



An  
Bord  
Pleanála

## Inspector's Report 302945-18

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<b>Development</b>	Changes to sun room/utility and extension to existing kitchen
<b>Location</b>	14/15 Mount Park, Punches Cross, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	18/852
<b>Applicant(s)</b>	Donal & Edwina Cantillon
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Margaret Herriot
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> February 2019
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located at the junction of Ballinacurra Road/O'Connell Ave, New Street and Rosbrien Road, at Punches Cross, which is a residential suburb approx. 1 kilometre south of Limerick City Centre. Mount Park is a residential estate dating from 1930s which is located on the corner of New Street and O'Connell Avenue and extends westwards along New Street. There is a pub/restaurant on the opposite corner to the south, 'Punches Pub'. The site of the appeal is a corner site containing a single dwelling house, which formerly comprised a pair of semi-detached houses (Nos. 14-15 Mount Park). The appellant's property, (address stated as 3 Mount Park, O'Connell Ave), is located immediately to the north. However, this property is shown on the OS map as No. 16 O'Connell Avenue. There is a school located to the north on O'Connell Avenue.
- 1.2.** The site area is given as 0.066ha. The floor area of the existing house is given as 254sq.m. It is a 2-storey house which has been refurbished and the building contractors were still on site at the time of my inspection. The house is sited such that the front elevation faces the street corner and the north-eastern elevation is located close to the northern boundary with the appellant's property. The set back from the other boundaries is greater, with a front garden to the south-east. This is delineated by a front boundary wall with two pedestrian gates, one from O'Connell Avenue and one from New Street. Vehicular access is provided at the south-west corner from New Street. A number of small ground floor extensions have been constructed to the north-eastern and north-western elevations, which are the subject of this appeal.

## **2.0 Proposed Development**

- 2.1.** It is proposed to retain a single-storey rear extension to the kitchen (northwest or rear elevation) and to retain changes to two contiguous extensions, (a utility room and a sun room), to the north-eastern elevation. The latter two extensions were permitted in 2017. The total floor area of the extensions subject of the current proposed development is given as 24.47 sq.m. The floor area of the extensions granted previously was 18.58 sq.m. Each of the three extensions is located 800mm

from the appellant's boundary at their closest points. The structures to be retained effectively wrap around part of the rear and part of the side elevations of the house.

- 2.2.** The single-storey rear kitchen extension projects c.1.5m from the rear elevation, is c.4.5m in width and has a hipped roof. The utility room and sun room are contiguous single-storey extensions with a hipped roof and flat roof element, but the rooms are not connected internally. The utility room adjoins the kitchen, is tri-angular in shape and extends parallel to the boundary for a distance of c.5.5m. The sun room is located immediately to the south of the utility room, is square shaped with an area of c.9 sq.m. It is located adjacent to and slightly to the rear of the front entrance, and is between c. 3m and 4m from the appellant's boundary. The flat roof element of the proposed roof is wider than that permitted under 17/112, which means that the slope of the hip element is steeper.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to grant permission subject to 2 conditions. These were generally of a standard type. Condition 2 prohibited the construction of any further shed, garage, store, domestic extension etc. within the curtilage of the site without a grant of planning permission. No development contribution was required.

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

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

The planning report (15/10/18) noted the submission from the appellant. Reference was made to previous planning history on the site, which related inter alia, to permission for a new sunroom and utility and to other permissions for retention of new vehicular entrance and to conversion of two houses into one. It was considered that the proposal was acceptable, having regard to the single-storey nature and scale of the proposed development.

##### **3.2.2. Other Technical Reports**

Environment – no objection s.t. condition prohibiting any new chimneys.

### **3.3. Prescribed Bodies**

3.3.1 None.

### **3.4. Third party observations**

The observation from the appellant is generally similar to the grounds of appeal. Reference was made to the previous permission 17/112 and to the Warning Letter issued by the P.A. in respect of unauthorised development. Issues raised included construction of extension not in accordance with submitted plans, extension closer than 1 metre from her house, damage to her foundations, visual impact on her house and on the character of the area and impact on the residential amenities of her house in respect of overlooking, overshadowing and overbearing effect.

## **4.0 Planning History**

4.1. The following planning decisions relating to the site are relevant.

**17/112** – Permission granted by P.A. in May 2017 for a new sun room and utility to east gable, replacement of and provision of new rooflights and windows, a new porch/canopy over the front door, external wall insulation and a new sliding gate at the vehicular entrance. Permission was granted subject to 12 conditions which were generally of a standard type. It is noted from the permitted floor plans and elevations that the roof of the sunroom/utility had a smaller flat roof element with a more gently sloping roof and did not include the rear kitchen extension. Otherwise, that proposal was generally in accordance with the current proposal.

