



An  
Bord  
Pleanála

## Inspector's Report ABP-305257-19

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<b>Development</b>	Extension to the side, rear and first floor of dwelling and gazebo to the rear
<b>Location</b>	No. 40 The Fairways, Monaleen, Castletroy, County Limerick
<b>Planning Authority</b>	Limerick City & County Council
<b>Planning Authority Reg. Ref.</b>	19/216
<b>Applicant(s)</b>	Matthew & Mary Ryan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sharon & Shane Holland
<b>Date of Site Inspection</b>	26 <sup>th</sup> November, 2019
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. No. 40 The Fairways, Monaleen is a detached, two-storey red brick house within an established residential estate in Castletroy to the east of Limerick City. The dwelling has spacious front and back gardens and it has an attached single-storey garage on its north-western side. The site is flanked by houses of similar design, with the appellants' property comprising the house immediately to the north-west. There is a mix of detached house types in the immediate vicinity.

## **2.0 Proposed Development**

2.1. The proposed development would comprise modifications to the existing dwelling that would include the replacement of the existing garage at ground floor level with a new extension to the side and rear that would provide a smaller garage and additional residential accommodation at ground floor level and a new master bedroom at first floor level. The original proposal also included the provision of a gazebo in the back garden. The stated gross floor space of the proposed works is 100 square metres on a site area of 0.067 hectares.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 1<sup>st</sup> August, 2019, Limerick City & County Council decided to grant permission for the proposed development subject to 9 no. conditions.

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

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

The Planner noted the reports and objections received. A request for further information was recommended seeking revised drawings because those submitted for the existing structure did not appear to be correct, the reduction of the proposed front dormer element, and a response to the objections received.

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

The Environment Engineer recommended the attachment of two conditions.

### **3.3. Prescribed Bodies**

Irish Water had no objection to the proposal.

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

A third party objection was received from Shane and Sharon Holland. The grounds of the appeal reflect the concerns raised. A further objection was received from Con and Sylvia Cronin reflecting the issues raised by the other third party.

A response to the planning authority's further information request of 30<sup>th</sup> April 2019 was received by the planning authority on 6<sup>th</sup> June 2019. This included revised design of the extension and the removal of the proposed gazebo.

The following reports were subsequently received:

A report from Planning & Environmental Services set out requirements in relation to water and sewerage provisions.

The Planner recommended that permission be granted subject to conditions, having regard to the location of the site in a mature housing area, the scale of the proposal, that no unresolved issues had arisen, and the relationship with adjacent properties.

## **4.0 Planning History**

### P.A. Ref. 08/1101

Permission was granted for the demolition of the existing garage and the construction of a new single storey extension to the ground floor and a separate structure consisting of a garage, boiler room and utility room.

## **5.0 Policy Context**

### **5.1. Limerick County Development Plan 2010-2016**

#### Development Management Standards

## *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.
- Effect on front building line - extensions will not generally be allowed to break the existing front building line. However a porch extension which does not significantly break the front building line will normally be permitted. In terrace and semi-detached situations, extensions which significantly protrude beyond the front building line and/or along the full front of the house will not be permitted.
- Ability to provide adequate car parking within the curtilage of the house.

### **5.2. Castletroy Local Area Plan 2019-2025**

#### Zoning

The site is zoned 'Existing Residential' with the purpose to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas.

### **5.3. Appropriate Assessment**

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be

likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

#### 5.4. **EIA Screening**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

### 6.0 **The Appeal**

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

The appellants reside in the adjoining dwelling to the north-west of the appeal site. The grounds of the appeal presented by the appellants' agent may be synthesised as follows:

- The bulk and scale of the proposal in the context of the existing character of the area will prove incongruous.
- The introduction of a two-storey component and a high level single storey wing close to the adjoining boundaries raises concerns about the impact on the existing residential amenity of the neighbouring dwelling with the potential to impinge/encroach, overshadow and overlook.
- With the proposed extension to the common boundary, there is potential for encroachment.

The appeal includes a letter from the appellants addressing their concerns.

