



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304646-19

---

<b>Development</b>	Construction of 4 no. houses and associated works.
<b>Location</b>	Main Street, Patrickswell, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	18/552
<b>Applicant(s)</b>	Eimear O'Connor and Noel Daly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Grant
<b>Appellant(s)</b>	Patrickswell Community Council
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> August 2019
<b>Inspector</b>	Elaine Power

## 1.0 Site Location and Description

- 1.1. The subject site is an infill site, located along the northern side of the Main Street in the centre of Patrickswell. The site is located approx. 9km south west of Limerick City. While the subject site is located within the town centre the adjoining properties are residential.
- 1.2. The site is rectangular in shape and has a stated area of 0.75ha. It is generally level with the public road and currently comprises open space and a derelict structure.
- 1.3. The site is bound to the north by an area of public open space, to the south by Main Street, to the east by a single storey vacant house and to the west by a 2-storey house with a single storey garage.

## 2.0 Proposed Development

- 2.1. It is proposed to construct a terrace of 4 no. houses, with direct frontage onto Main Street. The houses are 3-storeys with pitched roofs with a maximum height of approx. 10.8m. Each house has a gross floor area of approx. 140sqm and 70sqm of rear private open space. The proposed works include alterations to the existing public footpath to provide on-street car parking.
- 2.2. A copy of an exemption certificate dated 26<sup>th</sup> June 2018 for the demolition of existing structures on site was submitted with the application.
- 2.3. ***Further Information lodged 18th April 2019***

The layout and design of the 4 no. dwellings was revised by way of further information. The revised layout comprised a terrace of 4 no. dwellings, the 2 no. central dwellings are 3-storeys with a maximum height of approx. 9.5m. The 2 no. end of terrace dwellings are 2-storey plus attic accommodation with a maximum height of approx. 8.4m.

A letter of consent for the use of an existing private car park for off street car parking for the proposed 4 no dwellings was submitted.

The response included a Tree Survey and surface water sewer calculations.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission was granted subject to 22 no. conditions. The relevant conditions are noted below: -

**Condition 1:** clarified that permission was granted for the scheme submitted by way of further information.

**Condition 8:** related to the external materials.

**Condition 9:** related to the provision of on-street car parking adjacent to the site.

**Condition 16:** required a landscaping plan be submitted and agreed with the Planning Authority.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The initial Area Planners report raised some concerns regarding the proposed development and recommended that further information be sought regarding the following: -

- The design of the development and the potential negative impact on the visual amenities of the village setting.
- Details of the layout and design of the proposed on-street car parking.
- Surface water disposal
- Rear access to the dwellings from the area of public open space, is not possible as the area is outside of the applicants ownership.
- A Tree Survey should be submitted.

The final report considered that all items of concern had been fully addressed and recommended that permission be granted subject to conditions.

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

**Environmental Services** report recommends conditions.

**Fire Authority:** No objection

**Executive Scientist** report recommends conditions.

**Operation and Maintenance Service** report recommends conditions.

### 3.3. **Prescribed Bodies**

Irish Water: No objection

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

2 no. submission were received from (1) Patrickswell Community Council and (2) the residents of Marian Park, Rosville and surrounding area. Both submissions included a significant number of signatures from local residents. The issues raised in the submissions are similar to those raised in the appeal.

## 4.0 **Planning History**

**Reg. Ref. 07/3656:** Permission was granted in 2008 for a two-storey building comprising a ground floor medical centre and first floor offices.

## 5.0 **Policy Context**

### 5.1. **Patrickswell Local Area Plan, 2015 - 2021**

The subject site is zoned 'Town Centre' with the associated objective to protect and enhance the character of Patrickswell town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the town centre. Residential uses are open for consideration in areas zoned 'Town Centre'.

The relevant objectives are noted below: -

- Objective H1: New Housing
- Objective H2: Residential density, design, mix and phasing
- Objective H4: Infill Development, Restoration and Town Renewal

## 5.2. **Limerick County Development Plan, 2010-2016 (as extended)**

The settlement strategy identifies Patrickswell as Tier 3. These locations are defined as centres on transport corridors. The relevant policies and objectives of the Limerick County Development Plan are set out below.

- Policy CP 03: Quality of Life
- Objective SS O4: Sequential growth of settlements
- Objective SS O6: Compliance with other guidelines
- Policy HOU P 3: High Quality Living Environment
- Policy SS P8: Tier 3 settlements
- Objective HOU O1: Density of Residential Developments.
- Chapter 10 – Development Management Guidelines is also relevant

## 5.3. **National Planning Framework (2018)**

The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4
- Policy Objective 6
- Policy Objective 11
- Policy Objective 33
- Policy Objective 35

## 5.4. **National Guidance**

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).

## 5.5. **Natural Heritage Designations**

There are no designated areas in the immediate vicinity of the site.

## 5.6. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

A third-party appeal was received from Michael McSweeney on behalf of the Patrickswell Community Council. The submission includes a significant number of signatures from local residents. The issues raised are summarised below: -

- The building is too high and would be out of character with the adjoining properties and would result in overlooking.
- Concerns are also raised regarding residential car parking.

