



An  
Bord  
Pleanála

## Inspector's Report PL 91.248917

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<b>Development</b>	Demolition of domestic garage and tall garden wall, construct a two-storey dwelling, site entrance and all associated site works.
<b>Location</b>	72a Ballykeeffe Estate, Dooradoyle, Limerick.
<b>Planning Authority</b>	Limerick City & County Council
<b>Planning Authority Reg. Ref.</b>	17/166
<b>Applicant(s)</b>	Tom Maher
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ballykeeffe Residents Association
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> November 2017
<b>Inspector</b>	Michael Dillon

## 1.0 Site Location and Description

1.1. The site, with a stated area of 0.0225ha, is located within Ballykeeffe Estate (1960's) in Dooradoyle, within the southwestern suburbs of Limerick City. The single vehicular access to the estate, from St. Nessan's Road, is signal-controlled. There is a form of one-way-in and one-way-out operational at the junction, but within much of the estate traffic is two-way. The estate largely comprises two-storey, semi-detached houses – some of which have been extended. The site is a corner one – no. 72 having a single-storey garage to the side. The existing house on site is plastered and has a brown tile roof. The roadside boundary is a 1m high wall – capped and plastered, with a trimmed hedge to the rear. There are two on-site parking spaces (due to the garage door being recessed). The triangular-shaped rear garden slopes gently downhill away from the house. The back garden boundary with no. 71 is a 1.8m high hedge. The back garden boundary with no. 73 is a 2m high hedge and timber fence. No. 73, to the southwest, has been significantly extended to the side (two-storeys) and to the front and rear (single-storeys). To the east of the house is a large, triangular-shaped turning area. To the northeast of the house again is a large area of grassed public open space.

## 2.0 Proposed Development

- 2.1. Permission sought on 23<sup>rd</sup> February 2017, for demolition of existing garage (15m<sup>2</sup>) to the side of an existing, two-storey, semi-detached house, and construction of a two-bedroom dormer house (110m<sup>2</sup>) in the side garden. The new house will be joined to the existing house. An integrated ground floor pedestrian passage is to be provided for the existing no. 72. Two on-site parking spaces are proposed for the new house, and the existing vehicular entrance is to be retained for no. 72. Connection is to be made to existing 25mm diameter public watermains in the footpath in front of the house; to the 100mm diameter foul sewer located in the rear garden of the house; and to the existing surface water sewer in the public road in front of the house.
- 2.2. Following a request for additional information, the following was submitted on 2<sup>nd</sup> June 2017-
- Asbestos Survey – dated 24<sup>th</sup> May 2017.

- Details of connections to the public watermains and public foul and surface water sewers.
- Indication that existing house will have 89m<sup>2</sup> of rear garden and proposed house will have 50m<sup>2</sup> rear garden space.

### 3.0 Planning Authority Decision

By Order dated 29<sup>th</sup> June 2017, Limerick City & County Council issued a Notification of decision to grant planning permission subject to nine conditions – the principal ones of which are summarised below-

1. Development to be carried out in accordance with plans and particulars received on 23<sup>rd</sup> February and 2<sup>nd</sup> June 2017.
2. Requires payment of a Development Contribution of €2,200.
3. Requires submission of revised drawings to omit the dormer window to first floor utility room, and replacement with a roof-light.
4. Requires construction of a 2m high wall along the rear, side and dividing boundary between houses.
7. External finishes shall be plaster/dash.
8. Roof shall be blue-black, black or dark grey tiles/slates.

### 4.0 Planning History

File ref. 11/222 relates to retention of single-storey and construction of two-storey extension to front, side and rear of adjoining house (no. 73), for use as a granny flat, which was refused permission by Limerick County Council. On appeal to the Board (PL 13.239078), permission was granted on 27<sup>th</sup> September 2011. This development has been completed.

### 5.0 Policy Context

#### 5.1. Development Plan

The site is zoned for residential use in the Southern Environs Local Area Plan 2011.

## 5.2. Natural Heritage Designations

The site is not located within or immediately abutting any European site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The appeal from Ballykeeffe Residents Association, received by the Board on 21<sup>st</sup> July 2017, can be summarised in bullet point format as follows-

- This is a family-oriented estate.
- No. 72 is rented out by the owner. The proposed house is intended for rental.
- The address 72a Ballykeeffe Estate is non-existent. The house will be in the side garden of no. 72.
- The development will add to traffic congestion at the entrance to the estate.
- There is not space on the site for the four cars indicated on drawings.
- The area to the northeast of the site is a turning area for larger vehicles. On-street parking associated with the new and existing house will result in loss of this area for such turning manoeuvres.
- Objectors were not informed of the request for additional information by Limerick City & County Council.
- Condition 3 of the Notification of decision to grant planning permission is an indication that the additional information submission of 2<sup>nd</sup> June 2017, was incomplete.
- The development will create a dangerous precedent for houses in side gardens.
- The development will devalue property in the vicinity.
- Development will result in transient occupancy in a settled community.
- The design will be out-of-keeping with other houses in the estate.
- Building works will result in traffic congestion within the estate.

