



An
Bord
Pleanála

Inspector's Report ABP 300715-18

Development	Demolition of existing single storey extension and construction of new single storey extension, elevational alterations with ancillary site works, all to the rear/side.
Location	3 Crescent Villas, O'Connell Avenue, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	17/776
Applicants	Nessa O'Hanlon & Martin Sayers
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Peter & Joyce Shee
Observer(s)	None
Date of Site Inspection	28/03/18
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

No. 3 Crescent Villas constitutes an end of terrace three storey red brick dwelling fronting onto O'Connell Avenue to the south of Limerick city centre. The immediate vicinity is characterised by a mix of residential and commercial uses with St. Joseph's church on the opposite side of the road. It is bounded by Crescent Avenue to the north which is a cul-de-sac of red brick terraced houses. None of the dwellings in the vicinity have off street parking. On street parking is via disc or residents permit.

The dwelling is served by a railed, front garden area. The rear return of the dwelling extends the full length of the site with a narrow passage/yard retained to allow access to the rear. A terrace at 1st floor level over the said rear return provides for private amenity space. Rear pedestrian access both to the appeal site and nos. 1 and 2 Crescent Villas is available from Crescent Avenue via a door. No.3 also has a side entrance from Crescent Avenue.

2.0 Proposed Development

The application was lodged with the planning authority on the 17/08/17 with further plans and details received 29/11/17 following a request for further information dated 06/10/17.

The proposal entails the demolition of the rear extension and patio above and its replacement comprising:

- Extension and rear garden area,
- Replacement roof patio,
- Alterations to the existing door opening in the side elevation to provide access to the rear garden,
- Alterations to window openings in side elevation,
- Reduction in the height of the rear garden wall to existing roof terrace so that it will match the height of the access gate wall.

The application is accompanied by a historical report and photographic record of the property and justification for the proposed works.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant permission for the above described development subject to 13 conditions. Of note:

Condition 2: Works to be supervised by a consultant familiar with the principles of architectural conservation.

Condition 3: within 12 weeks of grant of permission a timeline for reinstatement of replica rise and fall sash windows to be submitted to the planning authority for written approval.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The 1st Planning report notes that the house is identified as being of heritage value. It is the planning authority's intention to process it for entry onto the Record of Protected Structures as resources permit. Regard is had to the Guidelines for Architectural Protection. On foot of same further information is recommended requiring a historical study of the building, alterations to proposed access arrangements onto Crescent Avenue, reasons for reduction in the rear garden wall height and details of existing roof terrace.

The 2nd planning report following the further information submission considers the proposal to be acceptable and reflects the continued evolution of the structure. The roof terrace will be significantly reduced and the reduction in the previously modified boundary wall has been justified and is acceptable. A grant of permission subject to conditions is recommended.

3.2.2. Other Technical Reports

Executive Archaeologist states that there are no archaeological issues arising.

3.3. **Prescribed Bodies**

Irish Water has no objection.

3.4. **Third Party Observations**

The objections received by the planning authority raised issues relating to security, access treatment to Crescent Avenue, water ingress between the existing party wall and proposed cavity wall, surface water drainage, overlooking from roof patio, impact on existing wall and light to window on shared boundary.

4.0 **Planning History**

I am not aware of any previous applications on the site.

5.0 **Policy Context**

5.1. **Development Plan**

The site is within an area zoned City Centre Area – Inner City Residential Neighbourhood.

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 should 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.
- 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 dwelling is within ACA 1A: South City Centre and Newtown Pery.

Policy BHA.17 - It is policy to protect and enhance the special heritage values, unique characteristics and distinctive features from inappropriate external works within the Architectural Conservation Areas.

Any development proposal in an ACA shall take account of the following:

- All unique elements contributing to the 'Statement of Character and Identification of Key Threats' for each individual ACA.
- Appropriate design, scale, materials and finishes for new developments.
- Original materials and methods of construction should be retained.
- Sections 3.7 – 3.10 of the DEHLG Architectural Heritage Protection Guidelines (2004) dealing with Architectural Conservation Areas.

Key threats to Character in ACA 1A include:

- Insensitive/Inappropriate redevelopment and or additions/extensions impacting the original form, fabric and appreciation of buildings or streetscape when viewed from a public place.
- Repair and refurbishment to the external fabric of buildings affecting the character of the building/area.
- Removal and replacement of original timber sliding sash windows shall be strongly discouraged and repair and restoration of original windows is preferred. Retrofitting to remove uPVC/aluminium windows previously installed shall be required where planning applications are made to restore character to the building and area.

The building is also within the NIAH and is given a regional rating.