**13/770071** – Permission granted for revisions to vehicular access and retention of conversion of two dwelling units into one dwelling unit. Permission was granted subject to four conditions in September 2013.

**01/770142** – Permission granted for retention of new vehicular entrance.

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

**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.

- 5.1.2. Chapter 16 contains Development Management Standards. **Dwelling Extensions** – The following extracts from the policy are considered relevant:

- 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 they can integrate with it.
- 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 existing.
- Roof form should be compatible with the existing roof form and character. Traditional pitched roofs shall generally be appropriate when visible from the public road. High quality mono-pitched and flat roof solutions will be considered appropriate providing that they are of a high standard and employ appropriate detailing and materials
- 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.
- The available amount of private open space should not generally be reduced to below 40 sq.m.

## **5.2. Natural Heritage Designations**

Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) lie approx. 1.3km to the northwest and west.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The third-party appeal was submitted by the neighbouring resident to the north. The main points raised may be summarised as follows:

- The extensions the subject of the current application appeal, taken together with previous conversions and extensions to the premises, in close proximity to the appellant's dwelling (c.800mm), are excessive and unacceptable. The extensions are too close and overwhelm the visual and residential amenity of her house. The combined extensions at 43 sq.m constitute overdevelopment of the site. The proposal seriously injures the residential amenities of her property.
- The proposed development fails to respect the context of the houses at Mount Park and the surrounding area. The house as extended is domineering and bears no relationship to the scale and form of the houses in the vicinity of the site. The proposal fails to respect the character of the area and is totally at variance with the proper planning and sustainable development of the area.
- An extension on the western side, instead of the eastern side, would have been more appropriate.
- The P.A. condition no. 2 which prohibits any further development without a further grant of permission implies that the applicant could have been more sympathetic to the amenities of the appellant. However, it is submitted that permission should have been refused and the applicant should have been directed to remove the extensions.

### **6.2. Planning Authority Response**

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

### **6.3. First party response to grounds of appeal**

The first party responded on 6<sup>th</sup> December 2018. This was mainly in the form of a rebuttal of the grounds of appeal. The following points were made:

- Before lodgement of the previously permitted application (17/112), the Applicants' agent contacted the appellant and set out the footprint of the proposed extension on the ground. A surveyor's adjustable staff was also used to indicate the height of the proposed eaves and overall ridge height of the side extension. It was demonstrated that there would be an 800mm pathway kept clear between her property and the proposed extension.
- The FFL of the proposed extension is 1200mm below the FFL of the appellant's house.
- The approach to the design was guided by the design of the original house and is simple, restrained and subservient. Photos attached.
- The reason for the change to the sunroom/utility extension arose during construction when the carpenter advised that the design of the roof profile was impractical. The new design results in a ridge height which is lower by 134mm. the flat roof element is hidden from view.
- The bay window extension to the kitchen was inadvertently omitted from the submitted drawings under 17/112. This was to accommodate a kitchen designer's layout and was commenced as part of the current works. However, construction was suspended following a warning letter from the P.A. The proposed rear extension does not impact on the privacy of the neighbouring dwelling, particularly in light of the differences in floor levels.

### **6.4. Response from appellant to First Party response**

**6.4.1.** The first party response was circulated and the appellant submitted a further response on 23<sup>rd</sup> January 2019. The following points were made:

- The account of the pre-construction meeting was disputed both in terms of the timing of it and the information provided. It is submitted that the front elevation does not match that as constructed and that the sketches shown did not include any rear extension.

- The applicants did not consult with the appellant prior to submission of the current proposal and it came about as a result of a warning letter relating to the unauthorised construction of the rear extension and changes to the roof of the permitted extension.
- Reference is made to the letter from the appellant to the P.A. as part of the determination of the current planning application/appeal, copy (6/3/17) attached. This letter had raised concerns regarding light levels coming into her hall door, restriction of access to the roof at the gable end of her property, potential for damage to the foundations of her property and/or cracks in the boundary wall, damage to underground pipes or original cast-iron downpipes and to fencing on the boundary. Further concerns had been raised regarding the visual impact of the proposed side extension.

