



An
Bord
Pleanála

Inspector's Report ABP-305346-19

Development	Alterations and extension to dwelling
Location	40 Abbey Court, Rathkeale, County Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	19/613
Applicant(s)	Danny Flynn
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Danny Flynn
Date of Site Inspection	26 th November, 2019
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. No. 40 Abbey Court is located within an established residential estate located at the south-eastern side of the town of Rathkeale in County Limerick. It comprises an end-of-terrace single-storey house sited centrally with the estate that has road frontage to the north and west onto the estate road network. Terraced two-storey houses lie to the east of the appeal site.

2.0 Proposed Development

2.1. The proposed development would comprise alterations to and the extension of the existing dwelling, providing for additional bedroom, bathroom and utility accommodation to the rear and a porch to the front. The proposed extension would have a gross floor area of 40.11 square metres. The finishes of the extended area would match those of the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

On 9th August 2019, Limerick City & County Council decided to grant permission for the proposed development subject to 9 no. conditions. Condition 2 of the planning authority's decision was as follows:

2. *The proposed extensions shall be revised so that a minimum 1 metre setback is maintained from the northern and eastern site boundaries. Revised plan and elevation drawings shall be submitted to the Planning Authority for agreement in writing prior to the commencement of development.*

Reason: - In the interest of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the limited site size and the extent to which the proposed development would cover the rear garden space of the site. It was considered that

the area of the extension should be reduced to provide a setback from the site boundaries because it is located adjacent to the public road and footpath. A grant of permission was recommended subject to conditions.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

4.0 **Planning History**

I have no record of any planning application or appeal relating to the site.

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. Rathkeale Local Area Plan

Zoning

The site is zoned 'Existing Residential' with the stated 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 appeal relates solely to the attachment of Condition 2 with the planning authority's decision. The appellant asks the Board to delete Condition 2. The grounds of the appeal may be summarised as follows:

- The appellant notes the restricted site area and the end-of-terrace and single-storey building which influences the nature of any proposed extension.

- If the extension has to be set back 1m from the side boundary then the design solution is destroyed and the development cannot provide 3 bedrooms. The applicants have three children at present.
- Only one room projects to the gable and there is nothing unreasonable with a small gable section being built on the plot boundary.
- The roof overhangs have been cut back and there will be no overhanging of the public footpath. The heights of eaves and the ridge are also minimal building heights. Windows have been omitted on the affected gable.
- The set back of 1 metre would create an unusable area of private yard where the applicant would get zero amenity use of the area and which would be used as a dumping area by passing pedestrians.

6.2. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

- 7.1. I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it had been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of section 139 of the Local Government (Planning and Development) Act, 2000, as amended, and to consider the issues arising out of the disputed condition only.
- 7.4. I acknowledge that the footprint of the proposed extension would be significant, having regard to the confined and restricted nature of the site. Notwithstanding this, the proposed development would maintain functional amenity space to the rear of the house to provide for the needs of its occupants. I consider that the proposed additional habitable space is sustainable for family living purposes. I further submit that the appellant's arguments are reasonable. The setting back of the proposed extension would be unwarranted as it would create an undesirable gap between the northern gable and the public footpath. This would have no function as an amenity space and would likely be an area that would suffer from littering as noted by the

appellant. More importantly, it would unnecessarily reduce the living space of Bedroom 2, undermining the function of such a room. Further to this, I note that the northern gable of the existing house itself directly abuts the public footpath. There would be no reason to prohibit new development from following this established pattern of development, particularly where the extension itself would have no windows or other openings onto the road.

- 7.5. I note the provisions of Limerick County Development Plan as they relate to house extensions. The proposed development is not in conflict with these provisions. It provides for a satisfactory density in this urban location and makes adequate provision for amenity space. It respects the existing design of the house in terms of height, scale, materials used, finishes, window proportions and roof form. The development would have no adverse impacts on the amenities of adjoining residential properties and would not affect established building lines. Adequate off-street parking provision would remain to the front of the house.

8.0 Recommendation

Having regard to the nature of condition number 2, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to:

REMOVE Condition number 2 and the reason therefor.

9.0 Reasons and Considerations

Having regard to the established pattern of development on the site, and in particular the form and siting of the existing gable of the house abutting the road frontage to the north, it is considered that Condition No. 2 would not be warranted as it would create an undesirable gap comprising leftover space of no functional value between

the northern gable and the public footpath and would unnecessarily and significantly reduce the habitable space of a proposed bedroom in the new extension.

Kevin Moore
Senior Planning Inspector
29th November 2019