#### 6.2. **Applicant Response**

The applicants' response to the grounds of the appeal may be synthesised as follows:

##### Bulk and Scale

- The current garage is being converted as it is necessary to the applicants' lifestyle. The study is necessary to facilitate working from home. The

downstairs bedroom and bathroom will be used in the future for an elderly parent. There is a need for extra garage space for storage.

- The revised plans provide for a flat roof single storey extension to maintain the sense of space between the dwellings. There will also be strategically placed landscaping. As a result the extension will be very subtle. There will be over 3m between the two-storey extension and the boundary wall. The revised plans made significant design changes.

#### Residential Amenity & Overshadowing

- The single-storey extension would not have any negative impact on the neighbouring property.
- There will be no effect on privacy.
- A shadow analysis was not necessary due to the aspect of both properties. However, one is now attached showing very little impact, with no negative impact on the appellants' property by way of overshadowing.

#### Potential for Encroachment

- 300mm has been allowed inside the boundary wall to facilitate rainwater gutters and to ensure there is no overhanging of the adjoining property.

The response to the appeal includes responses to the appellants' personal letter and a shadow analysis.

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

I have no record of a response by the planning authority to the appeal.

### **6.4. Further Responses**

In response to the applicants' response to the appeal, the appellants queried the extent of the submitted shadow analysis and details submitted in response to the planning authority's request for further information. Concern was raised in relation to the impact on the boundary wall and it was requested that the existing clear gap between properties be maintained.

## 7.0 Assessment

7.1. The site of the proposed development is zoned 'Existing Residential' in the Castletroy Local Area Plan with the purpose to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas. A residential extension would be wholly in keeping with this zoning objective in principle. It is my submission to the Board that the key planning considerations in the assessment of this proposal should focus on how the proposed development accords with the requirements of Limerick County Development Plan that relate to house extensions, with particular emphasis on how the proposal may potentially affect adjoining residential properties. My consideration on these requirements are as follows:

- The proposed development would not be in conflict with 'Sustainable Residential Development in Urban Areas', 2009 and the accompanying 'Urban Design Manual – A Best Practice Guide' in considering the density of development and remaining private open space. The house is sited on a large plot and the accommodation of the proposed extension would not cause any concerns relating to increased density of development on such plot or any concerns about remaining available private open space given the extent of garden space to the rear of the house.
- The proposed extension would be of high quality design that would respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.
- The roof form and design of the extension would be wholly compatible with that of the existing house and could not be perceived to be out of character.
- On the issue of impact on amenities of adjacent residents, in terms of privacy, I consider that the proposed development would not have any significant impact on the privacy of neighbouring residential properties. The Board will note that there are no overlooking windows proposed on the north-western gable and that there are existing first floor windows to the rear of the house. The proposal will add a further bedroom window to the rear and any perceived overlooking would not be exacerbated in this urban location. The house faces north-east and this orientation, together with the established form of

development and the layout of neighbouring properties, would ensure that the addition of the side extension, with a single-storey component forming the nearest element of the new development to the flanking site boundary to the north-west, would ensure that there would not be any significant increase in overshadowing of the appellants' property. With regard to any overbearing impact, it is again noted that the nearest section of the proposed extension would be single-storey and that the separation between the two-storey section and the neighbouring property would greatly erode any overbearing concerns. I am further satisfied that, having regard to the allowance of a gap of 300mm inside the boundary wall, there would be no encroachment of the neighbouring property to the north-west.

- The proposed development would be consistent with the established building line of the property.
- The available space within the site's curtilage adequately provides for the parking needs of the residents of the house.

7.8 Having regard to the above, I am satisfied to conclude that the proposed development is wholly in keeping with development plan provisions and would not adversely impact on the amenities of residential properties at this location.

## 8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

## 9.0 Reasons and Considerations

Having regard to the design, character and layout of the proposed development, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be consistent with the provisions of the Castletroy Local Area Plan and the Limerick County Development Plan, and would otherwise 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 drawings and details submitted to the planning authority on the 6<sup>th</sup> June, 2019 and on the 8<sup>th</sup> July, 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 external finishes of the proposed extension shall be agreed in writing with the planning authority prior to the commencement of development.

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

3. 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 and to ensure a proper standard of development.

4. 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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Kevin Moore  
Senior Planning Inspector

9<sup>th</sup> December 2019