## **7.0 Assessment**

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

- Nature and scale of development
- Visual amenity
- Impact on residential amenity

### **7.1. Nature and scale of development**

- 7.1.1.** The appellant has raised concerns about the retrospective nature of the development, the floor area, (which was stated to be 43m<sup>2</sup>), and the siting of the extensions at the eastern end of the site. However, the floor area of the extensions (combined) is given as 24.47m<sup>2</sup> and that of the previously permitted extensions was given as 18.58m<sup>2</sup>. Thus, the additional floor area relates solely to the kitchen bay window extension, which was not included in the original submission under 17/112. This amounts to an additional 5.89m<sup>2</sup>.
- 7.1.2.** The only other changes to the proposed development relates to the roof profile of the sunroom/utility extension to the side elevation. Originally it had been proposed to construct a hipped roof with a small flat roof section adjoining the gable wall. However, the applicants' agent has stated that the carpenter advised against the



design as permitted due to the tri-angular shape of the footprint. It is submitted that the revised design results in a slightly reduced ridge height of 134mm. Although such a reduction would be almost imperceptible from outside the site, the main difference is considered to be the altered slope of the roof, which would be steeper and the sloping section would be shorter.

**7.1.3.** I would agree with the appellant that the siting of the extensions to the west where there is more space to accommodate the structures and there is no shared boundary would have been a better solution given that the existing house is much closer to the boundary with the property to the north-east. However, the nature of the extensions, being a kitchen extension and a utility room, means that functionally, it makes sense to extend to the rear and eastern side. Given that the extensions are single storey and limited in scale, it is considered that the proposed siting is acceptable in principle. Furthermore, the proposal before the Board relates only to the rear extension and the change to the roof profile of the side extension.

**7.1.4.** The retrospective nature of the development is unfortunate, but given its limited scale, it is considered that this issue is not sufficient in itself to warrant a refusal of the application.

## **7.2. Visual amenity**

**7.2.1.** The appellant stated that the proposed extension would be out of character with the architectural style of the existing development in the vicinity. However, as stated above, the alteration to the side extension is solely to the roof profile, which would be almost imperceptible from outside the site. It would also be largely screened by the existing vegetation on the side boundary. The proposed rear extension would be more visible from the street, but is of a very limited scale, being less than 6 sq.m in area, single-storey in height and with a mono-pitched roof of slate. This design approach is not inconsistent with the architectural style prevalent in the area. The site is also unusual in that it is a corner site with the existing building at a 45-degree angle to the street, and is surrounded by established walls and vegetation. Thus, it has the capacity to absorb the extensions which would not be prominent in the streetscape.

**7.2.2.** It is considered that the retention of these ground floor extensions would not be visually incongruous or obtrusive, would not be out of character with the existing pattern of development in the area and would not adversely affect the visual amenities of adjoining properties or of the area. Notwithstanding this however, it is considered that a suitable landscaping scheme would help to integrate the development into the site. This could be attached as a condition to any permission, should the Board be minded to grant permission.

### **7.3. Residential Amenity**

**7.3.1.** The concerns raised by the appellant related to excessive scale, overwhelming structures and overshadowing. As stated above, the extension to the rear is only c.5.89m<sup>2</sup> greater than that previously permitted. The finished floor level and ground levels of the appeal site are also considerably lower than those of the appellant's site, with a stated difference of 1200mm in FFL. It is acknowledged that the extensions are sited just 800mm from the common boundary and that the eaves overhang reduces this gap further. However, it is considered that the proposed rear extension would not be excessive in scale in the context of the generous size of the corner site, the difference in ground levels with the neighbouring site, and the single-storey height with shallow sloping roof. The alterations to the roof profile of the side extension would have no perceptible effect on the property to the north.

**7.3.2.** As the extensions proposed to be retained are single-storey with shallow sloping roofs, it is considered that they would not give rise to any significant level of overshadowing or overlooking and would not be overbearing. It is considered that the proposed development would not adversely affect the residential amenities of the adjoining property.

### **7.4. 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.

## **7.5. Appropriate Assessment**

Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) lie approx. 1.3km to the northwest and west. There are no known hydrological links to the protected sites. Given the scale and nature of the development, 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 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

9.1. Having regard to the policies and objectives as set out in 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, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, no development falling within Class 1 or Class 3 of Schedule 2 of Part 1 of those Regulations shall take place within the curtilage of the house, unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of protection of residential amenity.

3. 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.

4. 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.

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Mary Kennelly  
Senior Planning Inspector

13<sup>th</sup> February 2019