



An
Bord
Pleanála

Inspector's Report ABP-301625-18

Development	3 dwellings
Location	Deel Court, Rathleale, County Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	18/150
Applicant(s)	James Gammell
Type of Application	Outline Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	James Gammell
Observer(s)	None
Date of Site Inspection	11 th July, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located with frontage onto St. Mary's Terrace at the north-western end of the town of Rathkeale in County Limerick. The site also has extensive frontage on its east side with the estate road of Deel Court. There is an existing detached two-storey house to the front of the site and the rear of the site comprises the back garden area of the house. There is a high stone wall along the boundary with the Deel Court estate road. There is a wide range of house types in the vicinity, with the neighbouring property to the west comprising a detached two-storey dwelling and houses in Deel Court comprising a mix of single-storey and two-storey houses.

2.0 Proposed Development

2.1. The proposed development would comprise the construction of 3 no. houses behind the existing houses on a site with a stated area of 0.119 hectares laid out in a linear pattern. Each house would have separate vehicular access onto the west side of the service road of Deel Court residential estate.

3.0 Planning Authority Decision

3.1. Decision

On 13th April, 2018, Limerick City & County Council decided to refuse outline permission for three reasons relating to overdevelopment, haphazard development, and traffic impact.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner considered the proposal did not provide adequate open space or car parking facilities and that it would significantly reduce the rear garden depth of the existing house. Concern was also expressed about available sightlines and lack of a

footpath along the site frontage. The proposal was viewed as being ad hoc. A refusal of outline permission for three reasons was recommended.

3.3. Prescribed Bodies

Transport Infrastructure Ireland stated that it had no observations to make.

Irish Water had no objection to the proposal.

4.0 Planning History

P.A. Ref. 16/1061

Permission was refused by the planning authority for the construction of a vehicular entrance onto Deel Court estate road.

5.0 Policy Context

5.1. Rathkeale Local Area Plan 2012-2016

Zoning

The site is zoned 'Existing Residential'.

Infill Development – Residential

The Council encourages infill development in the town centre, and the adaptation of existing vacant and under-used buildings for residential use.

Objective H4: Infill Development, Restoration and Town Renewal

It is an objective of the Council to

- a) Promote the appropriate restoration of existing buildings for residential, office, workshop, or retail uses in the town centre that are vacant or underused.
- b) Encourage living in the town centre by the promotion of residential uses over businesses and rehabilitation of vacant properties for residential purposes.
- c) Promote sensitive infill developments on sites in the town centre that are not developed and are not required for access to backlands.

- d) Ensure that in any proposed alterations to the streetscape of the town centre, adequate consideration is given to conservation, restoration and reconstruction, where it would affect the settings of protected structures, or the integrity of the nineteenth century streetscape.
- e) Consider on their merits proposals for residential development of rear plots where they can be adequately accessed, and where they would not affect existing or proposed private amenities, storage or parking requirements. Such proposals should in general be part of larger masterplans involving contiguous plots.
- f) Have regard to the guidance on the Opportunity Areas in Chapter 10 of this plan.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be summarised as follows:

- The applicant is a Travelling family and the site is ideal in terms of providing additional family dwellings for three of their siblings, given possible connection with the adjoining estate road and services.
- A sketch of proposed houses 1 and 2 is attached that indicates no first floor windows from habitable rooms overlooking the plot to the west.
- The proposed design would be a storey and a half to the rear.
- The open space provisions would be in and around the requirements of the Rathkeale LAP.
- With regard to entrances, reference is made to Board Ref. PL 13.246954.
- Regarding proximity to boundaries and plot density, reference is made to previous planning authority decisions. The density is not out of place in an inner urban area.
- The new houses will bring increased observation of the estate road and would be a positive contribution.
- The existing stone boundary wall could be reduced and a new wall could be built.

- There were no objections to the proposal.
- Adequate off-street parking would be provided.

The appellant includes a possible future master plan allowing for connectivity to adjoining lands. It is also requested that if the Board could not permit all of the development that a revised proposal omitting House 1 could be considered.

