



An
Bord
Pleanála

Inspector's Report ABP.304307-19

Development	Construction of entrance with gate to side of existing house, brick pave yard area for car parking and construction of concrete block wall to boundary to rear of house
Location	The Gate Lodge, Orchard Avenue, Enniscough Rathkeale
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	19/102
Applicant(s)	James Boswell
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	James Boswell
Observer(s)	Caitriona Lillis
Date of Site Inspection	14 th July 2019
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located within the built-up area of Rathkeale Town, in an area known as Enniscoush, to the south of the centre of town. The site is accessed from Church Street (R523) which runs southwards from Main Street. The site is situated at the entrance to a housing development, Orchard Avenue, on the southern banks of the River Deel. It is a large corner site with frontage to both Church Street and Orchard Avenue. There is a pair of semi-detached single-storey cottages fronting Church Street to the south of the site. There is a formal entrance to the housing estate with two semi-circular landscaped areas flanking the entrance, with random rubble stone walls at the rear of each semi-circle. The internal road of the estates is bordered by public open space on the northern side which in turn is bounded by the river, with the 2-storey semi-detached houses on the southern side of the road. The appeal site is located just inside the southern semi-circular landscaped area.
- 1.2.** The site contains a single-storey house with a large open plan front garden, and the front elevation faces north. There is a pebble-dash screen wall separating the front and rear gardens of the property, with a pedestrian gate to each side of the front entrance to the house. The corner site, with a stated area of 0.089ha, is bounded to the north by the estate road, to the west by No. 1 Orchard Avenue and to the south by a vacant piece of land, which separates the appeal site from the cottages to the south. The eastern boundary is with Church Street and the landscaped area and is defined by stone/masonry walls. The western boundary is also defined by a concrete wall and the southern boundary by a hedge and mature trees. The front garden is laid out as two areas of lawn with a concrete strip in the middle. The rear garden is in two main parts, one on either side of the dwelling house. The eastern section is laid out as lawn and the western section contains a patio.

2.0 Proposed Development

- 2.1.** It is proposed to construct a new vehicular entrance, with a sliding gate to the east of the main entrance. The existing 2m high screen wall would be retained save for the section required to facilitate the entrance gate. The area behind this wall is proposed to be paved to allow for the parking of cars. It is also proposed to erect a wall along the rear (southern) boundary to match the height of the front screen wall.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for one reason which reads as follows:

The proposed development, by reason of its design and purpose would detract from the visual and residential amenities of the area and the precedent which a grant of permission would set for a similar type of development would be considerably at variance with the general character of the area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

It was noted that the site is part of a residential development which was permitted under 99/1826 for 32 houses and that a recent application for alterations to the front elevation and construction of a front boundary wall (18/153) was appealed to the Board (301630-18). The appeal was against a condition of the P.A.'s permission which prohibited the construction of the wall. The Board considered that the proposed wall would be an obtrusive feature in this open plan estate and would materially contravene the conditions of the parent and subsequent permissions regarding the estate. The objection from surrounding residents was noted.

The current proposal was noted as being for the purpose of parking cars in the back garden. However, it was considered that the proposed use of the rear garden for these purposes was unacceptable particularly as there was ample room to park cars to the front of the site. The following comments were also made:-

- The proposed rear boundary wall and brick paving is likely to be exempted development.
- The overall development would set an undesirable precedent for this type of development throughout Orchard Avenue development.

It was concluded that the proposed development should be refused.

3.2.2. Other Technical Reports

Archaeology – No objection.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Objection to P.A. from Catherine Lilis with c.70 signatures (observer to appeal). The comments raised are similar to those raised in the observation to the appeal (summarised below).

4.0 Planning History

99/1826 – planning permission granted for construction of 32 no. semi-detached dwellings, 16 no. terraced dwellings, 6 detached houses and a gate lodge. Condition 15 prohibited the provision of front boundary walls/fences as the design concept is for an open plan development.

03/350 – planning permission granted for change of layout to entrance, roads and location of housing units. Condition 13 prohibited the provision of front boundary walls/fences as the design concept for the estate was open plan.

301630-18 (P.A. 18/153) – Permission granted by P.A. for alterations to front elevation of gate lodge. The application had included the construction of a front boundary wall and gate. Condition 2 of the P.A. decision had prohibited this element of the proposed development and the appeal to the Board was against this condition. The Board decided to attach the condition, having regard to the planning history and to the open plan nature of the estate.

5.0 Policy Context

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

Policy HOU P3 and **HOU P6 (a)** seek to promote high quality living environments in new and existing residential areas in the interest of quality of life and sustainable communities, and which has regard to the pattern and grain of existing development.

