



An
Bord
Pleanála

Inspector's Report ABP-303666-19

Development	Erect two storey dwelling house with connections to local authority services and all ancillary works.
Location	Site No. 9, Bridge View, Railway Road, Abbeyfeale, Co. Limerick.
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	18/126
Applicant(s)	Patrick Mulcahy
Type of Application	Permission
Planning Authority Decision	Grant, subject to 19 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Shelia Cree
Observer(s)	None
Date of Site Inspection	2 nd May 2019
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Decision	3
3.1. Decision.....	3
3.2. Planning Authority Reports.....	4
4.0 Planning History.....	4
5.0 Policy and Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations.....	5
5.3. EIA Screening	5
6.0 The Appeal.....	6
6.1. Grounds of Appeal.....	6
6.2. Applicant Response	7
6.3. Planning Authority Response	7
6.4. Observations	7
6.5. Further Responses	8
7.0 Assessment.....	8
8.0 Recommendation.....	12
9.0 Reasons and Considerations	12

1.0 Site Location and Description

- 1.1. The site is located in the northern outskirts of Abbeyfeale, some 0.6 km from the town's Market Square. This site lies between a two storey detached dwelling house to the north and a row of two storey semi-detached dwelling houses to the south on Bridge View. It is accessed off the initial portion of Bridge View, which is in turn accessed off the eastern side of the R524. On the opposite side of the regional road lies the Golden Vale Marts and an NCT Test Centre and the River Allaghaun flows, at a short remove, to the east and to the south of the site.
- 1.2. The site itself is of elongated form and it extends over an area of 0.020 hectares. It is presently a vacant grassed area with a bund at its eastern end. The northern boundary is denoted by a metal pole and wire fence and the southern boundary is denoted by a concrete blockwork wall, which is punctuated by buttresses on the site side. It is bound on either side by the aforementioned dwelling houses and to the front and rear by an adjoining continuous grassed area and a field, respectively.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of a two-storey detached dwelling house on the site with a floorspace of 110 sqm. As originally submitted, this dwelling house would have had a front bay window and a part two storey and a part single storey return. It would have provided four-bed accommodation. As revised, under further information, it would have a front gabled feature and a single storey flat roofed return. It would provide two-bed accommodation.
- 2.2. The dwelling house would be served by two car parking spaces to the front, albeit only one would lie within the formal site, and a garden with shed to the rear. The boundaries to this garden would be enclosed further by means of hedgerows.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission granted subject to 19 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information sought with respect to the following:

- Revised house design,
- Comprehensive site layout plan,
- Consistency across plans,
- Sub-standard bedroom size,
- Sub-standard off-street car parking provision,
- Site marooned from the public road,
- Proximity of streetlight,
- Details of boundary treatments, and
- Details of landscaping.

The case planner recommended refusal on the grounds of inappropriate design/serious injury to visual amenity, and insufficiently clear information as to the relationship between the dwelling house and site boundaries/serious injury to residential amenity.

3.2.2. Other Technical Reports

- Irish Water: No objection, standard advice.
- Roads: Following receipt of further information, no comments received.
- Physical Development: Following receipt of further information, the submitted Specific Flood Risk Assessment was critiqued on the basis that it lacks clarity and provides insufficient information on finished floor levels relative to the Ordnance Datum.

4.0 Planning History

Site

- 91/56: Erection of dwelling house and installation of a septic tank: Permitted.

Adjacent dwelling house to the north:

- 88/29371: Dwelling house: Permitted.

Adjacent row of dwelling houses to the south:

- 02/2006: 8 no. dwelling houses: Permitted.

5.0 Policy and Context

5.1. Development Plan

Under the Limerick County Development Plan 2010 – 2016 (CDP), Abbeyfeale is identified as being a Tier 3 settlement, which is centred on the N21 transport corridor. Under the Abbeyfeale Local Area Plan 2014 – 2020 (LAP), the site is shown as lying within an area that is zoned “existing residential”.

