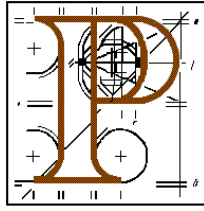


An Bord Pleanála Ref.: PL 91.246559

An Bord Pleanála



Inspector's Report

Development: Permission for alterations and extension to dwelling including all associated site development works all at Roche's Road, Rathkeale, Co. Limerick.

Planning Application:

Planning Authority: Limerick County Council
Planning Authority Reg. Ref.: 16/111
Applicant: Robert Flynn
Type of Application: Permission
Planning Authority Decision: Refuse permission

Planning Appeal:

Appellant(s): Robert Flynn
Type of Appeal(s): First Party against refusal
Observers: None
Date of inspection: 25th July 2016

Inspector: A. Considine

1.0 THE SITE

- 1.1 The proposed development site is located in the town of Rathkeale, Co. Limerick, approximately 25km southwest of Limerick City and 11km northeast of Newcastle West. The site itself is located to the north of the town center, in close proximity to the access to the N21 on Roche's Road. The surrounding area comprises primarily residential. To the rear of the site there is an existing access which seems to facilitate access to the rear of the properties fronting onto Roche's Road. The residential buildings in this area of Rathkeale comprise blocks of 4 3 bay, two storey houses with doors located centrally. There have been a number of alterations to buildings along the length of Roche's Road including insertion of first floor central windows, bay windows at ground floor level, relocated doors from central location and extended canopies across the full front of houses with columns.
- 1.2 The site has a regular shape and has a stated area of 0.029ha and is currently occupied by the existing mid terrace house and attendant grounds. The site fronts onto Roche's Road and the house is set back from the road and has a stated floor area of 92.07m². The house looks unoccupied at present.

2.0 PROPOSED DEVELOPMENT

- 2.1 Permission is sought for alterations and extension to dwelling including all associated site development works all at Roche's Road, Rathkeale, Co. Limerick.
- 2.2 The existing house is to be extended in the order of 75.84m² which will result in an overall floor area of 167.91m². The existing house is a two store mid terrace house and it is proposed to extend to the front through the provision of a two storey projecting gable with a bay window at ground floor level. The alterations to the front of the house will also relocate the front door from its central position, as all other houses in the terrace, to the left and provide a dormer window at first floor level above the new door location. To the rear of the property, it is proposed to extend over two storeys, with a further single storey extension to house the new utility and downstairs shower room.

2.3 The existing house comprises a bedroom, living room, utility, kitchen/diner and bathroom at ground floor level with a further two bedrooms and WC at first floor level. The altered and extended house will provide for a large living room, kitchen/diner, utility and shower room at ground floor level with three double bedrooms, 1 ensuite and a family bathroom at first floor level. In terms of the proposed finishes, the submitted details indicate that the front two storey projecting gable will be faced in natural stone, with other areas of the extension finished in a smooth plaster painted finish. The windows will be double glazed uPVC, fascias, soffits and gutters will be black seamless aluminium and the roof will be a blue / black slate or tile finish. The front door is to be a hardwood door.

3.0 REPORTS ON PLANNING AUTHORITY FILE

3.1 There are no interdepartmental reports from on the Local Authority file.

3.2 There are no third party observations noted on the planning file.

3.3 There is 1 no. external report noted on the planning file from Irish Water advising no objection to the proposed development.

3.4 The Planning Report on the Limerick County Council file considered the proposed development against the information provided, submissions in relation to same and the development plan requirements, as well as the planning history associated with the subject site. The report concludes that the proposal is not acceptable on the basis that the development, notwithstanding the submitted letters from adjoining property owners, due to its terraced nature will have an overbearing impact on the properties either side and would detract from the streetscape. It is recommended that permission be refused.

4.0 DECISION OF THE PLANNING AUTHORITY

The Planning Authority decided to refuse planning permission for the following reason:

1. The proposed development by reason of its scale, height and length of the 2 storey element to the rear would significantly overshadow and have a significant overbearing on the adjacent property and private amenity space. The proposed alterations to the front elevation would detract from the character of the streetscape. The proposed development therefore, would seriously injure the amenities and depreciate the value of properties in this residential area.

5.0 RELEVANT PLANNING HISTORY

The following is the planning history associated with the subject site:

PA ref. 14/1075: Permission refused to the applicant to carry out alterations and extension to dwelling including all associated site development works. The reason for refusal was as follows:

The proposed two storey element to the rear, by reason of its scale, height and length would significantly overshadow and have a significant overbearing on the adjacent property and private amenity space and would seriously injure the amenities and depreciate the value of properties in this residential area.

The Board should note that the above proposal is practically identical in scale and detail to that currently proposed.

PA ref. 15/535: Permission granted to the applicant to carry out alterations and extension to dwelling including all associated site development works. Planning permission was granted subject to 5 conditions. This proposal represented an extension which is approximately 15m² smaller than that previously proposed and with a reduced two storey rear extension which had been deemed intrusive.