5.2. **Natural Heritage Designations**

None in the vicinity

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd party appeal by Peter & Joyce Shee (who reside in No.2 Crescent Villas), which is accompanied by supporting drawings, can be summarised as follows:

- The proposed sideways extension to the rooftop patio would overlook their private open space and would reduce the already limited light to the rear. The Board is requested to attach a condition requiring that the patio is limited to avoid overlooking and loss of light.
- The reduction in the area of the patio from that which exists is not relevant. The original was set back to ensure their privacy.
- The proposed development entails the construction of a new cavity wall up against the existing common boundary party wall. The new foundations will have an effect on the stability of the existing wall. How the foundations of the party wall and their property are to be protected has not been shown. There are also concerns in relation to the lodgement of water in the space between the two walls. The Board should attach a condition requiring this work to be supervised by a structural engineer.
- The extension will block light to the window in the party wall which has been in place since 1904. A condition should be attached ensuring that light to same is not blocked off.

6.2. Applicant Response

The submission by Noel Kerley Associates Ltd. on behalf of the applicants can be summarised as follows

- The width of the roof patio can be reduced so that it does not extend beyond the existing footprint.
- A trial hole can be dug to expose foundations and to agree a construction detail that will accommodate existing foundations to the appellants' house.

- There is a timber trellis covering the window overlooking the applicants' property. It is assumed that the previous owners erected it so that privacy and amenity were not compromised. It is irrelevant how long the window is in place. The applicants have a right to open space without being overlooked. The window serves a single storey annex which appears to be some sort of store. Being single storey there are options to get more light into this room if the appellants wish.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None

6.5. **Section 131 Notices**

As the Board is of the opinion that the proposal might impact on an ACA certain prescribed bodies were invited to make submissions/observations. No responses received.

7.0 **Assessment**

The proposed alterations are confined to the side and rear of the house. The front elevation onto O'Connell Avenue will not be altered.

It is proposed to demolish the existing single storey extension to the rear and replace same with a smaller single storey extension which will wrap around the existing return and will allow for a small rear garden area. The works will not be visible from outside the site and are acceptable in principle.

The issue of concern is the replacement roof terrace above the extension to replace that existing. Whilst materially smaller in area than that existing the plans submitted with the application delineate a space that would extend the full width of the plot up to the shared boundary with No.2. The appellants state that whilst they agreed to the original provision with the previous owners they object to the proposed width

extension on the grounds of loss of privacy. They require its setback to a line comparable to that of the existing terrace. The agent for the applicant in response to the appeal proposes to accede to the suggestion although revised plans showing the modifications have not been submitted. In the context of the extent of the existing terrace which has been on site for a period of time there is no objection to the proposal subject to revised plans, with the setback from No.2 delineated thereon, being submitted for agreement prior to commencement of development.

The works to the terrace area also entail the reduction in the height of the wall to Crescent Avenue by c. 1 metre so that it would align with the wall over the rear access gate. The purpose is so as to allow increased light into the rear of the building. I would accept the view that the wall as it currently exists is not reflective of the original height in that it has been increased, most likely to provide screening to the 1st floor patio area. It is also proposed to relocate the existing side door onto Crescent Avenue by 3.9 metres so as to allow for the extension whilst providing access to the rear garden area. Alterations are also proposed to the fenestration including larger window openings. I submit that the proposed modifications would not detract from the visual amenities and character of the ACA and are acceptable.

The proposed rear extension in extending the full width of the plot will effectively result in the loss of a high window in the single storey rear return of the appellants' property that faces onto the applicants' rear yard. As per the photograph accompanying the appeal the window serves a room currently used for storage purposes. The window has obscure glazing. Timber trellising was placed over same within the applicants' site.

In the context of the already limited light available to the window, the fact that it avails of the applicants' rear yard for same, the alternative measures available to the appellants to provide light to the said single storey annex, the constrained nature of the plot and the modest size of the extension, I consider that the proposed works are acceptable and would not give rise to an adverse impact on the amenities currently enjoyed as to warrant a refusal of permission.

In terms of concerns about party wall stability the agent for the applicant recommends that a trial hole be dug to expose the foundations and to agree a construction plan that will accommodate same. I consider that this is acceptable

and is sufficient to address this matter at this juncture. Any further issue between the property owners would constitute a civil matter best resolved through the appropriate channels. I would advise that the applicant be informed of the provisions of Section 34(13) of the Planning and Development, Act, 2000, as amended, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

Appropriate Assessment

Having regard to the nature and extent of the proposed works within Limerick City 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, the responses thereto, 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 provisions of Limerick City Development Plan, the scale, nature and design of the proposed extension and to the pattern of development in the vicinity, 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 detract from the South City Centre and Newtown Pery Architectural Conservation Area and would, therefore, 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 29th day of November, 2018, and the further particulars received by An Bord Pleanála on the 19th February, 2018, 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 proposed roof patio shall be reduced in width to match that of the existing roof patio on site. Revised plans and drawings with the necessary alterations delineated thereon shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of preserving the amenities of adjoining residential property

3. All works shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. Works in the vicinity of the party wall with No.2 Crescent Villas shall be supervised by a suitably qualified and experienced structural engineer, with appropriate measures to be taken for the protection of the said wall.

Reason: In the interest of protecting the amenities of adjoining property.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Pauline Fitzpatrick

Senior Planning Inspector

April, 2018