



An  
Bord  
Pleanála

## Inspector's Report 302972-18

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<b>Development</b>	Changes to side and rear elevations of proposed two-storey extension
<b>Location</b>	13 Iona Drive, North Circular Road, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	18/422
<b>Applicant(s)</b>	Ciara Jordan
<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>	Martin & Margaret Leyden
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> February 2019
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located to the north of the River Shannon and to the west of Ennis Road and Shelbourne Road. North circular road travels in a loop (E-W) from Shelbourne Road. Iona Drive is a residential cul-de-sac which is accessed from the southern section of NCR and No. 13 is situated at the northern end of the cul-de-sac. The appellants' property fronts onto the northern section of NCR, which is known as Revington Park. The appeal site is oriented on an E-W axis and is bounded by the rear gardens of Nos. 20-26 Revington Park, inclusive, which are long narrow sites with rear garden depths of 60-70 metres. The appellants' property is No. 22 Revington Park.
- 1.2.** The site area is given as 0.0563ha. The floor area of the existing house is given as 208.5 sq.m. It is a 2-storey house which has been refurbished and extended to the front with a single-storey extension and to the rear with a 2-storey extension and a raised deck. The building contractors were still on site at the time of my inspection. The semi-detached house is sited on the western side of the cul-de-sac and the rear garden, which is c. 45m is located to the west of the house. The ground levels on the appeal property appear to be at a higher level than those of the properties to the north. The two-storey rear extension comprises a rectangular structure which projects c. 5.6m from the main rear elevation and is set back c. 900m from the side walls of the house.
- 1.3.** The appellants' house is also a two-storey semi-detached house, which is c. 70m to the north of the appeal site. The rear of this property comprises a long, narrow mature garden which is bounded by timber panel fencing and contains a number of mature trees at the southern end. There is a large barn-like shed at the rear of No. 21 Revington Park, which bounds the appeal site.

## **2.0 Proposed Development**

- 2.1.** It is proposed to retain changes made to the two-storey rear extension as follows:

  - Increase overall floor area at first floor level by 10.5m<sup>2</sup>. This involves infilling a recessed area over the ground floor footprint of the extension.

- The overall width would also be increased from 2895mm to 5390mm. It is also proposed to retain a setback from the south-western boundary, whereas the permitted plans had shown the side wall aligned with the end wall of the house.
- Alterations to rear elevation relate to the changes outlined above, which results in an A-frame end gable wall.
- Alterations to side elevation involve the introduction of a new window at ground floor level facing the appellants' property. The ground floor window is 2.4m wide and provides light to the dining room.

### **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 (20/06/18) noted the submission from the appellant. Reference was made to previous planning history on the site, which related inter alia, to permission for the rear extension. It was stated that access could not be gained to the site at the time of inspection. A FI request was issued seeking a photographic survey of the extension as constructed and for the applicant to address the concerns raised by the appellant.

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

None.

#### **3.3. Prescribed Bodies**

3.3.1 Irish Water (2/06/18) – no objection subject to conditions.

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

The observation from the appellant is generally similar to the grounds of appeal. Issues raised principally related to overlooking and loss of privacy from the dining room window in the ground floor side elevation of the extension, particularly due to the difference in ground levels. It was requested that a 2m high wall be erected.

### **3.5. Response to FI request**

- 3.5.1.** The further information submitted on 21<sup>st</sup> September 2018 included a photographic survey and a proposal to erect a screen fence. A revised site layout plan was submitted showing the location of the proposed 1.8m high fencing, which would extend alongside the extension and beyond it by c.6550mm. It is stated that this fencing would match the existing fencing and is designed to address any overlooking from the dining room window.

## **4.0 Planning History**

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

**17/387** – Permission granted by P.A. in October 2017 for a 2-storey rear extension and a single storey front extension. However, the description of development had sought permission for a single-storey rear extension, a 2-storey side extension and the demolition and construction of a single-storey front entrance (all with a combined floor area of 33 sq.m). During the course of the application further information (both solicited and unsolicited) were submitted to the P.A., which had resulted in revisions to the development including changing the rear extension from single storey (31.45m<sup>2</sup>) to a 2-storey extension (68.3m<sup>2</sup>). This consisted of an increased ground floor area to 40.21m<sup>2</sup> and the introduction of a first floor (28.09m<sup>2</sup>). The depth of the extension was increased from 4.8m to 5.6m. A high-level window was shown at FF level of the side elevation but no openings were shown at ground floor level.

Permission was granted subject to 10 conditions which were generally of a standard type.

**03/770038** – Permission granted for demolition of garage, erection of porch and store with utility room and playroom on GF with bedroom on FF.