6.1.2. The appeal is accompanied by the following documentation of note-

- Original letter of objection to Limerick City & County Council.
- Copy of letter of objection from Ellen O'Mahony of 47 Ballykeeffe Estate.
- Extract from daft.ie website in relation to rental of no. 72.

## 6.2. Applicant Response

6.2.1. The response of Tom Maher, received by the Board on 18<sup>th</sup> August 2017, can be summarised in bullet point format as follows-

- There are 94 houses in Ballykeeffe Estate. Roads within the estate are generally 6m wide. There are no *culs de sac*. The system flows well, and without congestion. Even though most occupants park on the roadside, there are few areas that restrict car movements. There are no traffic-calming measures in place within the estate.
- Two off-street parking spaces will be provided for the new house on site.
- The existing house at no. 72 has one off-street space, as per the original design of the estate.
- Whether residents choose to park within their curtilage or on the street is not relevant to this planning application. Two on-site parking spaces will be provided.
- Condition 3 relates to a dormer window. It is requested that the Board allow the dormer to be constructed. The dormer offers internal space which a roof-light could not provide.
- Many houses in the estate have been extended, and many are rented out and in multiple occupancy use.
- There is no evidence submitted to substantiate the claim that the development would devalue property in the vicinity.
- There should be no bias against persons renting houses.
- The design of the development will not be out of keeping. Many semi-detached houses in the estate have demolished garages and constructed infill

extensions which has resulted in a terracing effect for streets. None of the extensions are uniform. The design of the roof will be lower than flanking houses, and it will appear as a large extension to the side of no. 72. The front building line and proportion of the windows respects the design in the area.

- Building works will not result in traffic congestion within the estate.

### **6.3. Planning Authority Response**

There was no response from Limerick City & County Council to the grounds of appeal submitted.

## **7.0 Assessment**

### **7.1. Design & Location**

- 7.1.1. The proposed development will represent the first such infill house within the Ballykeeffe estate. The dormer design would result in the appearance of a large extension to the side of the existing house. I note that a substantial extension has already been made to adjoining house no. 73 – this granted on appeal by the Board. Provision is made for a side passage for each of the two houses – the one for no. 72 being integrated within the structure. The proposed dormer house has a narrow side passage. The new house projects forward of the building line of the adjoining no. 73; however, the front building line of this house has been extended through construction of a single-storey extension – again permission granted by the Board on appeal. Condition 3 required the omission of the dormer window to the utility room at first floor level. By way of response to the 3<sup>rd</sup> Party appeal, the applicant has requested that the Board allow this dormer window to be reinstated. I would be concerned that this dormer window is unduly fussy on the front elevation of the house – hard against the gable wall of no. 72. There is no particular need for a dormer window to such a small room – one which could not be used as a bedroom because of its limited floor-space. I would consider that LCCC was correct to require the omission of the dormer, in favour of a roof-light. Condition 8 of the permission required that the roof colour be blue-black, black or dark grey tiles or slates. The existing roofs on houses within this estate are brown tiles. Condition 8 should be

reworded to require the colour of the roof of the new house to match the colour of the roof of the existing house. The external finish of the proposed house should match the finish of the existing no. 72.

7.1.2. The rear garden of the existing house is wedge-shaped. The proposal to divide it in two to serve the two houses results in a very limited open space for either house – particularly where shared boundary hedges currently encroach into garden space. However, I note that both houses would still retain reasonable-sized front gardens, and whilst not private open space, could be rendered more private through judicious use of screen planting. The OSI urban place map, submitted with the application, indicates a kink on the boundary with no. 71. This kink does not appear on the site layout plan to scale 1:200. It was not possible to verify if this slight kink exists on the ground, as the boundary is a trimmed hedge. Whatever the case may be, the two houses would be left with very limited private open space to the rear – oriented north-west. The bulk of the new house would place a good deal of the open space remaining with the existing house in evening shadow. I do note that there is a large area of public open space immediately to the east of the proposed development. It would be appropriate to attach a condition restricting future exempted development extensions to the rear of both of these houses, on account of the limited quantum and shape of the rear gardens proposed. I would consider that the private open space provision for the two houses, whilst substandard, would be acceptable in this instance. Condition 4 requires construction of a 2m wall within the rear garden. The wording of the condition is unclear, and would seem to require 2m walls along all boundaries of the rear gardens of the houses. A proposal to construct a 2m high wall along the rear garden boundaries of no.s 71 & 73 would require the consent of the owners of these houses. I recommend that this condition be reworded to require a 2m high concrete block wall (capped and plastered on both sides) along the dividing wall between the rear gardens of no. 72 and the new 72a.

