



An
Bord
Pleanála

Inspector's Report PL91.248277.

Development	Retention of a front window, door, inclusion of a side passage to new study room and changes to roof profile and overhang.
Location	Lower Park, Corbally, County Limerick.
Planning Authority	Limerick City and County Council.
Planning Authority Reg. Ref.	16/713.
Applicant	Brendan Peters.
Type of Application	Retention Permission.
Planning Authority Decision	Permission.
Type of Appeal	First Party versus condition.
Appellant	Brendan Peters.
Observer(s)	None.
Date of Site Inspection	24 May 2017.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is located at Lower Park in the Corbally suburb of Limerick, north of the city centre. The majority of housing in the vicinity along Lower Park Road comprises single storey bungalows and dormer bungalows, some with integrated garages. House design and building finishes vary throughout the street. Houses are set back from the road and there is no established building line.
- 1.2. The appeal site comprises a single storey bungalow with a wide side access to the rear garden along its eastern elevation. The bungalow is situated within a large garden, with a front driveway and parking area. The property boundaries comprise concrete block walls and mature hedging. The bungalow incorporates an integrated study/storeroom along its western side that extends from the main dwelling under a dropped new hipped roof. The interior of the side extension remains unfinished and acts as a store for a variety of domestic articles.

2.0 Proposed Development

- 2.1. Permission is sought for:
 - The retention of reconstruction of a fire damaged garage and the change of use to a study room,
 - The retention of a front window, new access doorway,
 - The expansion of the new study room to include the former side passageway between garage and house,
 - Changes to the roof profile, to include a connection with the dwelling and an overhanging roof to the front elevation.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions, the relevant condition is summarised below:

- Condition 2.

Revised plans shall be submitted to the planning authority, indicating the following:

- (a) Removal of hipped roof profile and replacement with a roof plan that matches the existing dwelling,
- (b) Removal of the overhanging roof element shown in drawing No. 16-1-1,
- (c) Revised floor plan indicating a door link to the main dwelling from the proposed extension

Reason: In the interests of visual and residential amenity and the orderly development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for the planning authority's decision Report includes:

- The initial Planner's Report outlines the planning history of the site, specifically an open enforcement file.
- The rear of the property can be reached via the other side of the house; therefore, an additional door is not required. Further information required with regard to revised drawings showing the omission of the additional doorway.
- An assessment of the need for AA, no impact to any SAC or SPA. The site is not located in a flood zone.

The final Planner's Report notes the further information submitted, but recommends the attachment of a condition to amend features of the extension.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

Appeal Site

Enforcement Case Number DC-121-16. Unauthorised extensions.

5.0 **Policy Context**

5.1. **Development Plan**

Limerick City Development Plan 2010-2016

The appeal site is subject to zoning objective 2A Residential - To provide for residential development and associated uses.

The most relevant section of the CDP is Section 16.30 Dwelling Extensions, that states:

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:

- o Follow the pattern of the existing building as much as possible.
- o Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it.
- o 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.

o 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.

5.2. **Natural Heritage Designations**

The Lower River Shannon SAC (site code 002165) is located approximately 500 metres to the east and west of the appeal site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- A request to remove condition 2 which requires the removal of a hipped roof profile and replacement with a roof plan to match the existing dwelling, the removal of the overhanging roof detail and a floorplan to show an interconnecting door to the house.
- The applicant states that to carry out the works to the roof required by the planning authority would result in an impact to his neighbours property, in terms of overshadowing. Given the scale of the work necessary the applicant is worried that the neighbour will not have a chance to object or comment on the revised proposal.
- Because of the layout of the existing dwelling, the imposition of an interconnecting door would limit the use of the sitting room and upset an existing built in kitchen.
- The room will not be used as separate dwelling and the front doorway provides convenient access to the rear, primarily for refilling the oil tank.
- The applicant cites other similar extensions in the locality and provides photographs.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

7.0 **Assessment**

7.1. Having regard to the nature and scale of the development and the specific issue arising, that being a first party appeal against condition number 2 of the planning authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of condition number 2 of the planning authority decision.

I consider the key issues in determining this appeal are as follows:

- Visual and residential amenity
- Appropriate Assessment

7.2. **Visual and Residential Amenity**

7.2.1. The applicant requests the omission of condition 2, that requires works already completed to be undone and new works comprising breaking through to the main dwelling, altered roof profiles and reduced eaves overhangs to be carried out. The applicant states that to comply with the condition would be inconvenient. In addition, a revised roof profile may impact upon his neighbour to the west. Finally, the room the subject of the appeal will not be used as a second dwelling, it will provide access to the oil tank and accommodate domestic storage.

7.2.2. Houses on both sides of the street in the vicinity of the subject site exhibit a variety of elevations, most are bungalows or dormer bungalows with standalone or integrated garages. The houses are set in large garden plots and set back from the road. Each dwelling exhibits a variety of building finishes, including roughcast plaster, nap plaster and brick. Roof profiles are predominantly gable pitched, however, there are

examples of hipped roof profiles too. There are also a number of side extensions that do not follow a common design theme along the street. I therefore consider that the prevailing character of the street is one of single storey and dormer dwellings of no specific common design theme.

- 7.2.3. The visual amenity of the area, as viewed from the street is therefore defined by a variety of elevations all different in design combined with side extensions and differing roof profiles. I consider that the provision of an integrated study/storeroom under a hipped roof profile with an overhanging eaves design in this instance, will in itself not impact on orderly development and consequently will have no impact upon the visual amenity of the area. The side extension would accord with Development Plan design guidance insofar as the works follow the pattern of the existing building as much as possible, are constructed with similar finishes and has a roof form compatible with the existing roof form and character. Therefore, the provision of the side study extension with a hipped roof profile is acceptable from a visual amenity perspective.
- 7.2.4. The land use zoning seeks to provide for residential development and associated uses. The applicants are seeking to retain works after fire damage to their former standalone garage. The applicant resides in the house and wishes to avail of an attached study room that provides additional access to the rear of their property. The works carried out are relatively minor and improve domestic storage. Residential amenity afforded to the residents of the dwelling is improved and the development is therefore acceptable.
- 7.2.5. There is no third party appeal in relation to the planning authority decision and there were no objections or observations made to the planning authority during the application period. The defining character of the area is a mixture of house designs and side extensions. The side extension, which forms an integral element of the dwelling does not impact upon the orderly development, visual and residential amenity of the street.
- 7.2.6. I note that the planning authority attached condition 3 to ensure residential amenity is maintained. Irrespective of the absence of an interconnecting door between the study and the remainder of the main dwelling. In my opinion condition 3 is sufficient to ensure that the use of the extended portion of the dwelling preserves residential amenities in the area.

7.3. **Appropriate Assessment.**

- 7.3.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment, 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.

8.0 **Recommendation**

- 8.1. I recommend that the Board consider the appeal in the context of section 139 of the Planning & Development Act 2000 (as amended). I further recommend that the Board direct the planning authority to remove Condition Number 2.

9.0 **Reasons and Considerations**

Having regard to the design and nature of the study/storage extension proposed to be retained and the existence of a variety of similar forms of development in the area, and also having regard to the residential amenity being provided for by the development, it is considered that the study extension will not adversely impact on the visual amenities of the area, would not set an undesirable precedent and would be in accordance with the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Planning Inspector

22 June 2017