



An
Bord
Pleanála

Inspector's Report ABP-302121-18

Development	Demolition of conservatory and construction of extension
Location	'Mazel', North Circular Road, Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	18/423
Applicant(s)	John O'Leary
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Damien & Sheila Clancy
Date of Site Inspection	19 th September, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. 'Mazel' is a detached, two-storey house on site with a stated area of 0.09 hectares and with frontage onto the south side of North Circular Road in Limerick City. It has deep front and back gardens. It is bounded to the east and west by detached houses. The house to the east, 'Great Pine', is the residence of the appellants.

2.0 Proposed Development

- 2.1. The proposed development would comprise the demolition of a conservatory to the rear of the existing house and the construction of a single-storey extension to the front and rear of the house and a two-storey extension to the side. The proposed extension would have a gross floor area of 78m² and the conservatory to be demolished has a stated floor area of 6.8m². The proposal would accommodate internal changes to the existing house and extensions to the rear and front to facilitate the provision of an open plan kitchen/living/dining area and an extended front room, a new porch and wc at ground floor level. It would also include extending at first floor level over the new kitchen area to provide new bedroom space.

3.0 Planning Authority Decision

3.1. Decision

On 25th June, 2018, Limerick City & County Council decided to grant permission for the proposed development subject to 11 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted City Development Plan provisions and acknowledged the submissions made to the planning authority. It was stated that the rear building line of the proposed extension is in line with an adjoining dwelling and it was considered that the works would not overshadow it. A grant of permission was recommended subject to conditions.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

3.4. **Third Party Observations**

A third party submission was made by Damien and Sheila Clancy. The grounds of the appeal reflect the concerns raised.

4.0 **Planning History**

I have no record of any 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 'Residential'.

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 40m².

6.0 The Appeal

6.1. Grounds of Appeal

The appellants reside in the adjoining detached house to the east of the appeal site. The grounds of the appeal may be synthesised as follows:

- The appellants' house would suffer the loss of daylight and views which it currently enjoys and this in turn would affect the property's value.
- The planning authority did not take account of the appellants' concerns or follow their own policies in assessing applications for house extensions. It would be normal to expect the applicant to be asked through further information to take account of overshadowing concerns and address issues associated with rights of light.

The appellants' original submission to the planning authority is attached as part of the appeal. This highlights concerns relating to the impact of the development on the west facing side of their property, on their sun room and family room.

Changes to the proposed extension are submitted for consideration in the form of pulling back the first floor extension in line with the back wall of the main house and reducing the overall height of the extension.

6.2. Applicant Response

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

- The proposal has been designed to mitigate impact to adjoining properties as regards sunlight, daylight and privacy.
- The extension projects to the south by 2.5m beyond its existing building line and does not project past the extension of the appellants' house.
- As both the proposed extension and the adjoining property are directly south facing, no shadowing would likely occur on the south facing glazing of the rear extension to the appellants' house.
- The proposal is designed as a flat roof extension, reducing its mass and height. The parapet is at a height well below the ridge line of both existing houses and there are no proposed clear windows to any flank walls.
- The appellants' sun room is located deep within the ground floor plan of their house and the bay window is located centrally on a flank wall facing west towards the applicants' house. Reduced daylight in that room appears to be due to the extension of the appellants' house itself.
- The views enjoyed by the appellants are west facing and directly over the applicant's house and private garden. With a modest extension of 2.5m beyond the existing building line, it is unlikely the proposal will prevent the appellants from enjoying panoramic views to the sky. It is further noted that the appellants' house has a large landscaped garden with a south facing aspect.

The response to the appeal includes a shadow analysis which concludes that the proposal would not give rise to undue overshadowing of the appellants' house. In conclusion, it is submitted that the additional first floor accommodation is provided for a child who has special needs and requires an en-suite room

6.3 Planning Authority Response

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

7.0 Assessment

- 7.1. I first note that that there is no objection to the proposed single storey extensions to the front and rear of the existing house on the site. These proposed extensions will tie-in with the form and character of the existing house and they will have no adverse impacts on the amenities of neighbouring residents. Thus, there is no objection to this component of the proposed development.
- 7.2. The appellant's concerns relate to the development on the east side of the existing house at first floor level and the consequences for daylight and sunlight to the habitable rooms on the west side of their house. I note the orientation of the existing houses, which face directly north. I further note the separation distance between the gables of the dwellings, which would remain some seven metres, based on the submitted drawings. Further to this, it is acknowledged that there is a flank boundary wall and planting separating the two properties, with the openings on the west side of the appellants' house facing towards the appeal site. Over and above this, the proposed extension would not extend beyond the rear building line of the appellants' property and the roof over the new section of first floor level accommodation would be flat. It is my submission to the Board that, given the orientation of these dwellings, the layout, physical features that exist, and the design of the proposal, the proposed extension would not result in any significant adverse impact on the amenities of the appellants' property by way of any notable reduction in daylight or sunlight to their property. I acknowledge that the applicant, in response to the appeal, submitted a shadow analysis and I am satisfied that this further demonstrates the lack of any significant impact of the proposed development on the appellants' property.
- 7.3. In conclusion, I consider that the proposed extension is acceptable in terms of its form, character and design in its context, is compatible with the provisions of the Limerick City Development Plan as they relate to house extensions, and that it would not have significant adverse impact on the amenities of residents in the area.

Note: Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the compatible design and limited scale of the proposed development and the separation distances between the proposed development and neighbouring residential properties, it is considered that the proposed extension would not adversely impact on the residential amenities of adjoining properties and would otherwise be in accordance with the provisions of the current Limerick City Development Plan. The proposed development 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, 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 external finishes of the proposed extension shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. 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 and to ensure a proper standard of development.

4. 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.

Kevin Moore
Senior Planning Inspector

24th September 2018