



An  
Bord  
Pleanála

## Inspector's Report ABP-301604-18

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<b>Development</b>	Internal layout changes, single-storey extension, rear dormer window, and velux rooflights to front
<b>Location</b>	6 Little St. Joseph's Street, Limerick
<b>Planning Authority</b>	Limerick City & County Council
<b>Planning Authority Reg. Ref.</b>	17/1212
<b>Applicant(s)</b>	Sharon Drost
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Nathalie Petite Mary Hamilton Michael Ryan Catherine O'Mahony
<b>Date of Site Inspection</b>	11 <sup>th</sup> July, 2018
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. No. 6 Little St. Joseph's Street is located in a residential area close to the city centre in Limerick. There is an existing mid-terrace house on the site that fronts directly onto the street and which has a small rear yard space. The house presents itself as single-storey to the street but has a first floor level. The house is unoccupied. The terrace of houses along this section of Little St. Joseph's Street back onto larger terraced two-storey houses that form part of St. Joseph's Street. A large scheme of residential units, Vize's Court, is located on the opposite side of Little St. Joseph's Street.

## **2.0 Proposed Development**

2.1. The proposed development would comprise the rearrangement of the internal layout of the existing house, the provision of fenestration to serve this rearrangement of internal spaces, the construction of a single storey extension to the rear, and the provision of roof lights to the front of the house. The proposed extension would have a stated floor area of 7.6 square metres.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 18<sup>th</sup> April, 2018, Limerick City & County Council decided to grant permission for the proposed development subject to 12 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted permission for extensions to houses in the vicinity, development plan provisions, and objections received. A request for further information was recommended, seeking high level windows to the rear, clarification on floor areas and internal head height, and water runoff proposals.

### 3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

### 3.4. **Third Party Observations**

Third party submissions were made to the planning authority from Mary Hamilton, Nathalie Petite, Catherine O'Mahony, and Michael Ryan. The appeals submitted to the Board reflect the principal planning issues raised.

3.5 A request for further information was requested by the planning authority on 20<sup>th</sup> February, 2018 and response to this request was received from the applicant on 26<sup>th</sup> March, 2018. This response provided for high level windows on the dormer to the rear, clarity on floor areas of existing and proposed development and on floor to ceiling heights, and external drainage provisions.

3.6 Further to the above submission, the Planner considered the response to be acceptable and recommended that permission be granted.

## 4.0 **Planning History**

I have no record of any previous planning application or appeal relating to this site.

## 5.0 **Policy Context**

### 5.1. **Limerick City Development Plan 2010-2016**

#### Zoning

The site is zoned 'Inner City Residential Neighbourhood'.

Objective ZO.1(C) Inner City Residential Neighbourhoods

To reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions.

## 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.
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not be permitted where visible from a public area.
- 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 40m<sup>2</sup>.

## **6.0 The Appeal**

### **6.1. Appeal by Nathalie Petite**

The appellant resides at 5 St. Joseph's Terrace. The grounds of the appeal may be synthesised as follows:

- The upper level building will not follow the character of the existing building or that of its neighbouring terraced houses. The alterations of the roofline will completely change the design of the existing building. The change of pitch and shape will affect the amount of light received by properties to the back. It will impact on the southerly aspect of the terrace in which the appellant lives. The two-storey extension would block whatever little sunlight there is available.
- The outside appellant's only available outside space will be overlooked and her privacy lost.
- From the dormer one will be able to look directly into the back of three properties.
- The precedent of the existing small window being used to allow for a range of new windows is insulting to residents.
- Should the development be permitted, the value of properties adjacent will be diminished.
- The appellant would welcome a one-storey extension with roof windows looking straight up and as long as it remains in keeping with the original footprint of the property.

## 6.2. Appeal by Mary Hamilton

The appellant resides at 6 St. Joseph's Terrace. The grounds of the appeal may be synthesised as follows:

- The proposal appears to maximise the development potential of the property, with little regard for the residential amenity of nearby houses in St. Joseph's Terrace. Sufficient weight has not been given to the issues of overdevelopment and inappropriate development and the local authority decision has been influenced by the decision to allow the extension to No. 7 Little St. Joseph's Street. That previous decision was a serious misjudgement and should not be allowed to determine the standard of other permitted extensions in the terrace.

- The proposal would have a serious impact on 6 St. Joseph's Terrace and on Nos. 5 and 7. The use of high level windows and a condition requiring agreement on materials and finishes do not adequately mitigate impact. Conditions relating to drainage may also prove intractable given the limited space available. Roof lights are included.
- Roof lights to the front of No. 7 detract from the character of the terrace and those proposed for No. 6 would further undermine the visual integrity of the terrace.
- The proposal is contrary to the planning authority's guidance:
  - It does not follow the pattern of the existing building,
  - It is not constructed of similar finishes with smaller windows,
  - It does not incorporate a roof form compatible with the existing roof,
  - It would obscure the main features of the existing roof when viewed from the north,
  - It would overshadow and reduce the privacy of No. 6 St. Joseph's Terrace,
  - It does not leave space for external maintenance, and
  - It leaves negligible yard space.

### 6.3. Appeal by Michael Ryan

The appellant resides at 5 Little St. Joseph's Street. The grounds of the appeal may be synthesised as follows:

- The proposal is excessive overdevelopment and has very serious implications for the appellant and occupiers of adjacent properties, particularly in relation to privacy, daylight and sunlight, ventilation, visual amenity, fire safety and property value.

A number of photographs are submitted with the appeal.

