



An
Bord
Pleanála

Inspector's Report ABP 302694-18

Development	Renovate and extend existing dwelling.
Location	8 Marian Park, Adare, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	17/086
Applicant	Bryan Murphy
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Pat Marron
Observer(s)	None
Date of Site Inspection	29/11/18
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

8 Marion Park (also referred to as Park Avenue) is a single storey, semi-detached dwelling within a small, mature estate of detached and semi-detached single storey dwellings fronting onto a central open space area. The estate is accessed from the N20 to the south of Adare village centre. The site is served by a small front garden which does not provide for off street parking. The rear garden area is overgrown with a detached boiler house noted. Access to the site and adjoining properties is available from a cul-de-sac to the rear.

A number of dwellings have been refurbished and extended including No. 7 adjoining the appeal site to the south with a two storey rear extension nearing completion. Due to the site falls from south to north No.8 is marginally higher than No.9 to the north.

2.0 Proposed Development

The application was received by the planning authority on the 23/11/17 with further plans and details submitted 17/08/18 following a request for further information dated 23/01/18.

As amended the proposal entails a 2 storey rear extension to the dwelling extending over 15.5 metres from the existing rear wall with an overall height of 6.261 metres. A hall providing a connection between the existing and new extension is proposed. The main bulk of the extension is to be setback 2.1 metres from the shared boundary with No.9 to the north and 1.983 metres from the boundary with no.7 to the south.

A 1.8 metre high wall is proposed to the boundary with No.7.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 9 conditions. Of note:

Condition 3: the extension to be reduced to have a maximum depth of 11 metres.

Condition 8: submission of Refurbishment Demolition Asbestos Survey.

Condition 9: submission of waste management plan for recovery/disposal of all wastes arising.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planner's report dated 22/01/18 considers that the proposed extension is out of keeping with the character of the dwelling and adjoining dwellings, and is excessive in terms of bulk and height. A revised design is required. Any proposal should address the privacy and amenity of adjoining dwellings. A request for further information is recommended. The 2nd report dated 10/09/18 following further information notes that the revised design entails a roof profile which will not be visible from the front of the dwelling. The main bulk of the extension has been set back so it does not detract from the character of the original house. The length of the extension is considered excessive and would impact on the amenities of adjoining properties. A condition requiring a reduction in its length should be attached. A grant of permission subject to conditions is recommended.

3.2.2. Other Technical Reports

Mid West National Road Design Office has no observations.

Environmental Services recommends a refurbishment demolition asbestos survey by way of further information. Conditions also detailed. A 2nd report recommends that the survey be sought by way of condition.

Executive Archaeologist states there are no archaeological issues arising.

3.3. Prescribed Bodies

TII has no observations.

Irish Water has no objection subject to conditions.

3.4. Third Party Observations

An objection to the proposal received by the planning authority raises issues comparable to those in the 3rd Party appeal summarised in section 6 below. An observation also received requires clarification as to the boundary position with No.7.

4.0 Planning History

Reference is made on file to permission granted for an extension to No.7 under ref. 15/719.

5.0 Policy Context

5.1. Development Plan

Adare Local Area Plan 2015.

The site is within an area zoned Established Residential. The purpose of the zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Leahy Planning Ltd. on behalf of the 3rd party appellant can be summarised as follows:

- The proposal will adversely impact their dwelling by reason of overbearing and overshadowing. A shadow analysis should have been sought by the planning authority. The reduction in the depth of the extension as required by condition 3 attached to the planning authority's notification of decision is not sufficient. The wording of the condition is unclear. The proposal is far in

excess of what might be considered an acceptable level of two storey development at this location. The large glazed double door to the elevation facing their property will have an adverse impact.

