



An
Bord
Pleanála

Inspector's Report PL91.248405

Development	Demolition of single storey element and construction two storey extension.
Location	52 Lansdowne Park, Ennis Road, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	16/1075
Applicant	John Kennedy
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	1. Adrian Greaney 2. Ethna Boland
Observer(s)	None
Date of Site Inspection	07/07/17
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 0.4 hectares, is accessed from Lansdowne Park within a mature residential estate to the north of the R857 – Ennis Road and north-west of Limerick City Centre. The estate in the vicinity of the site is, in the main, characterised by a mix of two storey semi-detached and detached dwellings.

No. 52 constitutes a semi-detached dwelling with a single storey flat roofed side extension which, most likely, originally constituted a garage.

2.0 Proposed Development

2.1. The application was lodged with the planning authority on the 25/11/16 with further plans and details received 10/03/17 following a further information request dated 26/01/17.

2.2. As amended the proposal entails the demolition of the existing single storey area to the side and construction of a two storey extension providing for 46.6 sq.m. of additional living and bedroom space. The external finishes and roof profile are to match that of the existing dwelling. The extension is to be set back 0.750 metres from the shared boundary with No.53 to the east.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject 13 conditions including:

Condition 2: Section 48 development contribution

Condition 5: noise parameters

Conditions 9-13: protection of service pipes.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report dated 26/01/17 recommends further information requiring the increase in the side access to the house to provide for a minimum width of 750mm. It is noted that a number of dwellings in the vicinity have two storey side extensions. The 2nd report dated 03/04/14 following FI recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

Irish Water has no objection

3.4. Third Party Observations

Objections to the proposal received by the planning authority raise issues comparable to those set out in the 3rd party appeals summarised in section 6 below.

4.0 Planning History

PL91.244571 – permission refused on appeal for a dwelling on a site to the east of the appeal site.

5.0 Policy Context

5.1. Development Plan

The Limerick City Development Plan 2010-2016 refers.

The site is within an area zoned 2A – Residential, the objective for which is to provide for residential development and associated uses.

Chapter 16 sets out the development management requirements for specified types of development. In terms of residential development the following is noted:

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.
- 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 40 sq.m.

5.2. **Natural Heritage Designations**

None in the vicinity of the site

6.0 **The Appeal**

6.1. **Grounds of Appeal**

2 no. 3rd Party appeals refer

6.1.1. **Adrian Greaney**

The submission can be summarised as follows:

- Parking on the road arises from persons frequenting/occupying the house which makes exit from nearby properties difficult. The estate road is busy and is used as a short cut. Pedestrian and traffic safety issues arise.
- Condition 3(c) cannot be implemented. The development permitted is not proportionate to the site area. A 6 bedroom semi-detached property is not in keeping with the scale and design of houses in the immediate vicinity.
- Condition 8 does not preclude the letting of the house by 6 individuals which potentially doubles the pressure on car park spaces. The planning authority should have sought additional off street parking spaces. Minimum 5 spaces should be required.
- A condition should be attached restricting the user of the house to owner/occupier only.
- Conditions 3(b) and 6 are problematic. As properties on the opposite side of the road are marginally below road level surface water etc. would flow towards same.
- Condition 9 to 13 – there have issues with sewers in the general Lansdowne Park area. The plans refer to 'assumed sewer line'. The application should be supported by a CCTV report to enable a proper assessment.
- The proposal would set an undesirable precedent.

6.1.2. **Ethna Boland (submission by Brendan McGrath)**

- The proposal would adversely impact the amenities of her property and would block sunlight to windows in her kitchen-dining room. There would also be more obtrusive overlooking of her rear garden.
- The proposal would appear out of scale when viewed from the rear of her property.
- Given the narrow separation distance between the buildings they would no longer read as a pair of semi-detached dwellings but as part of a terrace of houses.
- The proposal does not comply with development plan guidance for such type development.

- Car parking provision is deficit. On street parking in Lansdowne Park is problematic. The proposal, involving an increase in number of bedrooms from 4 to 6, would enable an occupancy level well outside the norm and would generate car parking demand that would have significant consequences for neighbouring property in terms of loss of off site parking, inconvenience and reduced level of road safety.
- It is queried whether the proposal can be carried out without encroaching onto the appellant's property.
- There are better alternatives for an extension that that proposed.

