



An
Bord
Pleanála

Inspector's Report 302382-18

Development	Demolition of a garage and construction of a 2-storey dwelling house
Location	93 Lansdowne Park, Ennis Road, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	17920
Applicant(s)	Louise O'Grady
Type of Application	Planning permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	Third Party
Appellant(s)	Shane and Maeve Newman Greg and Margaret Griffin
Observer(s)	None
Date of Site Inspection	24 th October 2018
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located at the southern end of Lansdowne Park, which is a residential suburban road off the Ennis Road, in Limerick City. Ennis Road (R857) runs in a north-westerly direction from Sarsfield Bridge towards the N18 leading to Ennis/Shannon/Galway. The site is located just to the north of the junction with Ennis Road and Lansdowne Park. The site comprises one of a pair of semi-detached houses, which together, form the corner, with the houses sited at an angle facing the junction. The pattern of development in the area is generally comprised of semi-detached or detached houses on reasonably large plots. The houses on Ennis Road are more mixed in character and generally date from periods between the 1930s to 1960s. Lansdowne Park comprises mainly 1930s houses.
- 1.2.** The appeal site (red line boundary) comprises the rear/side garden of No. 93, which is located to the north of the existing dwelling. The site area is given as 0.0427ha (427sq.m). There is an existing domestic garage at the northern end of the garden fronting onto Lansdowne Park. Nos. 93/94 are two-storey semi-detached 1930s dwellings, the rear gardens of which abut the southern side boundary of No. 92 Lansdowne Park. Access to the No. 93 is currently gained from an entrance on the corner to a gravelled hardstanding area, as well as via the domestic garage. Otherwise, the boundary with Lansdowne Park is defined by a timber fence/wall and mature beech hedging. The boundaries with Nos. 92 (to the north) and 94 (to the south-east) are also defined by mature beech hedging.

2.0 Proposed Development

- 2.1.** It is proposed to erect a two-storey dwelling, (210m²), which would be fully serviced, together with all associated and ancillary works, including boundary treatments, landscaping and drainage. The dwelling would be accessed from Lansdowne Park, at the northern end, with two off-street parking spaces in place of the existing garage (to be demolished). The parking spaces would be accessed by means of a 6m wide entrance with a 1.8m high timber sliding gate. The submitted drawings show the replacement of the existing boundary treatment on Lansdowne Park with a 1.8m high galvanised steel railing with a newly planted mature laurel hedge. It is also proposed

to erect a new 1.8m high concrete wall along the boundary between the appeal site and No. 93 Lansdowne Park.

- 2.2.** The plans as originally submitted indicated that the existing dwelling would have a rear garden area of 35m² and the proposed dwelling would have a private rear garden of 55m². However, each dwelling would also have additional private amenity areas within each site to the front/side of the dwellings. It would be set back 6m from Lansdowne Park and 4.7m from the boundary with the existing dwelling. The setbacks from the northern and eastern boundaries were shown as 1.2m and 2m respectively. The layout was, however, subsequently changed following the submission of FI, to increase the setbacks from the boundaries and the private amenity areas. The design of the dwelling, as originally submitted, was conventional with a hipped slate roof, a mix of plastered and limestone external wall finishes, and traditional fenestration. The design was subsequently changed, following the submission of FI, to one with a contemporary approach, with a flat roof and a more contemporary fenestration pattern.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to seventeen conditions which were generally of a standard nature. Condition 2 required the payment of a development contribution in accordance with the GDCS. Condition 11 required that the stairwell window be fitted with obscure glass and condition 12 required the submission of boundary treatment details for agreement. Condition 17 prohibited any encroachment or overhanging of the property to the south.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.1.1 The initial planning report (22/11/17) had noted that the site is zoned residential and that a similar development had been granted on the site on the opposite side of the road, (2 Lansdowne Park), As such, the development of an infill dwelling on the site would be acceptable in principle, subject to the required standards. It was further

noted that observations had been received from the neighbouring occupiers at no. 92 and 94 Lansdowne Park, which had raised objections and that a letter of support had been received from the occupier of No. 2 Lansdowne Park. The letters of objection had raised concerns regarding the design and appearance of the dwelling, which was considered to be out of scale and character with the area; overlooking and overshadowing; size of private amenity space and traffic. Observations from external/internal consultees included Irish Water and Environment Department. No objections were raised subject to conditions.

