



An  
Bord  
Pleanála

## Inspector's Report ABP-305349-19

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### Development

Demolition of extension and shed, construction of new extension, and repair of thatched roof, chimney, walls and replacement of windows and doors to protected structure

### Location

Church View, Main Street, Adare,  
County Limerick

### Planning Authority

Limerick City & County Council

### Planning Authority Reg. Ref.

19/587

### Applicant(s)

Hugh Campbell

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Martin & Mary Jane Fallon

### Date of Site Inspection

26<sup>th</sup> November, 2019

### Inspector

Kevin Moore

## 1.0 Site Location and Description

- 1.1. The existing dwelling, 'Father Kelly's Thatched Cottage, is located at Church View on the south side of Main Street, Adare, County Limerick within the village's designated Architectural Conservation Area. The property is a protected structure and comprises a mid-terrace, dormer-style, thatched cottage that has been extended at ground floor level to the rear. Development in the immediate vicinity includes terraces of thatched houses east and west of the site and the Dunraven Hotel and Holy Trinity Abbey Catholic Church on the opposite side of the road.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise:
- (a) Repair of the thatched roof, chimney and walls and replacement of windows and doors,
  - (b) Demolition of an existing extension to the rear and an existing detached shed, and
  - (c) Construction of a new extension.

The development would provide for an altered ground floor level with living, kitchen and bedroom space and would provide additional living space at mezzanine level. A small courtyard would be retained on the east side of the extended area to the rear. The gross floor area of the existing development to be demolished is stated to be 48.5 square metres and the area of the proposed works is stated to be 93 square metres.

- 2.2. Details submitted with the application included a Conservation Report, a Photographic Study, and a Preliminary Safety & Health Plan.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 9<sup>th</sup> August 2019, Limerick City & County Council decided to grant permission for the proposed development subject to 7 no. conditions.

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

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

The Planner noted the reports and the third party submission received. It was stated that, as the subject site is west of the objectors' site, it was not considered the proposal would have an unduly negative impact on the residential amenities of 'Lowes Cottage'. A grant of permission subject to conditions was recommended.

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

The Environmental Services Technician requested further information in the form of a Refurbishment Demolition Asbestos Survey and recommended the attachment of a waste management condition to any planning permission.

The Mid West National Road Design Office stated it had no observations to make.

The Environmental Technician submitted that the proposed changes, as described in the submitted method statements, are acceptable and that there are no architectural conservation observations to be made. A schedule of conditions was set out.

The Archaeologist had no issues in relation to the application.

### **3.3. Prescribed Bodies**

Transport Infrastructure Ireland stated it had no observations to make.

Irish Water had no objection to the proposal.

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

An objection to the proposal was received from Martin and Mary Jane Fallon. The grounds of the appeal reflect the principal concerns raised.

## 4.0 Planning History

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

## 5.0 Policy Context

### 5.1. Adare Local Area Plan

#### Zoning

The site is zoned 'Village Centre' with the objective to protect and enhance the character of Adare village centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the village centre while guiding the development of an expanded and consolidated village centre area.

#### Architectural Heritage

The existing dwelling, 'Fr. Kelly's', is a protected structure (RPS Ref. 862). The site also lies within the Adare Architectural Conservation Area (ACA).

Objectives for protected structures and the ACA include:

#### **Objective EH 1: Thatched Structures**

It is the objective of the Council to protect and retain the thatched structures while recognising that such an objective may require the adaptation and modifications of the thatched structures, including the construction of extensions. The Planning Authority will require the maintenance of their essential architectural character, retention of features of special interest and respect for the structure's fabric, plan, form and setting. Any development to the thatched structures which would have a significant adverse impact upon their character will not be permitted.

#### **Objective EH 2: Architectural Conservation Area (ACA)**

It is the objective of the Council to protect, conserve and where appropriate, enhance the ACA as identified in Map 4.

### **Objective EH 3: Protected Structures**

It is the objective of the Council to protect structures entered onto the Record of protected structures, or listed to be entered onto the Record and to encourage their appropriate re-use and restoration.

## **5.2. 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.

## **5.3. 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**

The proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations.

### **6.0 The Appeal**

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

The appellants' property comprises 'Lowes Cottage' which is located immediately to the east of the appeal site. The grounds of appeal may be summarised as follows:

- The development to the rear of the cottage would result in overlooking of the appellants' property and garden, would overshadow and block natural light. Reference is made to a number of other planning applications relating to development of cottages at this location.
- The proposal includes the knocking of interior walls of a protected structure. This would affect the character of the house and is not in keeping with other similar cottages. The appellants were informed at the planning stage for their proposed development that the outside and inside of the cottage were to be preserved as part of the protected structure.
- The appeal also submits that the public notices were inadequate and should have referenced the two-storey nature of the development.
- The requirement for a Refurbishment Demolition Asbestos Study should have been submitted by way of further information and not by condition.