## 7.2. **Water Supply & Drainage**

### 7.2.1. Water

The application was referred to Irish Water for comment. Following a request for additional information, the submission of 2<sup>nd</sup> June 2017, indicated connection to a

25mm diameter watermain located within the public footpath in front of the house. Any connection to this watermain will be a matter for Irish Water.

#### 7.2.2. Foul Drainage

The additional information submission of 2<sup>nd</sup> June 2017, indicated proposals to connect to an existing 100mm diameter clay pipe located in the rear garden of the house. This was acceptable to the Council. Any connection to this foul sewer will be a matter for Irish Water.

#### 7.2.3. Surface Water Drainage

The additional information submission of 2<sup>nd</sup> June 2017 indicated connection to a public surface water sewer in the roadway in front of the house. The diameter of this pipeline has not been indicated. I note that there is no proposal to deal with surface water within the curtilage of the site, in line with the SUDs system of attenuation on site. This is not referred to in any of the documentation on the file. The only stipulation of Irish Water relates to surface water not being discharged to the public foul sewer. As this is a matter for Irish Water, it would not be appropriate to attach a condition requiring compliance with SUDs.

### 7.3. **Traffic & Parking**

The addition of one house within a housing estate of 94 units will not result in any significant increase in traffic and will not result in traffic congestion. Access to the estate from St. Nessan's Road is signal-controlled. The proposed house will have two off-street parking spaces, whilst parking arrangements for the existing house (no. 72) remain the same. The proposed development will not result in any significant increase in on-street parking in the area. There is no way of forcing occupants to use driveways, a matter for the overall management of the estate. The proposed development will not have any significant impact on the availability of the turning area to the northeast of the site for large vehicles. This area is already addressed by no.s 71 & 72. The proposed new house will not address this area. The construction period will be of limited duration, and construction traffic will not result in any significant traffic obstruction or congestion within the estate.



## 7.4. Other Issues

### 7.4.1. Section 97

The application is accompanied by a Certificate under section 97 of the Planning and Development Act 2000 (as amended) to the effect that section 96 of the Act, in relation to Social & Affordable housing, does not apply in this instance.

### 7.4.2. Appropriate Assessment

The proposed new house will be connected to the existing public sewer network, and will not have any impact whatever on European sites in the vicinity.

### 7.4.3. Archaeology

There are no recorded monuments in the vicinity of the proposed development.

### 7.4.4. Financial Contribution

Condition 2 of the Notification of decision to grant planning permission required payment of a Development Contribution of €2,200 to Limerick City & County Council. There is no appeal against this condition. A similarly-worded condition should be attached to any grant of planning permission which might issue from the Board.

### 7.4.5. Address of Site

Reference in public notices to no. 72a Ballykeeffe Estate would not appear to have been an attempt to mislead potential objectors. It is clear from drawings that the site forms part of the curtilage of no. 72 Ballykeeffe Estate. I would be satisfied that the public notices adequately describe the site location.

### 7.4.6. Devaluation of Property

No evidence has been submitted to substantiate the claim that the proposed development would devalue property in the vicinity. The proposed infill development will not result in any significant devaluation of property in the vicinity – regard being had to the pattern of development within the estate.

### 7.4.7. Occupancy

Reference made to the potential occupancy of the proposed house is not relevant to this planning appeal. No good argument has been advanced to restrict the occupancy of the proposed house to owner-occupiers.

## 8.0 Recommendation

I recommend that permission be granted for the Reasons & Considerations set out below, and subject to the attached conditions.

## 9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity, it is considered that, the proposed development, subject to compliance with the attached conditions, would not seriously injure the amenities of the area or of residential property in the vicinity, would be acceptable in terms of traffic safety and convenience 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 on 23<sup>rd</sup> day of February 2017, as amended by the further plans and particulars submitted on the 2<sup>nd</sup> day of June 2017, 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 first floor dormer window to the utility room shall be omitted, and replaced by a roof-light to match the roof-light proposed for the staircase.

**Reason:** In the interest of visual amenity.

3. The external finishes of the proposed new house (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.

4. Notwithstanding the exempted development provisions of the Planning & Development Regulations, 2001, and any statutory provision replacing or

amending them, no development falling within Class 1 of Schedule 2, Part 1 of those Regulations, shall take place within the curtilage of either the proposed new house or the existing 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 proposed and the existing houses on this site, in the interest of the amenities of the area.

5. A 2m high concrete block wall, capped, and plastered on both sides, shall be erected along the entire length of the new boundary between the rear gardens of the proposed and the existing houses.

**Reason:** In the interest of residential amenity.

6. Water supply and drainage arrangements shall comply with the requirements of the planning authority and Irish Water, for such works and services.

**Reason:** In the interest of public health.

7. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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**Michael Dillon,  
Inspectorate.**

**8<sup>th</sup> November 2017.**