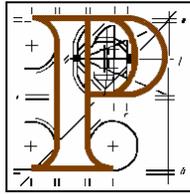


**An Bord Pleanála Ref.:** PL 30.240199  
**An Bord Pleanála**



## **Inspector's Report**

**Development:** Permission to retain front porch and canopy all at 16 Clarke Avenue, Janesboro, Limerick.

### **Planning Application:**

Planning Authority:	Limerick City Council
Planning Authority Reg. Ref.:	11/210
Applicant:	Mary Quinn
Type of Application:	Retention
Planning Authority Decision:	Refuse permission

### **Planning Appeal:**

Appellant(s):	Mary Quinn
Type of Appeal(s):	First Party against refusal
Observers:	Kate Bowman
Date of inspection:	10 <sup>th</sup> April, 2012

**Inspector:** A. Considine

## **1.0 THE SITE**

- 1.1 The proposed development site is located to the south of Limerick City Centre in a mature residential neighbourhood, with Childers Road located to the south. The area is identified in the City Development Plan as one of the older residential areas of the city, with a high proportion of the houses being former public housing.
- 1.2 The site has a stated area of 0.0156ha and is essentially regular in its shape. The building is a mid terrace, two storey house, with a stated floor area of 156m<sup>2</sup>.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 Permission is sought to retain front porch and canopy all at 16 Clarke Avenue, Janesboro, Limerick.
- 2.1 The development the subject of this retention relates to a porch which is indicated as occupying 3.28m<sup>2</sup> and a canopy which covers 5.5m<sup>2</sup>, a total of 8.75m<sup>2</sup>. The structure was built to the front of the existing house (terraced) and extends an indicated 2.08m from the original front wall and 5.2m across the front of the house. The full width of the house is 5.4m.

## **3.0 REPORTS ON PLANNING AUTHORITY FILE**

- 3.1 There is 1 no interdepartmental report from the Water Services Department of Limerick County Council noting no objection subject to standard conditions.
- 3.2 There are 2 no third party objections noted on the planning file from adjacent residents. The issues raised are summarised as follows:
- The development overlooks adjacent properties.
  - The size of the construction affects light to property.
  - The construction is too high, obstructing views of the avenue, so children cannot be supervised while playing on the street.
  - The building is not in keeping with existing houses on the road, and has affected the value of adjacent properties.
  - The building has crossed over into adjacent property, damaging new insulation.
  - The structure is built on the border wall, which cannot sustain the weight.
  - Poor plaster finish.
  - Windows overlook adjacent house.
  - The builders entered property without permission.
  - The building means that a porch could not be constructed at no. 18 due to the window.
  - Any demolition works should occur into no. 16 and not into no. 18, and any damage occurred should be repaired at the expense of the applicants.
- 3.3 The Planning Report on the Limerick City Council file considered the proposed development including the planning history associated with the subject site and the objections submitted with regard to the proposed development. The planning officer concludes that the development was

constructed on a party boundary wall without consent, a window installed in the flank wall reduces privacy of the adjacent property and is at variance with the CDP. Finally, the report submits that the bulk and scale is a dominant feature on the terrace and if permitted, would set an undesirable precedent. The report concludes recommending that retention permission be refused.

#### **4.0 DECISION OF THE PLANNING AUTHORITY**

The Planning Authority decided to refuse retention permission for the development for the following stated reason:

*It is considered that the proposed retention of development, by virtue of the fact that the porch was constructed on the party boundary of the site without the consent of the adjoining landowner, the scale and bulky nature of the porch, insertion of a canopy and poor location of a window on the side wall of the porch overlooking the adjoining property, would set an undesirable precedent for similar type of developments, would seriously injure the amenities of other property in the vicinity by reason of structural dominance and overlooking and in turn depreciate the value of the said properties. The proposed development would, therefore, be contrary to the requirements set out in the Limerick City Development Plan, 2010-2016 and the proper planning and sustainable development of the area.*

#### **5.0 RELEVANT PLANNING HISTORY**

There is no relevant planning history associated with the subject site.

#### **6.0 POLICY CONTEXT**

##### **6.1 DEVELOPMENT PLAN**

6.1.1 The Limerick City Development Plan 2010 – 2016 is the statutory Development Plan for Limerick City and the subject site has a zoning of 2A Residential. Although in a long established residential area of the western suburbs of the City, the subject site is not located within any architectural conservation area and the subject house is not a protected structure. The zoning objective for this 2A Residential Area is *to provide for residential development and associated uses.*

6.1.2 Part 3 of the City Development Plan deals with development management standards and in relation to residential development states that a high quality of urban design, building design and dwelling design will be sought in any development incorporating residential uses.

6.1.3 Chapter 16 of the City Development Plan deals with Development Management standards, including guidance for extensions to dwellings as follows;

##### ***Dwelling Extensions***

*The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight*

*and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing.*

***Proposed Extension design shall comply with the following:***

- *Follow the pattern of the existing building as much as possible.*
- *Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it.*
- *Roof form should be compatible with the existing roof form and character. Traditional pitched roofs will generally be appropriate when visible from the public road. High quality mono-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials.*
- *Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not be permitted where visible from a public area.*
- *Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.*
- *Ensure that adequate space is provided to allow for maintenance of the gable and access to the rear garden.*
- *That the available amount of private open space should not generally be reduced to below 40m<sup>2</sup>.*

## **7.0 GROUNDS OF APPEAL**

This is a first party appeal against the refusal of permission for the retention of the development. The grounds of appeal are summarised as follows:

- The porch was constructed in order to provide increased shelter and was of the understanding that planning permission was not required.
- The appellant sought and received agreement from neighbour for the proposed development.
- It is contended that the porch and canopy are in keeping with the area and many other houses in Janesboro have similar alterations.
- Many people have admired the porch.