5.2. Natural Heritage Designations

- Lower River Shannon SAC (site code 002165)
- Stack’s to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (site code 004161)

5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.020 hectare site to provide a single dwelling house. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant, who resides at No. 8 Bridge View, begins by drawing attention to the narrowness of the site, at c. 6.1m. She proceeds to cite the following grounds:

- With respect to the draft conditions:
 - Seven of the 19 are conditions precedent that disenfranchise the appellant,
 - Condition No. 3 refers to a 20:00 finishing time during the construction period: this should be 17:30,
 - Condition No. 4 refers to a wheel wash facility, which would be impractical,
 - Condition No. 5 refers to noise parameters: who would enforce these?
 - Condition No. 12 refers to a Construction Management Plan: a more through-going one than that specified is needed,
 - Condition No. 14 refers to access to the site: this matter should have been addressed at the application stage not now at the post-decision stage,
 - Condition No. 15 refers to the detailed layout of the site: the second bullet point is reiterated in this respect, and
 - Condition No. 18 refers to the proposed finished level of the ground floor, something which again should have been established at the application stage.
- With respect to the submitted plans:
 - The site layout plan lacks detail and clarity: the southern side passageway would appear to be only 600mm wide and so it would be quite impractical,
 - The site layout plan does not appear to be based on a sufficiently detailed site survey. Consequently, access to the proposed car parking spaces has not been properly resolved,
 - Details concerning service connections and a streetlight have similarly not been properly resolved,

- One of the proposed car parking spaces would lie outside the red edge of the subject site,
 - The two-storey portion of the proposed dwelling houses would extend 2m beyond the rear building line of the appellant's adjacent dwelling house to the south. This portion would be overbearing, and it would lead to a loss of light,
 - The depth of the proposed dwelling house would, likewise, be overbearing,
 - The proposed finished ground floor level would be 600mm above ground level. Consequently, future residents would be able to look over the southern rear boundary wall into the appellant's rear garden,
 - The practicalities of any construction phase on such a narrow site would be severe, and
 - Assurances are sought with respect to the protection of the appellant's property.
- The appellant concludes that in, the light of the above concerns, the Planning Authority's permission was premature and that her concerns, which were expressed previously, were not addressed.

6.2. Applicant Response

- The applicant has outlined his family circumstances, which have provided the impetus for the current proposal.
- He has also submitted a report from his perspective builder as to how the construction phase would proceed.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

The appellant has responded to the applicant's response. She acknowledges the said report, but reiterates that the main thrust of her objection is to the design of the proposal itself, something which the applicant has not addressed.

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP and the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that the application/appeal should be assessed under the following headings:

- (i) Land use and development standards,
- (ii) Traffic, access, and parking,
- (iii) Water,
- (iv) Visual and residential amenity, and
- (v) Appropriate Assessment.

(i) Land use and development standards

7.2. Under the CDP, Abbeyfeale is identified as being a Tier 3 settlement, which is centred on the N21 transport corridor and, under the LAP, the site is shown as lying within an area that is zoned "existing residential". From a land use perspective there is thus no in principle objection to the site being developed for a residential after use.

7.3. As revised, the proposed two storey dwelling house would provide two-bedroomed (4 person) accommodation over a floorspace of c. 115 sqm, a total in excess of the 80 sqm minimum recommended under the Quality Housing for Sustainable Communities: Best Practice Guidelines. This dwelling house would be accompanied by c. 70 sqm of private open space to the rear.

7.4. As revised, the proposed dwelling house would be sited in a position whereby a gap of 0.305m would exist between it and the northern boundary to the site and a gap of 0.690m would exist between it and the southern boundary. During my site visit, I observed that buttresses to the southern boundary intrude into the site and so, in practice, the gap of 0.690m would not be available. The typical wheelie bin has a width of 0.505m and so there would appear to be insufficient room for such a bin to be moved through this gap.