3.2.1.2 It was considered, however, that the impact on adjoining properties at Nos 93 and 94 Lansdowne Park would be unacceptable in terms of overlooking and inadequate private open space remaining to serve the existing dwelling. The design of the dwelling was also of concern and it was considered that a revised design with a more linear emphasis and a narrow plan would be more appropriate. It was further considered that the application should be amended to ensure that adequate private open space is provided and the only high-level windows should be included to the rear of the dwelling, and that the existing mature hedging on the front boundary should be retained. These matters formed that basis of a FI request on 22/11/17.

3.2.1.3 Revised submissions were received on 22nd February 2018 and on 4th July 2018. The revisions contained in these submissions are discussed below. It was considered that the proposed development would not give rise to a significant effect on the conservation status of any European site and the need for Appropriate Assessment was therefore screened out.

3.2.2. Other Technical Reports

Environment – no objection subject to conditions regarding waste management, particularly in respect of the potential to find asbestos in the demolition of the garage.

3.3. Prescribed Bodies

Irish Water (26/10/17) – no objection subject to recommended conditions.

3.4. Third Party Observations

3.4.1 Three third party submissions were received by the P.A. Two of these were in the form of objection to the proposal and one was in support. The objections are from the two third party appellants. The main concerns are summarised in the Area Planner's report and fall into the following main topic headings:

- Overdevelopment of the site.
- Design and impact on visual amenities of the area - Considered to be not in keeping with streetscape and adjoining properties.
- Residential amenity – would result in overlooking and overshadowing of adjacent houses.
- Inadequate private amenity space for proposed and existing dwellings.
- Traffic, access and parking – would create traffic and parking problems in vicinity of site.
- Inappropriate boundary treatment.

The letter of support is from Robert Simring, (1/11/17), of 'The Ashes', (new house opposite at 2 Lansdowne Park). He considered that the proposed dwelling and boundary treatment (steel railings and laurel hedge) would complement his property and create a symmetrical approach. He considered the design/finishes to be both appropriate and appealing and that it would fit into the streetscape.

3.5. Response to Further Information Request (22/02/18)

3.5.1. FI was requested on 22/11/17 and a response was submitted on 22/02/18. The response may be summarised as follows:

1. Revised site layout plan (17.06366/01 Rev A) with more linear footprint, reduced floor area and increased areas of private amenity space. The proposed dwelling would have a front garden area of 133m² and a rear garden of 105m². The existing dwelling would retain a private amenity space of 163m², most of which would be at the front but screened by the existing hedge (to be retained).

2. Revised plans and elevations (17.06366/03 Rev A) showing a revised fenestration pattern, a reduced first floor area with 3 bedrooms instead of 4, a slightly reduced ridge height and a reduced overall floor area (210m² reduced to 186m²). The windows on the east elevation which overlooked No. 94 Lansdowne Park were omitted. The existing boundary treatment on Lansdowne Park, with mature beech hedging, would be retained instead of the previously proposed laurel hedge.
3. A letter was also submitted from the applicant advising that the existing dwelling is to be retained and used by her parents in order to downsize.

The P.A. (15/03/18) was not satisfied that the response had adequately addressed the further information request and sought further clarification in respect of the linear footprint and the size of the rear garden serving the existing dwelling (No. 93). It was stated that the design should either reflect the prevailing pattern in the area or be of a contemporary approach.

