



An  
Bord  
Pleanála

## Inspector's Report ABP 304456-19

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<b>Development</b>	2 storey extension to rear and side.
<b>Location</b>	20 Lansdowne Park, Ennis Road, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	18/1223
<b>Applicants</b>	Laura & Cian Murphy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellants</b>	Thomas Henn & Geraldine O'Rourke
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13/08/19
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

Lansdowne Park off Ennis Road is a mature residential area in the northern suburbs of Limerick City. The appeal site is within a small cul-de-sac of 10 no. two storey semi-detached dwellings, some of which have been extended.

No. 20 is roughly triangular in shape widening out from the front drive to the widest point of the site to the rear. The dwelling has a single storey rear return with a detached shed to the side. The site boundaries to No.19 to the south east and No.21 to the north-west are delineated by timber fencing with a stone wall backed with planting delineating the rear boundary.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 14/12/18 with further plans and details received 28/03/19 following a request for further information dated 05/02/19.

As amended the proposal entails a 2 storey extension to the side and rear of the dwelling with a stated additional floor area of 77 sq.m. The works include the demolition of the existing single storey rear return and garden shed. The extension is to be setback 5.5 metres from the front wall of the dwelling and is to extend 3.950 metres beyond the original side wall. It is to have a depth of 4.620 metres beyond that of the rear wall of the original dwelling with the 1<sup>st</sup> floor set back from the boundary with No.19 to the south-east. The extension at its closet point to the boundary with No.21 is to retain a setback of 1.003 metres. A hipped roof is proposed

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to 13 conditions. Of note:

Condition 2: No sound trees to be removed.

Condition 9: Dwelling and proposed extension to be used as a single dwelling unit.

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

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

The Planner's report dated 05/02/19 considers that the two storey element is not a proportionate extension of the property and that it would fail to assimilate successfully with the character of the existing dwelling or the spacious nature of the plots in the cul-de-sac. The 1<sup>st</sup> floor element should be reduced to no more than 3 metres. In order to avoid awkward juxtaposition of roof forms which could have a harmful effect on the amenity of the area revised plans are required. It is suggested that the roof form should tie into the existing roof. Further information recommended. The 2<sup>nd</sup> report dated 17/04/19 following further information considers that the examples of two storey side extensions given are not comparable in terms of scale. Having regard to the nature of the proposal, the setback of the development from the road and angle of dwellings at this location, it is not envisaged that the proposal will be unduly prominent or impact negatively on amenities of adjoining property. A grant of permission subject to conditions recommended.

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

Environment Section requires that no chimney or flue for solid fuel be installed in the extension.

### **3.3. Prescribed Bodies**

Irish Water in a report dated 27/01/19 requires further information on the destination point for the proposed sewer and details of existing combined sewer within the curtilage of the dwelling. The 2<sup>nd</sup> report dated 08/04/19 following further information has no objection subject to conditions.

### **3.4. Third Party Observations**

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeal summarised in section 6 below.

## 4.0 Planning History

I am not aware of any previous planning applications on the site.

## 5.0 Policy and Context

### 5.1. Development Plan

The Limerick City Development Plan 2010-2016 (as extended) refers.

The site is within an area zoned 2A – Residential, the objective for which is to provide for residential development and associated uses.

Chapter 16 sets out the development management requirements for specified types of development. In terms of residential development the following is noted:

Dwelling Extensions – 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 the existing.

Proposed extension design should comply with the following:

- 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 that they will integrate with it.

### 5.2. Natural Heritage Designations

None in the vicinity

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The 3<sup>rd</sup> party appeal by the residents of No.21 Lansdowne Park adjoining the site to the north-west can be summarised as follows:

- The proposal does not comply with the provisions of chapter 16 of the development plan which deals with dwelling extensions.