- 7.5. The front elevation of the proposed dwelling house would be similar in alignment to the front elevations of the existing dwelling houses on either side. Forward of this elevation there would be barely room within the confines of the site for a car parking space and so the opportunity to provide a bin store therein would not exist.
- 7.6. In the light of the above considerations, I am concerned that a combination of the narrowness of the site, the siting of the proposed dwelling house and the pre-existing form of the southern boundary wall would militate against the future satisfactory functioning of this dwelling house.
- 7.7. I conclude that, whereas there is no in principle land use objection to the development of the site for residential use, the practical functioning of the currently proposed dwelling house has not been sufficiently allowed for.

(ii) Traffic, access, and parking

- 7.8. The proposed dwelling house would generate additional traffic movements at the junction between the R524 and Bridge View. Such movements could be satisfactorily accommodated at this junction.
- 7.9. On the submitted site layout plan, the red edge of the site does not abut the rear edge of the adjacent public footpath, which accompanies one side of the carriageway to Bridge View. "On the ground", this footpath has dropped kerbs, which provide an access point to the gated drive-in to the northern side of the dwelling house at No. 8 Bridge View. The site layout does not show the concreted area forward of the gates to this drive-in. However, there would appear to be a small triangular shaped grassy patch between this area and that portion of the site where a car parking space would be provided. Accordingly, the applicant has not demonstrated that the site could be accessed from the public road without passing over land that does not appear to be under his control.
- 7.10. Turning to the proposed car parking provision, the submitted site layout plan shows two car parking spaces laid out in a position forward of the proposed dwelling house. Under the CDP, two-bedroomed dwelling houses should be served by 1 car parking space for residents and, in conjunction with every three dwelling houses, 1 car parking space for visitors. During my site visit, I observed that there are some on-street car parking spaces, which can meet the needs of visitors. I, therefore, take the view that, at a minimum, the proposed dwelling house should be served by 1 off street car parking space. The site layout plan shows one of the two spaces entirely

outside the red edge of the site and the other, which would be immediately in front of the proposed dwelling house, partially outside this site. Again, the applicant has not demonstrated that this space could be laid out on land that is fully under his control.

7.11. I conclude that the applicant has not demonstrated that the site would be capable of being accessed from the public road over land under his control and he has not shown that the proposed car parking provision could be laid out wholly within the site.

(iii) Water

7.12. The proposed dwelling house would be connected to the public water mains and the public foul water sewerage system. Irish Water has raised no objection in these respects. Surface water from the roof of the proposed dwelling house would discharge to a soak pit in the rear garden.

7.13. The OPW's flood information website shows that the site is at risk of fluvial flooding during 1 in 100 and 1 in 1000 year flood events. The applicant has accordingly undertaken a Flood Risk Assessment (FRA) of the site, which concludes that, as the dwelling houses at Nos. 1 – 4 Bridge View are not shown as being at risk of fluvial flooding from the nearby Allaghaun River, their finished ground floor level should be adopted in the proposed dwelling house, i.e. 9.990m, some 600 mm above ground level. The FRA acknowledges that the proposal would result in some loss of flood storage on the site and so it proposes that adequate compensatory drainage arrangements should be made on site.

7.14. At the application stage, the Physical Development consultee advised that the FRA should address the question of the finished floor level in terms of Ordnance Datum levels that would reference the nearby River, too. I concur with this advice.

7.15. Under Revised Section 5.28 of The Planning System and Flood Risk Management Guidelines, there is scope to accede to the development of infill housing sites, where proposals are accompanied by an assessment which demonstrates "that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities." During my site visit, I observed that the eastern boundary of the site is composed of an earth bund and that the rear garden to the north is at a slightly lower level than the site. I also observed that the southern boundary is denoted by means of a concrete blockwork wall. In these circumstances, it is possible that the site would not contribute to the storage of water during a flood

event. However, any FRA should address the specific details of the site in question and if, under a development scenario, flood storage would be displaced, then compensatory measures should be identified.

