



An
Bord
Pleanála

Inspector's Report ABP 304480-19

Development	Single storey extension to rear and side
Location	No. 26 Bellewood, Ballyneety, Co.Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	19/176
Applicant	Michael & Paula Keating
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Liam & Clara Murphy
Observer(s)	None
Date of Site Inspection	13/08/19
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

No. 23 Bellewood is a detached dormer dwelling within a mature estate of large detached dwellings in the village of Ballyneety which is approx. 8 km to the south of Limerick city.

The site is roughly rectangular in shape with the L-shaped dwelling centrally located served by front and rear gardens. The site backs onto the Ballyneety golf course with the rear boundary delineated by a high hedge. A metal fence delineates the boundary with the dwelling to the north (appellants' property). The fence increases in height from rear to front and is in the region of 2 metres alongside the appellants' dwelling. A hedge delineates the southern boundary.

2.0 Proposed Development

The application was lodged with the planning authority on the 01/03/19.

The proposal entails the erection of (1) a single storey rear extension to the northern elevation of the dwelling providing additional living accommodation and (2) a side extension to the south providing for a garage and seating area. The extensions will frame an open courtyard area.

The extension to the north will follow the existing building line, will extend 8.1 metres beyond the existing rear wall at this point with the majority finished with a flat roof design at a height of 3.850 metres. The setback from the northern boundary will, at its closest point, be 1.915 metres extending to 2.444 metres.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 7 conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report considers that the extensions by reason of their design and scale would not cause undue overlooking or lead to any undue loss of residential amenities. A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Environment section has no objection subject to no chimney or flue for solid fuel burning appliances being provided in the extension.

3.3. Prescribed Bodies

None

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 the issues set out in the grounds of 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 Context

5.1. Limerick County Development Plan (as extended)

10.5.7 House Extensions

In assessing an application for a house extension, the Planning Authority will have regard to the following:-

- 'Sustainable Residential Development in Urban Areas', 2009 and the accompanying 'Urban Design Manual – A Best Practice Guide' in considering the existing site density and remaining private open space.
- High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.

- Pitched roofs will be required except on some single storey rear extensions. Flat roof extensions visible from public areas will not normally be permitted.
- Impact on amenities of adjacent residents, in terms of light and privacy. Sunlight and daylight assessment may be required.

5.2. **Natural Heritage Designations**

None in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The 3rd party appeal can be summarised as follows:

- There is no objection in principle to an extension to the dwelling.
- The extension is 3.85 metres in height and is significantly higher than a typical single storey extension. It is excessive and will have an overbearing effect.
- Its scale, height and bulk will cast a shadow over their property at certain times of the day. The chimney will further cast a shadow. The existing boundary fence is approx. 50% the height of the extension from their perspective.
- A sunlight/daylight analysis should have been sought.
- A reduction in the height of the extension and soft landscaping to lessen the visual impact would be welcomed.
- There is no reference to the chimney in the planner's assessment. There is the potential for smoke to linger. The local authority engineer's report recommends that the chimney not be permitted. An omission of the chimney would be welcomed.

6.2. Applicant Response

The submission by David H. Leahy Architects which is accompanied by a shadow analysis and supporting drawings refers. The proposed extension being a parapet roof is 500mm lower in height than the ridge height of the single storey elements.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

The applicants' response to the appeal was circulated for comment. In addition to reiterating a number of points made in the original appeal submission the following are noted:

- The height of the extension is higher than latest standards in respect to floor to ceiling height. Having regard to the proposed fenestration daylight should not be an issue. Therefore, it is not obvious why the extension is the height as proposed. Comparing the ridge height and parapet height is considered to be of little relevance. The ridge of the existing dwelling is further removed from the property boundary and slopes away. It is also largely in line with their dwelling and therefore does not have the same visual and overbearing impact.
- The depth of the extension extends significantly beyond the existing rear boundary line. Taken with the fact that their property is lower and that the extension comes closer to the shared boundary as it progresses down the garden it will be visually overbearing, will have a dominant impact and will overshadow their property.
- The shadow analysis confirms their contention regarding overshadowing.
- No response has been made to their concerns regarding the chimney.

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 estate of Bellewood in Ballyneety village comprising of detached dwellings on large plots. 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 proposed development entails two extensions. The first is to the south of the dwelling comprising a garage and covered seating area to which there is no objection. The substantive issues pertain to the extension in proximity to the boundary with the appellants' property to the north. Currently there is a minimum of 5 metres separation distance between the side walls of the dwellings with the boundary delineated by a metal fence that steps down in height towards the rear of the garden. It is approx. 2 metres in height in the vicinity of the dwellings. There are window openings in the appellants' property facing onto the fence.

The proposed extension extends approx. 8 metres (with the western most section recessed) from the original rear wall of the dwelling at this point with a setback from the shared boundary being 2.444 metres at its widest point in the vicinity of the appellants' dwelling, narrowing to 1.915 metres towards the rear of the proposal. The section of the extension nearest the appellants' dwelling in which the kitchen area is to be extended is to retain a roof profile and eaves height which ties in with the existing dwelling. This element of the extension extends marginally beyond the rear wall of the appellants' property with a high level window, only, proposed to serve same.

The material issue pertains to the extent and roof height of the proposed room to the rear of the kitchen which will have a depth of 7 metres entailing a flat roof design to a height of 3.850 metres. This is to occur at the point at which the extension will be closest to the shared boundary. Windows openings are proposed to the rear elevation and onto an internal courtyard area to the south.

On balance I consider that the depth of the extension as it extends beyond the rear wall of the appellants' property and its height would not result in a development that would have an overbearing impact on the adjoining property. In addition, in view of the fact that the dwellings are served by generously proportioned rear gardens I would not subscribe to the view that the proposal would appear out of scale when viewed from the rear of the appellant's property. As evidenced from the shadow analysis submitted with the appeal response the marginal increases that would be experienced in the afternoons would not materially impact on the amenities currently enjoyed as to warrant a refusal on such grounds. I do not consider the fact that the appellants' site is marginally lower than the appeal site would have any discernible impact in this regard.

I note the concerns regarding the proposed chimney and the recommendations of the Environment Engineer in this regard. I recommend that a condition requiring its omission to be reasonable.

In conclusion I consider that the extension would be appropriate in size and scale and I am satisfied that the amenities currently enjoyed by the appellant would not be adversely compromised by overshadowing or overbearing. I therefore recommend a grant of permission subject to conditions.

I would bring to the Board's attention that as per the current Development Contribution Scheme the first 60sqm of an extension to a residential development will be exempt from payment of the contribution. Taking into consideration the existing kitchen area which is to be essentially reconfigured in the extension and the omission of the proposed garage I calculate that the additional floorspace is in the region of 46 sq.m. As such a financial contribution is not applicable.

Appropriate Assessment

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 pattern of development in the vicinity and the scale, nature and design of the proposed extensions, 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, 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 shall be constructed on the northern 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. The drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

Reason: In the interest of public health.

Pauline Fitzpatrick
Senior Planning Inspector

August, 2019