#### 6.4. **Appeal by Catherine O'Mahony**

The appellant resides at 7 St. Joseph's Street. The grounds of the appeal may be summarised as follows:

- The proposal will have serious impact on the natural daylight of adjoining properties and could affect the value of the appellant's property.
- The box dormer will overlook, invade privacy and ruin the cottage character.
- The proposal to reduce the number of bedrooms to one is unacceptable and unnecessary.
- The extension should not be allowed beyond the line of the bathroom. Open space is required for light, ventilation, outside drying, etc.
- The proposal to change the kitchen to a dining area and use up the yard is surplus to requirements.
- The proposal is disproportionate and out of character with the terrace.
- If the rationale to grant permission is based on the precedent set by No. 7 then the local authority is entitled to depart from its previous decision.

#### 6.5. **Applicant Response**

The applicant's response to the appeals may be summarised as follows:

- The development is in compliance with Development Plan guidelines:
  - The alterations and roof to the rear cannot be seen from the public road.
  - The finishes will integrate with the existing building and other finishes will be signed off by the planning authority.
  - The existing window to the rear offers a clear view of the façade of three properties opposite. The height of the proposed windows would virtually eliminate any overlooking.
  - There is adequate space to maintain gutters.
  - The proposal would have a similarly sized outdoor space as every house on St. Joseph's Terrace and Little St. Joseph's Street.

- The proposal relates to its surroundings, given properties on all side have been extended.
- The proposal does not alter the roof line or break the ridge or eaves lines.
- The proposal does not create shadow on any neighbouring windows.

The applicant's response further addresses the individual concerns raised by each of the appellants and the effects on their properties.

## 6.6. Planning Authority Response

I have no record of any response to the appeals from the planning authority.

## 7.0 Assessment

7.1. A wide range of issues have been submitted in the third party appeals. Having examined the proposed development, undertaken a site inspection and assessed the context of this proposed development, I consider that there are a number of matters which require to be set aside from the outset as follows:

- The matters that have been raised relating to the visual impact of the proposed development to the rear are not ones of any particular concern. Many of the properties have been extended to the rear of Little St. Joseph's Street and St. Joseph's Terrace. There is a variety in the forms of extensions, building heights, finishes, etc. The visual character of the proposed development to the rear of No. 6 Little St. Joseph's Street would not be any more discordant than the range of extensions that already exist at this location. It will not be visible from the public realm.
- With regard to impact by way of overlooking of amenity space, the properties of Little St. Joseph's Street and St. Joseph's Terrace already overlook each other. To suggest that there would be a significant impact on residential amenity arising from overlooking of outside yards would have to be determined to be somewhat disingenuous as this already prevails. The proposed development would not significantly add to this. I acknowledge that the existing first floor dormer window on the rear elevation already permits overlooking of neighbouring properties. It must also be acknowledged that the neighbouring



properties overlook the properties which they face, inclusive of the appeal site. The overlooking of neighbouring properties in such built-up areas is common to urban settings.

- With regard to the issue of fire safety, I first acknowledge the different code to which such an issue applies but must note that the implications for the safety of neighbouring properties would not alter.
- On the issue of daylight, the proposed alterations to improve the habitability of the first floor level and the extension at ground floor level would have no significant impact on the light entering neighbouring properties as, excepting the small ground floor extension, the footprint of the existing building would remain the same. The Board will also note the orientation of the building and it must be accepted that any substantial impact by way of diminution of sunlight for neighbouring properties will not result from the proposed development.

7.2. In addressing the potential significant impacts arising from the proposed development, it is apparent that the houses on Little St. Joseph's Street and St. Joseph's Terrace are very close to one another and windows overlook. The potential impact on privacy is greatest for No. 6 St. Joseph's Terrace, which is directly behind the appeal site. I do not consider that there are significant implications for other properties where more acute lines of sight from any first floor windows would result. In addressing this issue, the applicant revised, by way of further information, the form and design of windows at first floor level which would serve the bedroom, study and bathroom. These each would be high level windows that would be 1.7m over floor level at their base. These changes would eliminate any potential overlooking of the properties opposite on St. Joseph's Terrace.

7.3. The final issue which I consider of particular significance is the matter of the proposed extension at ground floor level. The development of this extension will reduce the small back yard to an area of just over 3m<sup>2</sup>. I must reasonably take cognisance of the extensions that have been developed in neighbouring properties and I must also note that these properties directly front public footpaths, i.e. none have front gardens. Therefore, the only private amenity space available to residents is their back yard space. I seriously question subsuming almost all such small private space to facilitate a kitchen in this instance where an open plan layout could readily

facilitate occupants' needs, while retaining a yard space that would be functional, meaningful, and, in my opinion, necessary as a useable private amenity space. The precedents that may have been set by neighbouring properties cannot be used to erode very basic habitation needs that must serve the potential occupants of this property. Evidently, the existing house can be developed to provide for the needs of the modern occupant. The retention of the small yard for functional, practical purposes (primarily as external storage for bins, bicycles, etc. or even as amenity space in a confined yard) must be seen as an integral part of the needs of the occupants of this house. It is for this reason that I consider that the proposed development would constitute overdevelopment of a very restricted site.

## **8.0 Recommendation**

8.1. I recommend that permission is refused in accordance with the following.

## **9.0 Reasons and Considerations**

It is considered that the proposed development comprising the ground floor extension to the rear of No. 6 Little St. Joseph's Street would result in the loss of the sole integral functional private open space serving the house, would constitute overdevelopment of this restricted site, and would result in the overall development being substandard in terms of residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore  
Senior Planning Inspector

26<sup>th</sup> July 2018