Section **10.5.1** sets out the **Development Management Guidelines** for **Residential Development Urban** – where open plan estates are proposed, these shall be designed in an integrated manner where the pedestrian has priority.

5.2. Rathkeale Local Area Plan 2012 - 2018 (as extended) –

Rathkeale is designated as a Tier 3 town in the Settlement Strategy for Co. Limerick and Objectives SS01-08 apply. Tier 3 towns are generally located on major transport corridors and are promoted as secondary development centres for significant future development. However, no significant development has taken place within the town since the adoption of the LAP and the Chief Executive has extended the life of the LAP to 2022.

The site is zoned Existing Residential, the objective for which is “To ensure that new development is compatible with adjacent uses and protect the amenity of existing residential areas.”

Chapter 4 housing includes Section 4.6 which relates to Traveller Accommodation and Objective H6 which seeks to provide a Special Development Area for Temporary Private sites for Mobile Homes and Caravans. This area is to be located within the Roches Road/Fair Hill areas of the town, (Map 5).

5.3. Natural Heritage Designations

There are three European sites within 15km –

Askeaton Fen Complex, (002279), which is 3.5km to the North the town.

Curraghchase Woodlands, (00174), which is 6.5km to NE of the town.

Lower River Shannon SAC (002165), which is 13km to the NW of the town

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal was submitted by Patterson Design Consultancy on behalf of the applicant. The main points raised may be summarised as follows:

- The applicant wishes to put a gate in the existing wall as he needs to be able to bring his cars and caravans into the rear of the property when he returns from the UK at Christmastime for three weeks annually. It is stated that in June 2018 when he had returned to Ireland at short notice for his father's funeral, his caravan was stolen from his home in the UK, hence the need to bring it with him. It is further stated that he does not reside in the caravan whilst in Ireland, as there is ample room within the residence.
- Given that he travels around Ireland without the caravan, there is a need to ensure its safety and security whilst away on such trips. This is the reason for the proposed locked gate.
- The introduction of a gate would not increase the flow of traffic by even one vehicle and would assist traffic flow in the vicinity of the dwelling by removing large vehicles from the front of their property.
- Photos and drawings are enclosed.

6.2. Planning Authority Response

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

6.3. Observations

An observation has been submitted by Caitriona Lilis with 70 signatures attached.

The main points raised are as follows:

- The application as originally submitted to the P.A. was for the parking of cars, even though there was ample space in front of the house for this purpose. The appellant now seeks space for the parking of his caravan due to the theft of a previous caravan in a different jurisdiction. The relevance of this is not

clear and the appellant is now applying for something that was never applied for in the first place.

- The proposal would have a very negative impact on the visual and residential amenities of the area.
- The points raised in the letter of objection to the P.A. are still relevant. These points may be summarised as follows:-
 - The proposed brick paved area measures 156m² (which is nearly three times the size of the dwelling), which is grossly in excess of what is required for an additional parking space (2.4m x 4.8m). There is already off-street parking available to the front of the house.
 - The proposal would create a traffic hazard as it would facilitate the parking of a significant number of cars on the site, which would potentially increase the volume of traffic in the area substantially.
 - Inadequate details of the type of brick to be used have been provided and this could lead to a significant increase in surface water run-off.
 - The width of the proposed gateway at 3.8m is excessive with even a large SUV being no more than 2.0m. Access to the gate entails the elimination of part of the front lawn, replacing it with hard surfacing and lowering the kerb (crossover) for a substantial length.

7.0 Assessment

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

- Impact on visual and residential amenity
- Traffic and parking
- Surface water drainage

7.2. Impact on visual and residential amenity

7.2.1. The site is located at the entrance to an open plan estate with front gardens laid out as lawns and generally incorporating a concrete drive/off-street parking space within

the front garden. There are no front or side walls or fences forward of the main building line. The proposed development seeks to introduce a vehicular gate into the existing screen wall to the side garden in order to provide access to the rear garden. The appeal site is unusual as it is designed as a gate lodge at the entrance to the estate, with a wide and relatively shallow site, whereas the remainder of the houses on the estate are semi-detached on long narrow sites. Thus, the prevailing pattern of development does not include screen walls such as that present on either side of the house on the appeal site.

7.2.2. However, the character of the estate is distinctively open plan with an emphasis on pedestrian priority. The proposed development would necessitate the erosion of much of the front lawn with a c.12-metre wide concrete apron/driveway to the front of the house. It is considered that this would significantly alter the character of the estate, both visually and functionally, as it would result in an excessively wide driveway and could potentially accommodate a significant number of cars or be used for the parking of a caravan.