- 7.16. I conclude that, insofar as the site is the subject of an identified flood risk, the submitted Flood Risk Assessment is insufficiently detailed in its analysis of how the site would be affected under a flood event and thus what mitigating and possible compensatory measures may be appropriate.

(iv) Visual and residential amenity

- 7.17. As originally submitted, the design of the principal elevation of the proposed dwelling house would have resembled that exhibited by the existing semi-detached dwelling houses on Bridge View. As revised, this design was changed to incorporate a gabled feature, which would provide this elevation with a more vertical emphasis. Thus, while this change would distinguish this dwelling house more so, it would also draw attention to the narrowness of its width at 5.277m compared to 6.1m in the case of each of the adjacent semi-detached dwelling houses.
- 7.18. In the light of the foregoing paragraph and the discussion of the proposal under the preceding headings of my assessment, the case planner's contention that a bespoke dwelling house for the site may indeed be the more appropriate design approach for the site.
- 7.19. The appellant expresses concern with respect to the impact of the proposed dwelling house upon the residential amenities of the area. Thus, she draws attention to the rear elevation, which would extend 2m beyond the rear building line to the adjacent pair of semi-detached dwelling houses and so it would be over bearing, and it would lead to a loss of light. She also draws attention to the higher level of the ground floor and the risk that this would afford the opportunity for a line of sight over the wall along the southern boundary to the site.
- 7.20. By way of response, I note that the presence of a driveway on the northern side of the dwelling house at No. 8 Bridge View would mean that the impact of the projection of the proposed dwelling house to the rear of the said building line would, in practise, be eased. I note, too, that, while the 1.8m high boundary wall would be capable of being supplemented, the design and layout of the proposed dwelling house may not be conducive to this, i.e. a conservatory with a solid flat roof would be constructed

close to this wall and its southerly aspect would be affected by any increase in its height.

- 7.21. Given the constraints posed by the site's context and dimensions, the appellant questioned whether or not it would be possible to construct the proposed dwelling house. At the appeal stage, the applicant submitted a Construction Plan and Methodology, which *prima facie* answers this question in the affirmative.
- 7.22. I conclude that the design of the proposed dwelling house would not be optimum for the site and that considerations with respect to safeguarding neighbour privacy would add to the case for the adoption of a different approach.

(v) Appropriate Assessment

- 7.23. The site is located in a position near to the Allaghaun River, which lies within the Lower River Shannon SAC. The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA is also represented in the hinterland to Abbeyfeale.
- 7.24. The site is a serviced urban one, which is largely contained by its existing site boundaries. I am not aware of any source/pathway/receptor route between it and the said SAC and, as the Hen Harrier is the qualifying interest of the said SPA, the site would not contribute to the habitat of this species. Accordingly, the development of the site would not be likely to significantly effect the conservation objectives of these Natura 2000 sites.
- 7.25. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. That permission be refused.

9.0 Reasons and Considerations

1. It is considered that the applicant has failed to demonstrate that the proposed dwelling house would be capable of being accessed and provided with the requisite car parking space on lands that are under his control. He has also

failed to demonstrate that the siting of the dwelling house close to the side boundaries of the site would facilitate external movement between the front and rear of this dwelling house.

Furthermore, the submitted Flood Risk Assessment fails to demonstrate, by means of Ordnance Datum, that the proposed finished ground floor level for this dwelling house would be an appropriate mitigation response to the flood risk attendant upon the site. It also fails to establish the extent to which the site may contribute to flood storage and to identify any site-specific compensatory measures that may thus be appropriate.

Accordingly, in the absence of the above cited information, the Board considers that it would be premature to permit the proposed dwelling house and so to do so would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the design and layout of the proposed dwelling house would lead to a sub-optimal outcome for the developed site, in terms of its streetscape presence and the achievement of both satisfactory standards of amenity for neighbours and future occupiers of this dwelling house.

Accordingly, any future provision of the additional information cited under reason 1, should be brought forward in conjunction with a new design approach to the development of the site, in order to ensure the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

16th May 2019