6.0 POLICY CONTEXT

6.1 Development Plan:

6.1.1 The Limerick County Development Plan 2010 – 2016 is the statutory Development Plan for County Limerick. Rathkeale has a Local Area Plan, I consider it reasonable to address the relevant policies contained in the County Development Plan at this juncture.

6.1.2 Rathkeale is identified as a Tier 3 town in the County Development Plan being a center located on Transportation Corridor. Chapter 4 of the Plan deals with residential development and section 10.5.5 deals with infill residential development in towns and villages. This section of the Plan provides for guidelines, which should be applied in the assessment of such proposed developments and states that 'Design, height, scale, materials used and finishes should respect existing adjacent properties'. Section 10.5.7 deals with house extensions and provides a number of criteria to which regard must be had including design, impacts on amenities of adjacent residents and effect on building line amongst others.

6.2 Rathkeale Local Area Plan, 2012-2018:

6.2.1 The subject site is located to the north of Roche's Road in Rathkeale to the north of the town centre and is within the identified existing residential area for the town, as well as a special development area for temporary private sites for mobile homes / caravans. The zoning matrix contained in the LAP provides that residential development is open for consideration within such zoned lands. The purpose of the existing residential zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas. In terms of the special development area for temporary private sites for mobile homes / caravans zoning, Objective H6 is relevant.

7.0 GROUNDS OF APPEAL

This is a first party appeal against the decision of Limerick County Council to refuse planning permission for 1 no. reason. It is asked that the Board consider the making of a joint decision or a split decision on

the alterations to the front of the dwelling and separately the rear extension proposal. The grounds of appeal are summarised as follows:

Rear Extension:

- Issues of daylight / shadowing have been addressed in history applications 14/1075 and 15/535. It has been demonstrated that while the depth of the proposed extension shadowed the neighbouring property on plan form, it was shown that the extension would not interfere with any ground floor room that was reliant on a single window. The PA did not accept this correct interpretation of the relevant Daylight Code.
- Both neighbours have submitted unconditional support letters. It is submitted that these neighbours would like in the future to extend their properties to a similar extent.

Front Elevation:

- The majority of the front elevation has been permitted under 15/535.
- It is submitted that the applicant is prepared to drop the natural stone finish proposal. There have been several additions to the buildings along Roche's Road including front canopies and bay windows.
- The proposed front extension and dormer window is to achieve appropriate height in the accommodation. Currently the existing window head level is 1.35m with a cill level of 375mm off the finished floor.

The appeal concludes including comments not relevant to planning and requests that the Board look favourably on the proposed development.

8.0 RESPONSES

Planning Authority:

The Planning Authority submitted a letter indicating that it has no observations to make on this appeal.

9.0 OBSERVERS TO APPEAL

There are no observers noted in relation to this appeal.

10.0 ASSESSMENT

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:

- The principle of the development
- Other Issues
- Appropriate Assessment

10.1 The principle of the development.

10.1.1 The subject site is located within the town of Rathkeale on lands zoned 'existing residential' and has a long standing residential use. As such, it is clear that in principle, the redevelopment of the residential site, including extension of existing residential property, is acceptable.

10.1.2 The Board will also note the planning history associated with this site including the fact that permission has been permitted for a slightly smaller version of the proposed extension. The difference in floor area is approximately 10m². In addition, I note the letters from the adjacent landowners advising no objection to the proposed development. In this regard, I note that the floor plan of the adjacent house to the north appears to be laid out with the ground floor having two rooms running from front to back with a small utility room provided centrally at the back of the house. In the upper floor, there are two bedrooms and a bathroom which is the only room with a single window to the rear.

10.1.3 Further planning history associated with Roche's Road would suggest that similar type extensions have been permitted in the recent past. For example, 14/988, where permission was granted for an extension to no 11 Roche's Road almost exactly like the currently proposed

development, including the projecting bay to the front with half dormer. 09/260 provides a decision to grant a similar scale development at no 17 Roche's Road which acknowledged that a similar extension had been permitted to the site to the north and therefore, the proposed development would not impact on this property once both were constructed. In this regard, it is reasonable to conclude that there is precedent for similar type developments along Roche's Road and therefore, the principle of the development is acceptable.

10.1.4 In terms of the Limerick County Development Plan requirements, Section 10.5.7 is relevant in that it deals with house extensions. The Plan requires that the assessment of an application for a house extension, the Planning Authority will have regard to the following:-

- 'Sustainable Residential Development in Urban Areas', 2009 and the accompanying 'Urban Design Manual – A Best Practice Guide' in considering the existing site density and remaining private open space.

I am satisfied that in principle, the proposed development adequately accords with these guidelines.

- High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.

Having regard to the planning history pertaining to the subject site, as well as the wider Roche's Road area of the town, together with the details submitted in support of the proposed development, I am satisfied that the development adequately accords with this criteria.

- Pitched roofs will be required except on some single storey rear extensions. Flat roof extensions visible from public areas will not normally be permitted.