6.2. Applicant Response

None received

6.3. Planning Authority Response

None received

6.4. Observations

None

7.0 Assessment

7.1. The site is within an area zoned 2A – Residential, the objective for which is to provide for residential development and associated uses.

7.2. Whilst extensions and alterations to an existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicant seeking to maximise accommodation with the requirement that such works should maintain the visual amenities and scale of the parent building and wider area whilst not compromising the residential amenities of adjoining properties.

7.3. As noted on day of inspection the appeal site is within the mature residential area of Lansdowne Park comprising largely of 2 storey semi-detached dwellings, a number of which have been extended to the side (single storey dwelling noted to south-east

of appeal site). In terms of the impact on the amenities of No.53 a set back of 0.750 metres is to be retained to the shared boundary to allow for side access and the extension will not extend beyond the footprint of the existing dwelling. The appellant's kitchen/living room is served by two window openings, one on the northern elevation and the 2nd in the western elevation facing onto the site. Taken in the context of the impact on light to this window arising from the existing boundary wall I do not consider that the proposed extension would have a material impact.

- 7.4. As noted above the extension does not extend beyond the rear wall of the existing dwelling and is to have a roof profile and external finishes that match that existing. In the context of this design approach and the fact that dwellings are served by generously proportioned rear gardens I would not subscribe to the view that the proposal would appear out of scale when viewed from the rear of the appellant's property.
- 7.5. In terms of overlooking I submit that in such a suburban location there is an amount of mutual parallel overlooking from 1st floor windows. The proposal for a further 1st floor window in the rear elevation will not have any discernible impact over that prevailing.
- 7.6. I am therefore satisfied that the appellant's amenities would not be compromised by way of overlooking, loss of light or overshadowing.
- 7.7. In terms of the feasibility of construction of the extension without encroachment onto adjoining property I recommend, should the Board be disposed to a favourable decision, that the applicant be advised that as per section 34(13) of the Planning and Development Act 2000, as amended, a person is not entitled solely by reason of permission to carry out any development.
- 7.8. As noted above a set back of 0.750 metres is to be retained to the shared boundary. In my opinion this provides for a visual break thereby preventing a terraced effect. As is evident from the contiguous elevation drawing submitted by way of further information the development will continue to read as a semi-detached dwelling. Therefore it is my opinion that the extension is of a scale that does not overwhelm or dominate the original form or appearance of the house. The use of external finishes to match those of the existing dwelling will assist in its assimilation. I am satisfied

that the scheme will not have a significant negative impact on the established character of visual amenities of the area or the overall streetscape.

- 7.9. In line with the current County Development Plan 2 parking spaces per dwelling are required and are facilitated in this instance. Whilst I note the 3rd party's concerns regarding multiple occupancy the application before the Board is for an extension to a single dwelling, only. A condition precluding its sub-division for multiple residential units would be appropriate in this instance. At time of inspection (in the region of 8.45/9.00am) vehicular movements along the estate road network were noted to be very light. Whilst the road is relatively narrow on street parking is currently unrestricted and no on street parking was noted in the vicinity of the site. The matter of control and enforcement of on-street parking is a matter for the relevant authorities.
- 7.10. In terms of site servicing I note that Irish Water has no objection to the proposal. A condition precluding surface water on the road or from entering other property can be attached by way of condition.
- 7.11. In summary I consider that the proposal would not contravene the relevant development plan provisions in terms house extensions. In terms of the concerns regarding precedent, each proposal would be assessed on its merits.

AA – Screening

- 7.12. Having regard to the location of the site and the nature and scale of the proposed development 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

Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential land use zoning for the area, the objective for which is to provide for residential development and associated uses, to the pattern of development in the area and to the scale, nature and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not endanger public safety by reason of traffic hazard and obstruction of road users and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 10th day of March, 2017 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.

Reason: In the interest of clarity.

2. 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.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the

hours of 0800 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: In order to safeguard the residential amenities of property in the vicinity.

5. The drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

Reason: In the interest of public health.

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.

Pauline Fitzpatrick
Senior Planning Inspector

July, 2017