3.6. Response to Further Information (4th July 2018)

A response was received from the applicant on 4/07/18. The main revisions may be summarised as follows:

- Changes to proposed house design with linear footprint, (one room deep) and a contemporary approach to the elevational treatment. A flat roof with a reduced height and a more modern fenestration pattern is proposed.
- All windows on the eastern elevation (overlooking No. 94) are now either high level or of obscure glazing, (although it is unclear if the stairwell window would be frosted).
- The floor area is reduced to 184m².
- The private amenity spaces for the two dwellings is as follows:-

Existing dwelling – Front garden 128m²; Rear garden 48m²; (Total 176m²).

Proposed dwelling – Front garden 133m²; Rear garden 105m²; (Total 238m²).

The Area Planner considered that the issues regarding impact on the amenities of adjoining dwellings, adequacy of private amenity space and integration of

development into the pattern of development in the area had been satisfactorily addressed. It was further considered that the revisions to the design were appropriate subject to conditions regarding materials of windows and roof. Permission was, therefore, recommended, subject to conditions.

4.0 Planning History

None on site of appeal.

10/770265 – Planning permission granted for the construction of a 2-storey house and site entrance and demolition of garage at 2 Lansdowne Park.

13/770113 – Planning permission granted for change of house style (granted under 10/770265) including widening of existing entrance; realignment of internal boundary wall between Nos 2 and 2A Lansdowne Park; widening of permitted entrance to new dwelling; and new boundary railing with hedgerow.

5.0 Policy Context

5.1. Limerick City Development Plan 2010-2016 (as extended)

5.1.1 The site is zoned Residential, (Z02(A)), the objective for which is to provide for residential uses and associated uses. The proposed development is supported by the Core Strategy which seeks to encourage the development of sustainable neighbourhoods and the provision of high quality accommodation, and to increase residential density where it is appropriate to do so.

5.1.2 Chapter 6 contains the policies and objectives relating to housing including the following -

Objective H5 promotes increased residential density where appropriate having regard to the existing or proposed public transport provision and proximity to the city centre.

Objective H6 seeks to ensure a balance between the reasonable protection of existing residential amenities, the established character of the area, and the need to provide for sustainable residential development.

5.1.3 The site is located within Area Profile **14.2 – Ennis Road** (Chapter 14). Objectives include the development of existing underutilised lands and the promotion of a high standard of urban design. **Chapters 15 and 16** relate to **Land Use Zoning Objectives** and to **Development Management Standards**. These include guidance and standards relating to density, site coverage, parking, design, open space provision, corner/garden sites and infill housing.

5.1.4 **Corner and side garden sites and Infill housing (16.29)** – development on such sites is generally permissible in order to make the most sustainable use of land and existing urban infrastructure, but development should generally comply with relevant standards and it should reflect the character of the areas, minimise impact on residential amenities of neighbouring sites and provide for safe means of access to avoid creation of a traffic hazard.

5.2. Sustainable Residential Developments in Urban Areas 2009 and Best Practice Urban Design Manual, Parts 1 & 2 (2009)

5.2.1. These guidelines provide advice on matters such as density, layout and site-specific standards for the protection of amenity and the promotion of good quality spaces in accordance with best practice in urban design.

5.3. Natural Heritage Designations

Lower Shannon SAC (002165) – lies approx. 0.4km to the south.

River Shannon and River Fergus Estuaries SPA (004077) lies approx. 0.6km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

The third-party appeals were submitted by Shane and Maeve Newman of 92 Lansdowne Park and by Greg and Margaret Griffin of 94 Lansdowne Park, which lie immediately to the north and to the south-east, respectively, of the appeal site. The main points raised are generally common to both appeals and may be summarised as follows:

- **Contravenes policies of Limerick City Plan** – fails to comply with Objective H6 and the criteria for corner/side gardens.
- **Not in accordance with Sustainable Residential Guidelines for Urban Areas and Urban Design Manual** – does not protect amenities of adjoining areas and general character of area. It also fails to provide adequate private amenity space.
- **Overdevelopment and out of character with the area** – higher densities should not be achieved at the expense of the protection of the residential amenities of adjoining properties. Lansdowne Park has a distinctive character and style of house and the proposed flat roof dwelling is totally out of character with the existing hip roofs of the 1930s dwellings. It fails to comply with the criteria for side garden/corner houses. A more appropriate solution would be a 2/3 bedroom linear design with all primary windows facing Lansdowne Park (Observers No. 94). The use of a linear design is completely out of keeping with the character and design of houses in Lansdowne Park (Observer No. 92).
- **Design of dwelling** – the proposed 2 storey dwelling due to its roof profile, mass and finish is not in keeping with the character of the area. The Area Planner had requested a linear design which is a type of single aspect house that is identified in the Residential Density Guidelines as a means of addressing issues such as overlooking. The dwelling is still 2 rooms deep at the southern end. The applicant has failed to comply with these requests and it should have been refused.
- **Overlooking** – There are two large windows, one exceptionally large, on the rear east facing elevation which will overlook the rear garden of No. 94. In the south-facing elevation, there are four windows overlooking Nos. 93 and 94 Lansdowne Park. The window on this elevation to Bedroom 3 would give rise to loss of privacy to both 93 and 94. The windows are also too close to the boundaries and would overlook patios and garden spaces. The acceptable distance of 20-22m between opposing first floor windows as recommended in national guidance is not achieved.

- **Overshadowing** – No daylight or shadow projections have been provided. The close proximity of the proposed dwelling to the eastern boundary (4.7m) and to the southern boundary (1.6m) would result in loss of daylight to nos. 93 and 94, the rear elevations of which face north-east. The rear garden of no. 94 already suffers from limited daylight and is the smallest garden in Lansdowne Park and the proposed development would decimate it.
- **Inadequate private open space** – the remaining rear garden will be just 36m² rather than the 48m² stated as this space already includes a utility room and toilet extension (c. 12m²). This downgrades the quality of the dwelling at 93 and will create a substandard living environment. The CDP requires 15m² per bedroom and as it is a 4-bedroom house, there should be 60m² behind the building line. The front garden area is adjacent to the busy Ennis Road.
- **Traffic and parking** – The Lansdown Park/Ennis Road junction is very busy and the proximity to J.F.K. National School, the Holy Rosary Church and to a number of sporting venues (Tennis club, Thomond Park, Gaelic Grounds) means that queues often form at the junction. There is already an existing entrance at No. 93 and a second entrance would result in a traffic hazard, particularly at busy times.
- **Infrastructure** – the water and sewerage services in this area are already severely overloaded and it is a regular occurrence for residents to pay a private contractor to clear blockages.
- **Other matters** –
 - Building Regs** - the new building is in breach of the Building Regulations in respect of Fire due to the amount of unprotected glazing to be used.
 - Substantial revision** - The revised drawings showed a substantially revised design which should have been the subject of a new planning application. The appellants should have been notified in accordance with the legislation.
 - Incomplete drawings** – the drawings submitted to P.A. are inadequate as they omit dimensions such as distances from the southern boundary, length

of footprint, etc., which makes it very difficult to understand the impact on adjoining dwellings.

Incorrect information to IW – the notification to Irish Water contained the wrong development description as it referred to the demolition of a granny flat as well as a garage and to the renovation of the existing house and the construction of extensions to the existing house, but not to the construction of a new house.

Issues overlooked by P.A. – the standards contained in the CDP and other guidance documents have not been adhered to such as private open space areas, daylight and shadow predictions, and many other matters highlighted above.