- The proposal is excessive and is not compatible with the pattern of development in the area. The existing dwelling has a stated floor area of 64 sq.m. with the extension being 198 sq.m.
- It would have a significant visual impact. The estate is compact and self-contained. The extension exceeds the ridge line of the existing dwelling in a manner which is asymmetrical and out of keeping with the existing buildings. No.8 is in a prominent position being visible from the approach to the estate from the Rathkeale Road. Whilst the extension to No.7 adjoining breaches the ridgeline it is suggested that it is not a good example to follow.
- There is adequate space to provide for a significant extension to the dwelling at single storey level.
- The purpose of the development and its use as private dwelling is queried. A Section 47 agreement should be used to ensure the dwelling is maintained as a single family residence. Condition 7 only requires that the dwelling not be subdivided.
- The plans and drawings are deficient and do not comply with the relevant legislative requirements. The drawings do not give an accurate representation of the finished building. The substantial amendments by way of further information should have been subject of re-advertisement. The extension, as amended, is closer to the properties accessed from the lane to the rear.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

6.4. **Observations**

None

6.5. **Section 131 Notice**

Due to the location of the site relative to a recorded monument certain prescribed bodies were invited to make a submission on the appeal. No responses were received.

7.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

- Principle of Development
- Impact on Amenities of Adjoining Property
- Other Issues

7.1. **Principle of Development**

The site subject of the appeal is within the mature estate of Marion Park (also known as Park Avenue) zoned Established Residential in the current Adare LAP. The stated purpose of the zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas. Whilst extension and alteration of the existing dwelling is acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicant seeking to maximise accommodation with the need to ensure that such works maintain the visual amenities and scale of the parent building and wider area whilst not compromising the residential amenities of adjoining property.

7.2. **Impact on Amenities of Adjoining Property**

As amended by way of further information the proposed two storey rear extension is to have ridge height of 6.261 metres extending for a depth of over 15.5 metres from the rear wall of the existing dwelling. With a floor area of in the region of 198 sq.m. it is effectively three times the size of the original dwelling which has a floor area of approx. 65 sq.m. No. 9 to the north of the site has a rear return that extends

approx. 4 metres beyond the rear wall of the subject dwelling (it has a small conservatory area to the rear). No.7 to the south is currently being extended with a two storey rear extension nearing completion.

Whilst I consider that there is some latitude to provide for a two storey extension I consider that both the depth and bulk of that as proposed are excessive. Although the main body of the extension is to be setback 2.1 metres from the shared boundary with No.9 I would share the appellant's concerns that it would have an overbearing impact. The fact that the appeal site appears to be marginally higher than the appellant's property would exacerbate these concerns. In addition, by reason of its location to the south concerns in terms of overshadowing are justified and a shadow analysis would have been a useful tool to assist in the assessment of the proposal in this regard.

I do not consider that the reduction in the depth of the extension to 11 metres as required by the planning authority in condition 3 would make a material difference in terms of impact on the residential amenities. A fundamental reconsideration of the design of the extension is recommended.

I acknowledge that the height of the extension would be comparable to that as developed to the rear of No.7 and would be visible when viewed from the east (front) within the estate. Whilst the mature estate has an innate quality it is not within an architectural conservation area with none of the dwellings listed for protection. I do not consider that the infringement of the ridge line as proposed would detract materially from the amenities of the estate as to warrant a refusal on such grounds.

Should the Board be disposed to a favourable decision a condition omitting the double doors in the northern elevation which look directly onto the appellant's property is recommended.

7.3. Other Issues

I note the agent for the appellant's assertion that the plans and drawings do not comply with the requirements of the Planning and Development Regulations, 2001, as amended. I note that the Planning Authority was satisfied that the said details were in accordance with the relevant requirements and deemed the application to be valid. It did not consider it appropriate to seek re-advertisement on receipt of the

further information. I consider that the plans and drawings are sufficient to allow for an assessment of the proposal.

Whilst I note the appellant's concerns regarding potential multiple occupancy the application before the Board is for an extension to a single dwelling, only. A condition clarifying the extent of the development permitted comparable to that attached by the planning authority is appropriate.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, 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.

Environmental Impact Assessment

The proposed residential extension does not fall within a class of development for which EIA is required.

8.0 Recommendation

Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above, I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

It is considered that the proposed extension by reason of its scale, bulk and proximity to site boundaries, would be overbearing and would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual intrusion and overshadowing. The proposed development would contravene materially the zoning objective for the area which seeks to protect the amenity of existing residential area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

January, 2019