6.2. Planning Authority Response

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

7.0 Assessment

- 7.1 The proposed development constitutes an infill development with access onto the Deel Court estate road. Such development is required to comply with the provisions set out in the Rathkeale Local Area Plan as they relate to infill development. The Plan states that it is an objective to consider on their merits proposals for residential development of rear plots where they can be adequately accessed, and where they would not affect existing or proposed private amenities, storage or parking requirements. Such proposals are required in general to be part of larger masterplans involving contiguous plots.
- 7.2 It is evident that the proposed infill development is not part of any masterplan, albeit that the appellant seeks to resolve such matters by including details in the appeal submission to improve connectivity with adjoining lands. It is my submission to the Board that, given the built-up nature of development at this location and the very limited development potential for increased densities of development at this location, the preparation of a masterplan for the site and any potentially development lands adjoining the site would not be warranted. Thus, this part of the provision of the plan could not be seen to be applicable to the development proposed.
- 7.3 The site for the proposed development has frontage onto St. Mary's Terrace to the south and the estate service road of Deel Court to the east. It is clear that the frontage onto St. Mary's Terrace serves the existing detached house on the site and could not adequately accommodate access to additional dwellings to the rear. The remainder of the plot has significant frontage onto the estate road. In principle, this estate road could adequately accommodate access from new development onto this

road in a safe manner. The road has the capacity to accommodate the likely traffic generated by a further three houses at this location. There would be no particular constraints in terms of width or structure and adequate sightlines could be provided with appropriate measures taken to reduce the height of the boundary wall, provision of splayed entrances, etc. Thus, access should not be a significant concern.

- 7.4 The difficulty that results from the proposed development is the effect it would have on existing and proposed amenities due to the seriously restricted physical constraints of this site. The site for the proposed additional houses comprises a long narrow back garden. The proposed development makes no adequate provision for private amenity space. It severely reduces the private amenity space of the existing house by eliminating all but a small strip of garden area to the rear. In effect, the proposal for the new houses only provides circulation space around each unit and on-site parking space. Such a development is seriously deficient to meet the basic needs of residents of the proposed houses. I can ascertain from the appeal submission that the appellant seeks to address, by way of design, overlooking concerns that may arise due to proximity to neighbouring property and offers a proposal to reduce the number of units to two if the Board considers it necessary. However, constraints of the narrow back garden, requiring the layout of houses in the manner proposed, poses problems not alone with potential overlooking but with overshadowing of neighbouring private amenity space, overbearing impact due to the close proximity of such units to neighbouring property, and a significant loss of privacy. The proposed development, whether of two or three houses, would result in a very significant adverse impact on established residential amenities. It would constitute overdevelopment of this site and could only be construed as haphazard development. Furthermore, I would be greatly concerned that permitting the proposal would be regarded as a precedent that would, undoubtedly, be pursued in the wider area, undermining the orderly development of residential properties of the town.

8.0 Recommendation

- 8.1. I recommend that outline permission is refused for the following reason and considerations.

9.0 Reasons and Considerations

It is an objective of the planning authority, as set out in the Rathkeale Local Area Plan, to consider on their merits proposals for residential development of rear plots where they can be adequately accessed, and where they would not affect existing or proposed private amenities, storage or parking requirements.

Having regard to:

- the restricted nature of the proposed site and its location immediately behind an existing dwelling and abutting the rear garden of a neighbouring dwelling,
- the inadequacy of separation distances between the proposed development and the adjoining neighbouring property,
- the adverse impact on established residential amenity arising from overlooking, overshadowing, and overbearing impact, and loss of private amenity space, and
- the inadequate provision of private amenity space to serve the needs of occupants of the proposed housing units,

it is considered that the proposed development would result in a gross overdevelopment of this plot, would seriously injure the residential amenities of adjoining properties, would depreciate the value of these properties, would provide a substandard form of accommodation for the occupiers of the proposed dwellings, and would, thereby, contravene the objective of the Rathkeale Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

30th July, 2018