6.2. Planning Authority Response

6.2.1 The P.A. has not responded to the grounds of appeal.

6.3. First party response to the grounds of appeal (18/09/18)

The First party response is in the form of a rebuttal of the grounds of appeal and no new issues are raised. It was confirmed, however, that there is no objection to the P.A. condition to provide obscure glazing to the stairwell window and that it is proposed to retain the existing beech hedge along the street frontage.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Compliance with policy
- Visual amenity and impact on character of area;
- Residential amenity
- Access and parking
- Adequacy of infrastructure
- Other matters

7.2. Compliance with policy

- 7.2.1.** The policies in the current Limerick City Development Plan 2010-2016 (as extended) are generally consistent with the Sus Res Guidance for Urban Areas and the Urban Design Manual. The City Development Plan includes two objectives in the Housing Chapter (Chapter 6), which are considered relevant to the proposed development. H5 seeks to promote increased density where appropriate to do so, having regard to the existing and proposed public transport provision and proximity to the city centre. Objective H6 seeks to ensure a balance between the reasonable protection of existing residential amenities, the established character of an area and the need to provide for sustainable residential development. Thus, the overall aim is to provide for a more compact and sustainable city by promoting higher densities at suitable locations in tandem with protecting both the established character and the existing residential amenities of the area.
- 7.2.2.** The site is located close to a main road (Ennis Road) and in close proximity to the City Centre (1.3km from Sarsfield Bridge). It is also located in close proximity to a wide range of facilities and amenities such as schools, churches, sporting facilities and a hospital. The area is characterised by large houses on generous plots with ample private amenity space. Lansdowne Park, being an old established housing development, has plots of varying shapes and sizes, but are generally rectangular in shape. However, there are a small number of sites which are located at corners which have much larger plots, with the majority of the amenity space located to the side of the house. The appeal site is one such site and there is an almost identical site immediately opposite at 2/2A Lansdowne Park.
- 7.2.3.** It is considered that the proposal to construct a dwelling in the side garden of No. 93 Lansdowne Park is generally consistent with the policies referred to above in that it would provide for an additional house in the heart of an established neighbourhood with excellent accessibility to local services, the city centre, employment opportunities, local schools and to public transport facilities. It is also considered that it is consistent with national policy to make the most sustainable use of existing serviced urban land to create sustainable neighbourhoods.
- 7.2.4.** The Development Management Chapter (16) of the Plan contains further policies in relation to appropriate densities, plot ratios, accessibility and design/quality of layout.

It is stated (16.8) that residential densities in outer suburbs of greater than 35-50 dwellings/hectare shall be encouraged and that higher densities are likely to be achieved in City Centre locations. Recommended Site Coverage for developments in the outer core is 80% and for suburban sites is 50%. It is estimated that the proposed development represents approx. 27 dwellings/ha (based on the existing and proposed) and has a site coverage of approx. 21%. It is stated (16.8) that density is a measure of the relationship between buildings and their surrounding space, that Limerick is generally a low density city (15-20 dw/ha) and that such low densities are unacceptable and unsustainable given that need to provide a critical mass of population to sustain key services and public transport, and thus reduce reliance on the private car. It is considered, therefore, that the proposed development is entirely consistent with the overarching aims to achieve consolidation of urban form and more compact, sustainable development.

7.2.5. Sections 16.29 provide guidance on infill housing and single units, including corner and garden sites. The emphasis is on the design of such development reflecting the existing character and built form, being compatible with the design and scale of adjoining dwellings, protecting the residential amenity of existing properties and ensuring adequate amenity for future occupiers. Specifically, infill housing should

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.
- Comply with the appropriate minimum habitable room sizes
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

Further guidance is provided for housing developments at 16.26 in terms of private amenity space, separation between dwellings, and window-to-window distances. These matters will be discussed in the following sections.