## 5.0 Policy Context

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

5.1.1. The site is zoned Residential, 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. 500m to the south.

## **6.0 The Appeal**

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

The third-party appeal was submitted by neighbouring residents to the north, at 22 Revington Park. The main points raised may be summarised as follows:

- The applicant had applied for planning permission for a single-storey extension which did not contain any overlooking windows, which was granted. However, during construction an unauthorised 2-storey extension was built.
- The proposed development is for the retention of an unauthorised structure which does not comply with the guidelines in the Development Plan.
- The extension contains windows which are 1.0m from the appellants' boundary and a raised deck. Overlooking from each of these elements of the development as constructed result in loss of privacy to the appellants' property. The raised deck is less than 1.0m below the fence at the rear of the appellants' garden. The appellants feel intimidated by the degree to which they are overlooked.
- A sketch is enclosed which shows the difference in ground levels between the properties. The boundary wall with the appellants' property was destroyed during construction works.

### **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 has not responded to the grounds of appeal.

## **7.0 Assessment**

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

- Unauthorised nature of development
- Impact on residential amenity

### **7.1. Unauthorised nature of development**

- 7.1.1.** The appellants have raised concerns about the retrospective nature of the development and their understanding that permission was granted for a single-storey rear extension with no north-facing window. However, it is clear from the plans and particulars on the P.A. website in relation to 17/387 that the nature of the development permitted under that reference changed from a single-storey rear extension with a floor area of 31.45m<sup>2</sup> to a two-storey extension with a floor area of 68.3m<sup>2</sup>, and that a high-level north-facing window was permitted at FF level, but no windows were permitted at GF level of the extension. The permitted drawings also indicate that the extension had been set back from the northern boundary by c.3740mm, whereas the setback in the current proposal is 1245mm.
- 7.1.2.** Thus, it is clear that the proposal currently before the Board relates only to the increase in floor area of the extension (by 10.5m<sup>2</sup>) by widening it at first floor level, the revised position of the extension in terms of the setbacks from the side boundaries, and the introduction of the window on the GF side elevation. Although a raised deck has been erected to the rear of the extension, it is not clear whether the ground levels have been altered by more than a metre or not. The applicant has not included the deck as part of the planning application and it is a matter for the P.A. to assess whether there are any unauthorised elements that may require a further planning application or enforcement investigation.
- 7.1.3.** Notwithstanding the above, the confusion regarding what was permitted under 17/387 is understandable, as it is not clear whether the revised proposals were re-advertised, and the Manager's Order does not reflect the fact that the permitted rear extension was revised to a 2-storey extension. However, Condition 1 requires compliance with the plans and particulars submitted on 2/05/17, 30/05/17 and 24/08/17. The retrospective nature of the development is unfortunate, but given its

limited scale, and the fact that the current proposal accurately reflects what is proposed to be retained, it is considered that this issue is not sufficient in itself to warrant a refusal of the application.

## **7.2. Residential Amenity**

- 7.2.1.** The concerns raised by the appellant related principally to overlooking and loss of privacy. The applicant had submitted a proposal, (21/09/18 as response to FI), for the erection of screen fencing to a height of 1.8m which would extend along the boundary from directly in front of the window for a distance of 6550mm beyond the extension. The appellants have not commented on this proposed mitigation measure in the grounds of appeal, but had sought a wall of 2 metres in height during the course of the application. However, the applicant had erected a sample panel of the proposed fence in front of the window at the time of my inspection.
- 7.2.2.** The appellants' rear garden is long (c.70m) but the difference in ground levels together with the fact that the gardens to the north are straight and narrow means that there is an issue with overlooking from the ground floor window and from the raised deck. It is considered that the 1.8m high fence would not be sufficient to overcome the perception of being overlooked from the window and deck. It is considered that the fence should be a minimum of 2 metres. In addition, the applicant should be required to provide landscaping to soften the impact of the 2-storey extension which is only 1.245m from the common boundary. Such landscaping would help the development to integrate into the surroundings and would also assist with the screening of the development. Should the Board be minded to grant permission, it is considered that conditions to that effect should be attached to any such permission.

## **7.3. 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.



#### **7.4. Appropriate Assessment**

Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) lie approx. 500m to the south. 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, as amended by the further plans and particulars submitted to the planning authority on the 21<sup>st</sup> day of September 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. 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. A screen fence shall be provided along the northern side elevation with the rear boundary of No. 22 Revington Park. This fence shall be 2 metres in height above the ground level of the deck and shall extend for a distance of 12 metres from the eastern end of the dining room window of the extension.

**Reason:** To prevent overlooking of the adjoining rear garden to the north.

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.

5. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the planning permission granted on 23<sup>rd</sup> day of October 2017 under Reg. Ref. 17/387 and any agreements entered into thereunder.

**Reason:** In the interests of clarity and to ensure that the overall development is carried out in accordance with the previous planning permission.

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Mary Kennelly  
Senior Planning Inspector

15<sup>th</sup> February 2019