this report are accepted, it is considered that additional detail and a larger map identifying the trees with cross reference to the landscape plan would have been more informative.

Residential Amenity: The proposed redevelopment of the site has given rise to concerns regarding the impact of the two blocks of apartments upon the adjoining residential amenity. As identified above, the development will be located very close to the side and rear boundaries. As the separation distances in this instance are considered to be substandard (varying from 2.76-5.4m), it is considered that the proposal to construct two three-storey blocks of apartments would give rise to loss of residential amenity in particular to the dwellings to the north, south and west. This loss of residential amenity will incorporate overlooking and overshadowing. Whilst it is acknowledged that the design of the rear elevation, in particular the rear windows, has sought to address those concerns, by means of obscure glazing, it is considered that regardless, the development would give rise to the impression of being overlooked. Furthermore, the proposal to insert such windows into the rear façade would create a substandard amenity for the future residents of the apartments where only one 0.3m wide window will allow natural daylight to the bedrooms. On the issue of the apartments, it is noted that they fail to provide storage space in accordance with proper design principles.

As is evident from the elevations illustrating contiguous properties there is a substantial difference in site level as one moves south to north across the site. However, the submitted design does not take account of this detail with the proposed ridge height of Block B to be 3m higher than the adjacent property to the north. Due to the difference in scale and the orientation of the property, the proposed development would give rise to overshadowing of the dwelling to the north during midday and to the dwelling to the west in the morning. It is therefore considered that the current proposal is contrary to the residential amenity of the area.

Also relevant to the issue of residential amenity is the provision of open space. In this instance, the amenity area will comprise solely of semi-public open space, therefore no private open space is provided with the apartments by means of balconies/terraces. It is also noted that no amenity value has been attributed to the public open space area due to the absence of seating, a barbeque area or other such feature provided. In accordance with the

Residential Density Guidelines, 10% of the site area should be provided as public open space. The applicant has not provided a calculation of the public open space area. With regard to private open space, it is stated in the Guidelines that “*the provision of an adequate sized external space, which is free from undue observation, is a fundamental tenet of residential amenity*” (section 5.8.1). It elaborates with the statement that the minimum standard for apartment developments should be the provision of 15-20 sq.m. per 2-3 bed apartments (section 5.8.2). Whilst the current proposal provides for semi-public open space with a western orientation, it is considered that the failure to provide for any private open space area is contrary to the provisions of the Residential Density Guidelines.

Access & Parking: According to the site plan, sightlines of 70m are obtainable from the proposed access in either direction. Despite this, the Council in reason no. 3 outlined in their decision to refuse permission that the applicant failed to provide adequate sightlines at the proposed entrance. In the applicant’s appeal submission, Michael Punch and Partners state that a sightline distance of 100m in either direction is achievable. It is argued that Mill Road is a cul-de-sac and serves predominantly residential traffic. It is considered that the sightlines as submitted as sufficient.

Access to the site is via Mill Road, which is restricted in width alongside the site’s frontage and at the main junction. The Applicant has argued that the development if permitted would set a precedent for road widening as a means of planning gain, by reason of the proposed boundary setback, and that it is unlikely that any other applications would be forthcoming along Mill Road in the short term. It is considered that the proposal to provide 12 apartments with 20 car parking spaces in this suburban area north of Limerick City which is devoid of a local bus route, would give rise to increased traffic on this road. It is suggested in the submission that 2-3 vehicles per hour would exist the development in the morning peak. Such a figure seems unreasonable. I am therefore in agreement with the Planning Authority that to permit the development would set an undesirable precedent in the context of the restricted nature of Mill Road in particular near the junction.

Services: One of the reasons for refusal issued by the Planning Authority related to proposals to use a sewage pump for the development. Incorporated in the Applicants’ appeal submission is a letter of consent from Keeny Builders Ltd confirming that they have no objection to Camouge Developments Ltd. connecting into their gravity sewer network and surface water pipe along Hillside, Mill Road, Corbally. This is considered reasonable. However, if permission is considered, it is recommended that the detail of the revised drawings be agreed with the Planning Authority.

8.0 CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed

development would be contrary to the proper planning and sustainable development of the area, having regard to the density, scale and layout of the scheme which would impact upon the residential amenity of the neighbouring properties and is devoid of private open space and would therefore be contrary to the Residential Density Guidelines. Furthermore, the proposal to construct 12 apartments would give rise to increased traffic at a substandard junction. Furthermore, inadequate justification has been provided regarding the demolition of “Hillside” which is identified in the architectural assessment as having features of interest. Accordingly, I recommend that permission be refused for the proposed development for the reasons and considerations stated in the Schedule below.

DECISION

REFUSE permission for the above proposed development for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. The proposed development fails to comply with the Department of Environment, Heritage and Local Government’s Residential Density Guidelines by reason of its excessive density with regard to the surrounding area, its proximity to boundaries and the non-provision of private open space. It is therefore considered that the proposal constitutes over-development of the site and would be contrary to the provisions of the Limerick City Development Plan 2004, the Residential Density Guidelines and the proper planning and sustainable development of the area.
2. The Board is not satisfied that adequate justification has been provided regarding the proposed demolition of “Hillside”, which is described in the Architectural Heritage Report as having “*features of architectural significance*” and which acknowledges its “*contribution to the streetscape of Mill Road*”. It is therefore considered that the proposed demolition of “Hillside” would contribute to a loss of character and a property with external and internal features of late 19th Century and is inconsistent with the conclusions and recommendations of the Report as submitted by the Applicant. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard due to the additional traffic movements generated at the substandard junction on Mill Road in an area where no alternative mode of transport i.e. bus, is available.

Fiona Tynan
Inspector
21st February 2007