7.3. Visual amenity and character of area

7.3.1. The site is somewhat unusual in that it forms part of a large side garden with a considerable amount of road frontage, yet the retained site is also of a reasonable size with good road frontage. However, it is not unique, in that there is a very similar

site on the opposite side of Lansdowne Park which has been developed with an additional dwelling house in the side garden in recent years. The presence of mature beech hedging on all of the existing boundaries is also noteworthy as it provides a significant level of screening both from the street and from adjoining properties, and contributes to the soft landscaping and visual amenity of the streetscape.

- 7.3.2.** Another aspect of the site which is of note is its relationship to the adjoining sites (appellants). The rear boundary of the proposed development would be with a substantial part of the side boundary of the rear garden of No. 94, but starts well behind the rear building line of that house, which is also at an oblique angle. The relationship with 92 is more conventional as the proposed dwelling is more-or-less aligned with the adjoining one with the same orientation. The remaining house (93) is also at an oblique angle to the proposed house as it faces the street corner. The rear boundary of this house would be with the side garden boundary of the proposed house and the new dividing side boundary wall eliminates the side garden, as it runs very close to the side elevation. These relationships provide both constraints and opportunities for the proposed development.
- 7.3.3.** It is considered that the proposed footprint and building envelope, (as revised in the submission to the P.A. of the 4th July 2018), generally respects the existing building lines to the north. The separation distances from the adjoining properties is also generally consistent with the pattern of development in the area. In terms of the elevational treatment, the approach is contemporary, which is generally considered appropriate for a new infill building, but also seems to reflect the elevational treatment of some more recent development in the vicinity such as the house opposite at No. 2A and an extension to No. 15 Lansdowne Park further to the north.
- 7.3.4.** The Development Plan (16.5) specifies the matters that should be taken into account in assessing the design of new development. These include whether the proposal would create a distinctive sense of place, taking account of its history and setting. The development should be of an acceptable design, scale, with appropriate height, roof profiles, proportions, solid-to-void ratios and a high quality of materials and finish. It is considered that the employment of a generally contemporary approach whilst reflecting the elements of the established building envelope, footprint and solid-to-void ratio is appropriate for this site.

7.3.5. Although it is proposed to use a flat roof, which differs from the prevailing roof profile (hipped), it is considered that this is consistent with the overall design approach for the proposed dwelling and use of high quality materials. Given the generous plot size and set-backs from the boundaries, as well as the proposals to retain the mature vegetative screening along the street boundary, it is considered that the proposed contemporary design would be easily absorbed into the streetscape. I would also agree with the applicant that the design approach would be somewhat reflective of the newly constructed infill dwelling on the opposite side of the road, in terms of footprint, proportions and use of materials, although it is acknowledged that this dwelling does not incorporate a flat roof. In conclusion, it is considered that the proposed development would make a positive contribution to the streetscape and would not detract from the established character of the area.

7.4. Residential amenity

7.4.1. The proposed dwelling has been designed so that there are no windows in the northern side elevation (facing No. 92) and whereby most of the windows in the rear (eastern) elevation, (facing the rear garden of no. 94), are either high-level or would be fitted with obscure/frosted glazing. I would agree with the appellants, however, that the large feature window to the stairwell is not specified as being of obscure glazing. The P.A. has attached a condition requiring the glazing to this window to be obscure and the applicants have agreed to this condition. It is considered that should the board be minded to grant permission, that a similar condition be attached to any such permission. This would protect the privacy of the rear garden of No. 94.

7.4.2. The southern elevation includes two ensuite windows (frosted glass), a corner window at the front (which overlooks the site's own front/side garden), and a second window to Bedroom 3. As the rear building line is oriented at an oblique angle to the rear elevation of No. 94, and is separated by the intervening property (93), there is little, if any, potential for any overlooking of that property from this first-floor bedroom window. This window is likely, however, to overlook both the rear windows and rear garden of the retained dwelling (93). As this window complements a high-level window to this room, it is considered that it is important in the context of providing aspect and outlook. However, given the proximity to the southern boundary, it is considered that this this window should be omitted or glazed with obscure glazing.