## **8.0 RESPONSES**

### **Planning Authority:**

The Planning Authority has not responded to this appeal.

## **9.0 OBSERVERS TO APPEAL**

There is 1no observers noted in relation to this appeal. Ms. Kate Bowman, of 18 Clarke Avenue, submitted a response to the first party appeal, which is summarised as follows:

- The appellant was aware that permission was required for the development as she had been advised by the local planning authority mid way through the works.
- The third party does not agree that permission was given for the construction.

- When builders began carrying out works on third party property they were advised that they had no permission. The roof was amended but it still crosses the boundary.
- The building is not in keeping with area and there are no houses in Janesboro with a front extension of this magnitude.

## 10.0 ASSESSMENT

At the outset, I would advise that I met the appellant, Quinn, at the subject site. She was outside as I arrived, on the date of my site inspection. Ms. Quinn asked if I would speak with her regarding the appeal after I had taken photographs, as no one from the Council had. She indicated that she felt that her side of the story had not been heard to the same degree as the objectors. I advised that her appeal submission to An Bord Pleanala was on file and would be fully considered in the course of assessment and determination of the appeal. I took photographs, and continued to the next site.

Having regard to the nature of the proposed development and the details submitted with the planning application and appeal documents, I conclude that issues arising for consideration should be addressed under the following headings:

1. The principle of the development & compliance with the City Development Plan requirements.
2. Appropriate Assessment.

### The principle of the development & compliance with the City Development Plan requirements.:

- 10.1 The Limerick City Development Plan facilitates the provision of extensions to existing houses in residential areas. The subject site is located within an established residential area, being a mid terraced house in a quiet residential estate. In principle, the provision of a porch to the front of a property would accord with the requirements of the City Development Plan.
- 10.2 The Plan provides guidance with regard to such extensions requiring that the design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing. With regard to the development the subject of this application, I have a number of concerns. The CDP has a number of requirements to be considered as follows:
- 10.3 The Plan requires that extensions *follow the pattern of the existing building as much as possible*: Having undertaken a site visit, I am of the opinion that the porch and canopy the subject of this application, does not accord with this requirement. There are some varieties in terms of house types and finishes within this estate, with a number of houses having bay windows, and a small number with shallow canopies over the front doors. The nature of the porch and canopy the subject of this retention appeal is, in my opinion, unique to this

residential area, and clearly fails to follow the pattern of existing buildings in the area.

- 10.4 *Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it:* The development in general, accords with this requirement.
- 10.5 *Roof form should be compatible with the existing roof form and character:* I do not consider that the development does not accord with this requirement on the grounds that the roof has neither a traditional pitch or is a flat roof. The finish on the roof is flat slate style while the principle roof is finished in a tile.
- 10.6 *Dormer extensions:* Not applicable.
- 10.7 *Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties:* The development substantially conflicts with the above requirements, in that the scale and bulk of the porch, together with the depth of the canopy, in my opinion, significantly interferes with the existing residential amenity of adjacent properties. The provision of a window, albeit with opaque glass, in the flank wall of the porch directly conflicts with this requirement. I consider that the development does not accord with this requirement of the CDP.
- 10.8 *Ensure that adequate space is provided to allow for maintenance of the gable and access to the rear garden:* The porch structure is built on the existing party wall which means that maintenance of the gable is only achievable by accessing the adjacent property. This is not acceptable. As the house is a mid terrace, access to the rear garden is not applicable in this instance.
- 10.9 *That the available amount of private open space should not generally be reduced to below 40m<sup>2</sup>:* Acceptable.
- 10.10 Further to the above, I am satisfied that the porch has been constructed in a manner which encroaches on the adjacent property, as well as being constructed on the boundary wall, without appropriate consent. I further consider that the scale and bulk of the structure represents a dominant feature in this terrace, which detracts from the visual amenities of the area. A grant of planning permission in this instance would, in my opinion, set an undesirable precedent for similar type developments in the area.

Appropriate Assessment:

- 10.11 Given the location of the subject site within an established and mature residential area, together with the minimal nature of the porch and canopy, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

## **11.0 Conclusions and Recommendations**

### **11.1 Conclusion:**

Having regard to the nature of the works the subject of this retention application, I consider that the bulk and scale of the porch and canopy is excessive for this mid terrace house and adversely impacts upon the visual and residential amenities of the area. I further consider that its construction encroaches to an unacceptable degree on the adjacent property, and together with the window in the flank wall, significantly affecting its residential amenity.

### **11.2 Recommendation:**

I recommend that retention permission is **Refused** for the following reasons and considerations.

## **REASONS & CONSIDERATIONS**

Having regard to the pattern of development in the area, the zoning objective associated with the site as well as the planning history associated with the general area, it is considered that the retention of the porch and canopy contravenes the requirements of the City Development Plan, 2010 – 2016, as it relates to dwelling extensions on the grounds of scale, bulk and associated visual impact. It is further considered that the development, by reason of its location on a party wall, without appropriate consent, and the inclusion of a window in the flank wall, significantly impacts upon the residential amenities of existing adjacent dwellings by reason of overlooking and overshadowing of said properties.

Finally it is considered that the development, if permitted would set an undesirable precedent for similar type developments in this attractive residential area, and as such, would be contrary to the proper planning and sustainable development of the area.

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**A. Considine**  
**Planning Inspector**  
17<sup>th</sup> April 2012