- The extension would equate to a 53% increase in floor area. It represents significant overdevelopment of the site
- The scale, mass and roof form fail to assimilate with the existing dwelling, would be dominant and visually awkward. It would detract from the character and appearance of the site and neighbouring properties.
- It would appear as a separate dwelling due to its bulk and the significant gap between the existing and proposed roof forms.
- The proposal would have a negative impact on their property by reason of overshadowing and loss of light. The application is not accompanied by a daylight/sunlight report or shadow analysis.
- It would be visually obtrusive when viewed from their property.
- Recent two storey extensions to dwellings in the cul-de-sac have maintained subservience to the original dwelling and are not obtrusive.
- The site layout is inaccurate in terms of their extension and trees on site.
- There are concerns that the proposal would impact negatively on the trees and their root systems within their property.
- Should permission be granted conditions requiring a daylight and shadow analysis, tree survey, tree protection measures and alterations to the extension are recommended.

## 6.2. Applicant Response

The submission from HRA Planning on behalf of the applicants, which is accompanied by revised plans, can be summarised as follows:

- The proposal is consistent with the development management requirements of the Limerick City Development plan in that the design follows the pattern of the existing building as much as possible and the roof form is compatible with that existing.
- A 2 storey extension to a hipped roof dwelling presents a design challenge to ensure effective assimilation. It is submitted that contextual circumstances should apply.

- The view of the proposed extension in the context of its relationship with the character of the dwelling and neighbouring properties will be restricted. The specific orientation of the dwelling onto the street conceals most of their side property from view. Where views are available they will be partially obstructed by the mature tree to the front of the appellants' property. The ability to read any significant variance between the existing and proposed roof profiles will be significantly inhibited. With the development in place and recessed to the side the design and character of the dwelling remains unchanged.
- The design has regard to the amenities of the appellants' property. A daylight or sunlight study is not necessitated. It is evident that no amenity windows in the appellants' property are orientated along the south-eastern elevation that might be adversely affected. The proposal has been designed to maintain more than sufficient and acceptable distance from the common boundary.
- There is little opportunity to view the appellants' rear garden from the proposed development given that the bedroom window is oriented generally south over the applicants' back garden.
- A revised site layout is submitted, the purpose of which is to illustrate, as accurately as possible, the position, orientation and juxtaposition of the appellants' extension relative to the application site.
- No trees will be interfered with.
- There is no material basis for the recommended conditions.
- A design compromise is proposed which entails a flat roof design to the extension. This would alleviate the concerns expressed in the appeal (revised drawings submitted).

### 6.3. **Planning Authority Response**

None

### 6.4. **Observations**

None

## 6.5. Further Responses

The applicants' response was circulated for comment. A response was received from the appellants. In addition to reiterating a number of comments made in the appeal submission the following are noted:

- There is a gap between their side extension and the common boundary. It is set back from the front wall of the dwelling by 2 metres.
- The extensions referenced in the vicinity have a different design approach with some having different site specific circumstances.
- No evidence has been submitted to support the assertion that a daylight analysis is not required. The shed to be removed is not comparable to the proposed extension.
- The mature tree to the front is deciduous. Whilst a level of screening will be provided in the summer this will not be the case at other times of the year.
- The concerns regarding impact on trees in their garden remain.
- The proposal to replace the hipped roof with a flat roof would reduce the mass of the roof. There is an alternative design solution with the two storey side extension brought forward and the roof assimilated into the existing roof.
- Should the Board grant permission it is requested that conditions be attached requiring a tree survey and reduction in the width of the two storey element to 3 metres as originally requested by the Council.

## 7.0 Assessment

I consider that the issues arising in the case relate to the suitability of the design of the extension and impact on the amenities of the adjoining property.

The appeal site is within the mature residential area of Lansdowne Park comprising largely of 2 storey semi-detached dwellings, many of which have been extended. The houses are not protected structures and are not within an architectural conservation area. The area is zoned 2A –Residential, the objective for which is to provide for residential development and associated uses. Whilst extensions and alterations to an existing dwelling are acceptable in principle there is an obligation to

reconcile the need to meet the requirements of the applicants with the requirement that such works should maintain the visual amenities and character of the parent building and wider area, whilst not compromising the residential amenities of adjoining properties.