### 6.2. **Applicant Response**

None

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

None

## 7.0 **Assessment**

7.1. As indicated, the appeal refers to the revised scheme as submitted by way of further information on the 18<sup>th</sup> April 2019. The following assessment, therefore, focuses on that proposal with reference to the original proposal, where appropriate.

7.2. The main concerns raised in this appeal relate to the grounds of the appeal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Car parking
- Appropriate Assessment

### 7.3. ***Principle of Development***

7.3.1. The subject site is zoned 'Town Centre' in the Patrickswell Local Area Plan 2015-2021. Residential developments are open for consideration under this land use zoning objective. It is also National Planning Framework policy to increase residential densities at appropriate locations.

7.3.2. Having regard to the town centre location, the existing pattern of development in the area and the limited size of the development it is considered that the provision of a residential scheme would be appropriate at this town centre location and would be compatible with local and national policy objectives.

### 7.4. ***Design and Layout***

7.4.1. The subject site is an infill site located on the northern side of Main Street and is highly visible within the town. The site is bound to the north by an area of public open space, to the south by Main Street, to the east by a single storey (vacant)

house and to the west by a two-storey dwelling. There is a low-density housing estate and the local Garda Station located on the opposite side of Main Street. The proposed development maintains the established rear building line and approx. 70sqm of rear open space has been provided per residential unit. The rear private open space is bound by an area of public open space.

7.4.2. Concerns were raised in the appeal regarding the height of the development with regard to the adjoining properties and the potential for undue overlooking. It is noted that the Planning Authority also raised concerns regarding the design and layout of the original scheme and requested that the design be revised with a more traditional approach.

7.4.3. The revised scheme comprised a terrace of 4 no. dwellings. The 2 no. central houses are 3-bed, 3-storey units with dormer windows at second floor level. The 2 no. end houses are 2-bed, 2-storey units with attic level accommodation. The gross floor area of the houses varies from approx. 120sqm for the 2-bed units to approx. 140sqm for the 3-bed units. The internal layout reaches and exceeds the room sizes and dimensions as set out in '*Quality Housing for Sustainable Communities*' (2009). The development sits at the southern, eastern and western boundaries of the site. Having regard to the town centre location and the established building lines the proposed siting of the development is considered appropriate in this instance.

7.4.4. While there are a limited number of existing 3-storey buildings in the town centre, Patrickswell is predominantly characterised by single and two-storey buildings. The proposed development has a maximum height of 9.5m (2 no. central units) which steps down to 8.5m (2 no. end units) on either side. The ridge height of the proposed 2-storey houses is level with the existing 2-storey house to the west and approx. 4m higher than the single storey (vacant) house to the east. The 3-storey units are approx. 1.2m higher than the 2-storey house to the west and 5m higher than the single storey (vacant) house to the east. While it is acknowledged that the existing single storey house to the east of the site is vacant, I would have concerns regarding the potential for an overbearing impact.

7.4.5. With regard to concerns raised regarding overlooking it is noted that second floor bedroom windows are proposed on the side elevations of the terrace. The

development sits at both the eastern and western (side) site boundaries, approx. 11m from the gable end of the 2-storey house to the west and abutting the existing single storey (vacant) house to the east. I would have serious concerns regarding undue overlooking of adjoining properties.

- 7.4.6. In conclusion, having regard to the sites location within the town centre of Patrickswell and the pattern of development in the area, it is my view that an appropriately designed, high quality scheme could be accommodated at the subject site, however having regard to the design and layout, and in particular the excessive height and positioning of windows, it is considered that it would result in a development that would unduly overlook adjoining properties and have an overbearing impact. It is recommended that permission be refused on this basis.

#### **7.5. Car Parking**

- 7.5.1. The development plan requires the provision of 2 no. car parking spaces per residential unit. It is proposed to alter the existing footpath layout outside the subject site, on Main Street, to provide on-street car parking. The footpath currently comprises a 3.5m wide asphalt concrete surface with an additional 2.5m wide public footpath. It is noted that part of the proposed car parking area is outside of the applicant's ownership. A condition was attached to the final grant of permission that the details of the on-street car parking and footpath be agreed with the Planning Authority.
- 7.5.2. The layout of the on-street car parking, as shown on drawing no. P01 submitted by way of further information would provide approx. 5 no. on-street car parking spaces. As these spaces are outside of the applicant's ownership, they cannot be permanently assigned to the future occupants of the dwellings. Having regard to the restricted nature of the site and the town centre location, I have no objection to the level of car parking proposed in this instance. However, it is recommended that a condition be attached to any grant of permission that the final layout and details of the on-street car parking and footpath be agreed with the Planning Authority.
- 7.5.3. In addition, a letter of consent from a local public house located on Main Street has been submitted with the application stating that there is no objection to the use of their private car park for overspill car parking from the proposed development. In my

view, off site car parking is not a viable long term solution for car parking for private residential units and particularly in this case as the off-site location is outside of the applicants ownership.

## 7.6. ***Appropriate Assessment***

- 7.6.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, 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**

It is recommended that permission be refused for the reasons stated in the attached schedule.

## 9.0 **Reasons and Considerations**

1. Having regard to the pattern of development in the area it is considered that the proposed development, by reason of its height and layout, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of overlooking and overbearing impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Elaine Power

Planning Inspector

13<sup>th</sup> September 2019