The applicant could provide a further small window on the northern projecting wall of this room as an alternative, if desired (similar to ensuite window in the opposing projection). Subject to these amendments, it is considered that there would be no significant loss of amenity in terms of overlooking from the proposed development of adjoining properties.

- 7.4.3.** The proposed dwelling is located to the north/north-west of the existing dwellings at 93 and 94, and would not result in overshadowing of these houses. The proposed dwelling would be located to the south/south-west of No. 92 and to the west of the garden of No. 94. The relationship with No. 92 is such that the separation distance and relative orientation would be unlikely to result in any significant level of overshadowing as the proposed dwelling is set back behind the building line of the dwelling to the north. It is likely however, that the proposal would result in some degree of overshadowing of the neighbouring garden to the east in the evenings. However, the rear garden of No. 94 is of a generous size and length and given the distance and orientation of the proposed dwelling relative to this garden, together with the existing tall mature hedging on the common boundary, it is unlikely that the proposal would give rise to any significant additional loss of sunlight to the garden. Thus, the degree of overshadowing is unlikely to be excessive or unusual in the densely developed urban setting.
- 7.4.4.** Notwithstanding the above conclusions, I noted from my site inspection that there is a large window to a habitable room on the ground floor of the existing dwelling (93) on the north-western elevation. This window would be significantly overshadowed by the proposed new boundary wall which would subdivide the property and would be likely to result in loss of daylight and sunlight to this room. This room is also lit by a window on the rear elevation. It is further noted that the applicant has indicated in writing that it is intended that this dwelling would remain in her ownership for her parents' use. It is considered, however, that the proposed dividing wall should be realigned/relocated so that the daylight reaching the ground floor rooms of the retained house is not unduly compromised. A wall with a more E-W orientation would be more appropriate and would also provide for more options in terms of amenity space for the retained dwelling. Should the Board be minded to grant permission, a condition to this effect should be attached to any such permission.

- 7.4.5.** The proposed development has provided for a front/side and rear garden for the proposed dwelling, (combined private amenity space of 238m²), and a front and rear garden for the existing dwelling, (combined private amenity space of 176m²). The rear garden areas for each dwelling is stated to be 48m² (No. 93) and 105m² (new dwelling), respectively. Having regard to the proposal to retain the existing hedge along the street boundary, it is considered that an adequate level of private open space has been provided for each dwelling. I note that the CDP standard seeks 15m² per bedroom and that the proposed dwelling has been revised to a 3-bedroom dwelling, which would require 45m². Thus, the area of the proposed private open spaces is consistent with the requirements of the development plan. It is further noted at 16.26 that the CDP makes provision for relaxation of the residential standards for infill development in certain circumstances and where the development has been designed to preserve the amenities of neighbouring properties.
- 7.4.6.** Although the CDP does not specify a minimum length of garden, it is stated that there should be a 20m separation distance between opposing windows. As discussed above, having regard to the mitigation proposed or required by condition, (obscure glazing or positioning at a high level), it is considered that the orientation of the proposed building would not give rise to opposing windows within this distance restriction, apart from the south-facing window to Bedroom 3. As stated previously, it is recommended that this window be omitted or fitted with obscure glazing.
- 7.4.7.** In conclusion, it is considered that the design and layout of the proposed development, (as revised in the submitted plans dated 4th July 2018 and subject to the further amendments discussed above), would not significantly injure the residential amenities of the neighbouring properties, would protect the amenities of the future occupants of the existing and proposed dwellings, and would generally reflect the established pattern of development in the area.

7.5. Access and parking

- 7.5.1.** The appellants have raised concerns regarding the existing traffic congestion at peak times on Lansdowne Park and the busy nature of Ennis Road, and consider that the proposed development would give rise to a traffic hazard and cause parking congestion. The existing dwelling at No. 93 Lansdowne Park has two existing vehicular entrances, one to the garage that is proposed to be demolished and the

other, a gated entrance to the front of the house. The proposed development makes provision for two off-street parking spaces, which would be accessed from the point of entrance to the existing garage. Thus, no additional entrances would be proposed but the use of the northern one would be intensified.