The layout of the appeal site and that of the other dwellings within the small cul-de-sac is dictated by their arrangement around the small circular area. Arising from same the sites are roughly triangular in shape, their narrowest point being to the turning area extending out to the widest point along their rear boundaries. As a consequence, the dwelling on the appeal site is not parallel but at an angle to the appellants' property to the north.

The proposal entails a two storey extension to the side and rear of the dwelling. Due to the site configuration the setback from the shared boundary with the appellants to the north ranges from 1.003 metres at its closest point to 3.655 metres. The appellants have a single storey side extension with side access retained along the shared boundary. The site layout which accompanies the appeal response more accurately reflects the prevailing situation with the extension shown thereon. Windows serving the said single storey extension in the southern elevation face directly onto the fence delineating the boundary. 1<sup>st</sup> floor windows in the dwelling appear to serve bathrooms and landings.

The footprint of the proposed extension would not extend beyond that of the appellants' dwelling and would only marginally extend beyond that of No.18 to which it is attached. As noted the 2 storey element of the extension is to be setback from the boundary with the latter. No objection to the proposal has been received from the occupants of the said property.

In view of the dwelling orientation on each of the sites arising from their configuration, the proposed setback of the extension and the absence of windows at 1<sup>st</sup> floor level in the northern elevation, I consider that issues arising from loss of privacy or loss of light are not material concerns. On this basis I would not consider that a daylight/shadow analysis is warranted.

I consider that there is merit in the agent for the applicant's view that the two dimensional view of the proposal is not entirely representative of what would be visible from the cul-de-sac arising from the site's configuration as detailed above. As



viewed from the street much of the area to the side of the dwelling is not visible. The mature tree in front further screens the site. On this basis the proposed recessed extension would not be dominant in the streetscape. Notwithstanding, the issue of the roof profile of the extension is somewhat problematic arising from its position relative to the main dwelling. I submit that the hipped roof, as modified by way of further information, is not successful in that the extension fails to assimilate with the main dwelling. I submit that the flat roof solution proposed in the appeal response, of which drawings and elevations are provided, would be more successful and would ensure that the extension appears subservient to the dwelling. Subject to the said amendments I consider that the proposal would accord with the development plan provisions for dwelling extensions as set out in chapter 16 and I would see no material gain in reducing the width of the two storey element of the extension to 3 metres as recommended by the appellants.

I note the trees with the appellants' property and the concern as to the impact of the extension's foundations on same. The fact that the roots may encroach into the applicants' site is a moot point. Suitable measures during construction can be followed to protect same. I recommend that the applicant be informed of the provisions of Section 34(13) of the Planning and Development, Act, 2000, as amended, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

I would bring to the Board's attention that as per the current Limerick City and County Development Contribution Scheme the first 60sqm of an extension to a residential development will be exempt from payment of the contribution.

From the details provided by way of further information the following is calculated:

Additional ground floor area	34.8 sq.m.
Additional 1 <sup>st</sup> floor area	42.2.sq.m.
<b>Total additional floorspace</b>	<b>77 sq.m.</b>

As such a financial contribution is applicable. Such a condition has not been applied by the planning authority in its notification of decision.

## *AA – Screening*

Having regard to the location of the site and the nature and scale of the proposed development 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.

## **8.0 Recommendation**

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and 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 on the 28<sup>th</sup> of March 2019 and by the further plans and particulars received by An Bord Pleanála on the 14<sup>th</sup> day of June, 2019 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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

4. No chimney or flue linked to a solid fuel burning appliance shall be constructed on the proposed extension.

**Reason:** In order to avoid any potential adverse impact from smoke/fumes, at the boundary with adjoining property.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**August, 2019**