7.2.3. The Rathkeale Local Area Plan has recently been extended to 2022. I note that in Section 4.6, there has been a long history of unauthorised parking of mobile homes/caravans on the public road and on private lands within Rathkeale. This practice, it is stated, has given rise to issues of public health hazard, traffic and pedestrian conflicts and issues regarding inadequate services. In response to this, the LAP seeks to provide a Special Development Area for Temporary Private sites for mobiles homes and caravans in an area to the north of the Main Street (Fair Hill and Roches Road). The appellant is seeking permission to park his caravan in the rear yard. Although it is stated that it is not intended to reside in it, this would be difficult to monitor and enforce. It would also be difficult to prevent the front driveway from being used for this purpose, if it is enlarged as proposed. It is considered that the parking of a caravan or mobile home on the site would alter the character of the estate given is distinctively open plan nature.

7.3. Traffic and parking

7.3.1. The reason for the proposed development given in the application to the P.A. was for the parking of cars behind the screen wall. The observers have expressed concern regarding the size of the area to be paved (156m²) as well as the width of the

proposed entrance and enlarged driveway, in terms of the number of cars that could potentially be accommodated, for which it was considered there is no justification. It was pointed out that the paved area is almost three times the floor area of the house and that the width of the entrance (3.8m) is excessive given the dimensions of most vehicles. The concerns related to the additional traffic that would be generated as well as the large expanse of paved surface with knock-on effects on the surface water run-off in the area. I would agree that there is no justification for additional off-street parking on this site given that the estate road is remarkably quiet with no on-street parking at the time of my inspection and considering that the existing driveway which can accommodate c. 3 cars.

- 7.3.2.** The design concept of the open plan estate seeks to prioritise pedestrian activity and connectivity and generate a pedestrian friendly environment which is not dominated by the private car. The proposal to increase the crossover associated with the expanded driveway to 12 metres is unjustified and would militate against the objectives to provide for a pedestrian friendly environment and would facilitate the parking of multiple cars. The proposed development would, therefore, be contrary to the design concept for the estate.

7.4. Surface water drainage

- 7.4.1.** The observers have also raised concerns regarding the surface water run-off from the expanded paved areas within the site. I would share these concerns, particularly as the site appears to be located within Flood Zone A of the River Deel. Chapter 7 of the Rathkeale LAP addresses surface water drainage and flood risk management. Objective IN 3 Surface Water Disposal requires developers to demonstrate that appropriate SUDS measures are examined and provided (where feasible). Objective IN 4 Flood Risk Management requires the developer to demonstrate that the proposal will not result in increased risk of flooding elsewhere.
- 7.4.2.** It is stated that the Stage 1 Flood Risk Assessment for Rathkeale had identified that the southwestern part of the town along the Deel River is in Flood Zone A. As a response to this, the LAP has designated any lands located in Flood Zone A as open space or agricultural use and has rezoned large areas in this part of town from residential to open space and agricultural use. The site of the development is located within the flood plain of the River Deel. It is considered that the proposed

development, with an additional paved area of 156sq. m together with the expanded concrete driveway, would increase the hard surface paved area within the site, and as such, is likely to increase surface water run-off in this area. There is no indication that the applicant has incorporated appropriate SUDS measures or whether the additional run-off may increase the risk of flooding elsewhere. This would contravene Objectives IN 3 and IN 4 of the Rathkeale LAP.

7.5. Environmental Impact Assessment

- 7.5.1.** 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.

7.6. Appropriate Assessment

- 7.6.1.** There are no Natura 2000 sites within the town of Rathkeale. The site is located approximately 4km from the closest designated site, namely, Askeaton Fen Complex cSAC (002279) and approx. 7km from Curraghchase Woods SAC (000174). It is located c.14km to the southwest of the Lower River Shannon SAC (near Adare). Given the distances involved, and as 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 planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the open plan nature of the housing estate of which the proposed development forms an integral part, the design concept of which is based on open plan front gardens with no boundary walls or fences, it is considered that the proposed development which would introduce a wide vehicular gateway and an associated expanded driveway to the front of the dwelling would result in additional parking areas which would detract from the

character of the housing estate and would seriously injure the visual and residential amenities of the properties in the vicinity. The proposed development would, therefore, be contrary to the provisions of the Rathkeale Local Area Plan (2012-2018 as extended) and the Limerick County Development Plan 2010-2016 (as extended) and to the proper planning and sustainable development of the area.

2. The proposed development is in an area which is at risk of flooding, by reference to the current Local Area Plan for Rathkeale. The Board is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. The proposed development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

30th August 2019