- 7.5.2.** Lansdowne Park is characterised by semi-detached houses with front gardens and off-street parking. There are double yellow lines immediately outside the property stretching from No. 92 to Ennis Road, outside No. 94. Consequently, on-street parking is not considered to be problematic. The intensification of the existing entrance to a domestic house would be negligible. It is considered, therefore, that the proposed development would not be likely to exacerbate parking and traffic congestion in the area and would not give rise to a traffic hazard.

7.6. Adequacy of infrastructure

- 7.6.1.** The appellants consider that there is no capacity in the water and sewerage infrastructure in the area and that private contractors have to be used to address problems such as blockages. The appellant also pointed out that the description of development provided to Irish Water was incorrect. Water and sewerage services is the responsibility of Irish Water. It is acknowledged that the incorrect description of development was conveyed to Irish Water. However, the response to the P.A. from Irish Water clearly indicates that the true nature of the development was understood and that drawings of the proposed development had also been supplied. It is further noted that no objection has been raised by Irish Water to the proposed development subject to conditions.

7.7. Other matters

7.7.1. Building Regulations/Fire Regulations

The issues raised regarding compliance with the Building/Fire Regulations are matters outside of the planning code and not matters that need to be addressed by the Board as part of the current application/appeal.

7.7.2. Substantial Revisions and incomplete drawings

The appellants considered that the changes to the development proposed during the course of the application (in response to FI request) should have required

republication or a fresh application. It is considered, however, that the changes involved mainly related to minor changes or to the manner in which the proposed development would relate to the existing house on the site (93) and to the adjacent properties, (92 and 94), which are occupied by the appellants. It is acknowledged, however, that the revision to the external appearance of the dwelling in terms of the roof profile was significant and may have benefitted from republication of the notices.

7.7.3. It is noted, however, that no other submissions were made to the original application or to the grounds of appeal from any other third parties, apart from the submission to the P.A. from the occupier of No. 2A Lansdowne Park, which was in the form of support. Thus, I do not consider that a separate, fresh planning application would be warranted, but if the Board considered it to be necessary, the notices could be re-advertised.

7.7.4. The omissions from the drawings related mainly to measured dimensions and distances from boundaries. However, the drawings were to scale and the dimensions can be scaled. Admittedly, it would have been more helpful if the dimensions were specified, but it is considered that this omission is not significant.

7.8. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

7.9. Appropriate Assessment

Lower River Shannon SAC (002165) lies approx. 0.4 km to the south. River Shannon and River Fergus Estuaries SPA (004077) lies approx. 0.6km to the south. Given the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

8.1 I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Limerick City Development Plan 2010-2016 (as extended), to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. 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, as amended by the further plans and particulars submitted on the 22nd day of February 2018, and the 4th July 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 development shall be amended as follows:

(a) The stairwell window on the eastern elevation shall be fitted with obscure glazing;

- (b) The south-facing window to Bedroom 3 on the southern elevation shall be omitted. This window may be replaced by a suitably designed small-scale window on the north-facing elevation of the projection to this bedroom.
- (c) The western section of the new boundary wall separating the site from the existing dwelling at No. 93 Lansdowne Park shall be relocated and realigned further to the north such that it is orientated closer to an East-West axis.

The revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of the architectural heritage and visual amenities of the area.

- 3. The existing roadside boundary and hedgerow shall be retained, save at the entrance. Screen walls shall be provided along the northern and eastern boundaries, which shall be 2 metres in height above ground level. Details of the layout, materials and external finishes of the proposed boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

- 4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding townscape and in the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance

with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

8. 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.

9. 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.

Mary Kennelly
Planning Inspector

11th January 2019