Acceptable.

- Impact on amenities of adjacent residents, in terms of light and privacy. Sunlight and daylight assessment may be required.

This issue has been addressed by the applicant and dealt with above in this report.

- Effect on front building line - extensions will not generally be allowed to break the existing front building line. However a porch extension which does not significantly break the front building line

will normally be permitted. In terrace and semi-detached situations, extensions which significantly protrude beyond the front building line and/or along the full front of the house will not be permitted.

I have considered this issue very carefully. The Board will note that the houses on Roche's Road all have front porches which extend beyond the front building line. In the past, permission has been granted to a number of properties to provide canopies, front extensions and bay windows. The key in this assessment is to consider whether the breaking the front building line is significant. I consider that the proposed development is not. This is supported by the precedent of a grant of permission for a similar design on another house on the street. I am satisfied that the proposed development accords with this criteria of the County Development Plan.

- Ability to provide adequate car parking within the curtilage of the house.

Acceptable

- On unsewered sites, where an extension increases the potential occupancy of a house, the adequacy of the sewage treatment and disposal facilities should be demonstrated by the applicant. It may be necessary with significant extensions to relocate an existing septic tank or proprietary system and percolation area to comply with environmental and public health requirements.

Not applicable

- Regarding the subdivision of a dwelling to accommodate a dependent relative refer to Chapter 3 – Rural Housing Policies and Chapter 4 – Housing.

Not applicable

- The sub-division of a dwelling by means of an extension or conversion of part of a dwelling for the purposes of providing rental accommodation will not be permitted.

Not applicable

10.1.5 The Board will note that the houses on Roche's Road have long rear garden areas and in this regard, I am satisfied that the development, if permitted, will not significantly impact on the existing residential amenities of, or indeed the light into, the adjacent property and is acceptable in terms of the CDP requirements.

10.2 Other Issues:

10.2.1 It is noted that the existing house connects to public services, water and sewerage. Irish Water have advised no objection to the proposed development.

10.2.2 In terms of development contributions, the Board will note that the proposed development is liable. In this regard, a condition requiring the payment of a contribution should be included in any grant of planning permission.

10.3 Appropriate Assessment:

10.3.1 The subject site is located at a distance of approximately 2.5km from the nearest SAC, Askeaton Fen Complex, within an established urban area. The site itself can be considered an urban brownfield site. However, given that a Natura 2000 site is located within 15km of the site, the Board will be required to consider the potential effects of the proposed development on the identified SAC. The site must be subject to AA regarding its implications for the Natura 2000 site in view of the site's conservation objectives *"if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects"* (EC, 2006). In other words, where doubt exists about the risk of a significant effect, an Appropriate Assessment must be carried out.

10.3.2 An Bord Pleanála, as the competent authority is responsible for obtaining the information necessary to enable an AA screening to be undertaken, and if required, obtain from the proponent, a Natura Impact Statement. Integral to the AA process, is the consideration of alternatives. This issue will be discussed further below. The purposes of AA screening will determine whether appropriate assessment is necessary by examining:

- whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
- the potential effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in

view of its conservation objectives, and considering whether these effects will be significant.

10.3.3 AA Screening Statement with conclusions: The safeguards set out in Article 6(3) and (4) of the Habitats Directive are triggered not by certainty but by the possibility of significant effects. Thus, in line with the precautionary principle, it is unacceptable to fail to undertake an appropriate assessment on the basis that it is not certain that there are significant effects. Given the restricted scale of the proposed development of a residential extension on an existing brownfield urban site, together with the separation distance between same and the Natura 2000 site, it is appropriate to conclude that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11.0 Conclusions and Recommendations

11.1 Conclusion:

Having regard to the nature and extent of the proposed development works, together with the requirements of the Rathkeale Local Area Plan and County Development Plan as it relates to residential extensions, I consider that the development, if permitted, would be an acceptable form of development in terms of the sites zoning objectives. In addition, and having regard to the planning history pertaining to the subject site as well as the wider Roche's Road area, I am satisfied that the development, if permitted would not represent a significant impact on the residential amenities of adjacent properties and would be acceptable in terms of the proper planning and sustainable development of the area.

11.2 Recommendation:

I recommend that planning permission be **Granted** for the proposed development, for the following stated reasons and considerations and subject to the following stated conditions:

REASONS & CONSIDERATIONS

Having regard to the provisions of the current Cork City Development Plan, 2015-2021, the existing established residential use, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, I am satisfied that, subject to compliance with the following conditions, the proposed development generally accords with the policy requirements of the relevant plans as it relates to developments on Single Units including Corner / Garden Sites and Infill Housing, would be acceptable in terms of traffic safety and would not injure the existing residential amenities of properties in the vicinity of the site.

SECOND SCHEDULE

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, submitted the 16th day of February 2016 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture

Reason: In the interest of visual amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling

within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

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 Bord 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.

A. Considine

Planning Inspector

2nd August 2016