



An
Bord
Pleanála

Inspector's Report ABP 304539-19

Development	Alterations to front of house and widening of entrance.
Location	29 Garryowen Road, Garryowen, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	18/980
Applicants	Gerard & Geraldine Keane
Type of Application	Retention permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. refusal
Appellants	Gerard & Geraldine Keane
Observer(s)	None
Date of Site Inspection	22/07/19
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

No. 29 Garryowen Road is an end of terrace 2 storey dwelling within the mature inner suburban area of Garryowen to the east of Limerick city centre. The site is immediately opposite Market Fields sports ground. A number of dwellings in the vicinity of the site have been refurbished and/or extended with off street parking provided. On street disc parking is available along Garryowen Road. The front boundary with No. 28 adjoining is delineated by a low block wall.

2.0 Proposed Development

The application was lodged with the planning authority on the 08/10/18 with further plans and details submitted 08/04/19 following a request for further information dated 22/11/18.

Retention permission is sought for alterations to the dwelling including:

- Ground floor extension to the front elevation. It extends approx.1 metre forward of the original front wall providing for a bay window and porch to the front door. The bay window is set back from the shared boundary with No.28 with a column supporting the hipped roof. The front wall at ground level is finished in stone.
- Widening of access from road and provision of off street parking.

A response to a further information request states that the new downpipe is in the same position as the old downpipe which was common to Nos. 28 and 29.

The bay window panel facing onto No.28 can be fitted with obscure glass.

3.0 Planning Authority Decision

3.1. Decision

Refuse retention permission for the above described development for the following reason:

The applicant has failed to provide the necessary legal authority to apply to retain the rainwater goods overhanging onto third party property as presented on site. It is

considered that the proposal would seriously injure the amenities and depreciate the value of the adjoining property and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planning report dated 13/11/18 recommends further information seeking revised plans and elevations addressing issues of overhanging of the party wall.

The 2nd report dated 01/04/19 following further information considers the response to be inadequate. A refusal of permission recommended as the Planning Authority is precluded from granting permission for unauthorised works that encroach onto 3rd party lands without the landowner's consent. The bay window would be acceptable with obscure glass however the rainwater goods encroach onto 3rd party property.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

An objection to the application received by the planning authority is on file for the Board's information. The issues raised relate to loss of privacy from the bay window and encroachment of the stone cladding.

4.0 Planning History

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

5.0 Policy Context

5.1. Development Plan

The site is within an area zoned residential in the current Limerick City Development Plan.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Jim Dundon & Associates on behalf of the 1st party appellants, which is accompanied by supporting details including photographs, can be summarised as follows:

- Obscure glass can be fitted to the panel in the bay window to address issues of privacy.
- The stone cladding stops in line with the existing boundary. The roof element does not overhang the shared boundary.
- The downpipe is a common downpipe in place since the houses were constructed. It has not been mentioned by the objector in his submission to the planning authority.
- The proposal would not seriously injure the amenities or depreciate the value of the adjoining property. Similar development has been permitted in the vicinity.

Details given of correspondence with the occupant of the adjoining property and planning authority.

6.2. Planning Authority Response

None received.

6.3. Observations

None

7.0 Assessment

The site subject of the appeal is within the mature residential area of Garryowen and is zoned for residential purposes in the current Limerick City Development Plan. The stated purpose of the zoning includes the protection and provision for residential amenities. Whilst an extension and alterations to the existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicants seeking to maximise accommodation with the requirement that such works should maintain the visual amenities and scale of the parent building whilst not compromising the residential amenities of adjoining property.

The extension, entailing the extension forward of the front wall of the dwelling providing for a bay window and porch, is modest in scale and is reflective of similar extensions noted in the vicinity. The bay window is set back from the shared boundary with No.28 and the proposal to install obscure glass in the panel facing onto same would address concerns in terms of loss of privacy. The stone cladding to the front wall does not extend beyond the said boundary.

The properties have historically shared a downpipe which ran straight down the shared boundary line. Whilst the line of the upper section of the pipe has been altered away from the shared boundary and into the appellants' property to facilitate the extension, the point at which it meets the ground would appear to be in the same position as was historically the case.

In terms of the extension I submit that the drawings that accompany both the application and appeal submission do not accurately reflect the situation on the ground in that whilst the extension is setback, the gutter to the hipped roof oversails the shared boundary, albeit marginally. I refer the Board to the photographs that accompany this report and those that accompany the appeal submission.

It would appear that despite discussions with the occupant of the dwelling consent to undertake works to the shared facility were not secured from the property owner.

Whilst the Board may consider that it is precluded from granting retention permission in the absence of the relevant consent from the adjoining property owner I submit that by virtue of the setback of the footprint of the extension from the shared boundary the roof can be appropriately amended so that the oversail is negated. A condition to this effect is recommended.

Subject to these amendments I consider that the proposal would be acceptable and that any other issues arising between the property owners would constitute civil matters for resolution through the appropriate legal channels.

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 retention 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 which seeks to protect the residential amenities of the area, the pattern of development in the vicinity and the scale, nature and design of the extension to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to public health. 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 retained in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 8th day of April 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 roof of the extension to be retained shall be altered so that it does not oversail the shared boundary with the property to the northwest (No. 28 Garryowen Road).

Revised plans and details with the necessary alterations shown thereon and timescale for implementation shall be submitted to the planning authority within 2 months of the date of this order.

Reason: To protect the amenities of the adjoining residential property.

3. The north-western panel of the bay window shall be fitted with obscure glass within two months of the date of this order.

Reason: To prevent overlooking of adjoining residential property.

Pauline Fitzpatrick
Senior Planning Inspector

July, 2019