The appeal submission includes a shadow analysis and drawings illustrating impacts.

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

The applicant's response to the appeal may be summarised as follows:

- The overall height of the extension is no greater than the existing height of the thatched cottage. Solar study images prepared for the two key solstice days (and attached with the submission) show there is no overshadowing of the adjacent rooflights for the summer solstice and overshadowing at the winter solstice is caused by the height of the neighbouring property. The loss of amenity due to overshadowing is negligible.
- There is no overlooking into the neighbouring gardens. There are no first floor windows facing east or west and only one facing south which is within the existing part of the cottage. The allotment spaces on the non-aligned grounds on the other side of the access road to the rear are for agricultural use and are not to be considered as private gardens. Overlooking of these is not applicable.
- The interior interventions were outlined in full in the conservation report. There will be no loss of internal historic fabric. Proposed interventions will be fully documented and works will be in accordance with conservation best practice.
- Any asbestos being found when the Refurbishment Demolition Asbestos Study is completed will be recovered / disposed of in accordance with Preliminary Health and Safety Plan.

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

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

### 6.4. **Further Responses**

In response to the applicants' response to the appeal, the appellants reiterated their concerns relating to overshadowing, the restriction on two-storey development, overlooking, removal of historic fabric and referenced other planning applications and development plan provisions which the proposal is seen to be contravene.

## 7.0 **Assessment**

- 7.1. I first note that the appellants have raised an issue relating to the inadequacy of public notices. The Board will note that the appellants made a submission to the

planning authority and have been afforded the opportunity to make an appeal to the Board. It is clear that the notices fulfilled their function and the appellants understood the nature and extent of the proposed development and fully participated in the planning application and appeal processes. Secondly, I note that there appears to be no particular concern, in principle, with that part of the proposed development relating to the repair of the thatched roof, chimney and walls and replacement of windows and doors and the demolition of the existing extension to the rear and the existing detached shed to provide for a new extension.

- 7.2 With regard to the proposed development in the context of development plan provisions, I note that the site is zoned 'Village Centre' in the Adare Local Area Plan with the objective to protect and enhance the character of Adare village centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the village centre. It is my submission that the improvement and upgrading of an existing thatched cottage that is falling into a state of disrepair would be in keeping with this objective. Furthermore, I acknowledge Objective EH 1 of the Local Plan which seeks to protect and retain thatched structures while recognising that such an objective may require the adaptation and modifications of these thatched structures, including the construction of extensions. It is evident that the proposed development is wholly in keeping with this objective, inclusive of the internal works to the existing house, which aim to retain the essential fabric of this house.
- 7.3 It is my submission to the Board that the sole issue for consideration relates to the proposed extension to the thatched cottage. In order to provide any functional extension to the original house, this would necessitate the removal of the old extension and the outbuilding because there is very limited space to the rear of this main house. The applicant could not reasonably seek to provide additional residential accommodation as an extension to the house on the remainder of his holding. The Board will note that there is a laneway immediately beyond the outbuilding and that the allotment associated with the house on this site lies on the other side of this lane. Its siting is effectively offset from the rear of the house, with the appellants' allotment being directly opposite the structures on the appeal site.
- 7.4 There are a number of notable features relating to development to the rear of the terrace of thatched cottages at this location. The first observation to make is that



there is great disorder in terms of the form and character of development backing onto the service laneway. Structures behind the main houses include older and some more modern residential extensions and outbuildings / sheds. There is no definitive building line and so there is no coherent presentation onto the laneway edge. In addition, to this it is particularly notable that the extensions and sheds are all single-storey in nature. Finally, there is a very substantial variation in finishes, fenestration, roof types, etc. The one conclusion that may be drawn is that there is no consistency to the form and character of development to the rear of the main houses.

7.5 I note that there is no blanket prohibition on the development of two-storey or dormer extensions to the rear of the thatched cottages arising from development plan provisions. It would appear that it would be unreasonable for an application for such an extension to be dismissed in principle, premised upon such as proposal not adversely affecting the structural or visual integrity of the protected structure. I note the intent of the development is to restore and upgrade the existing house and that the proposed extension would not interfere with the presentation of the house to the public realm by way of exceeding the height of the main house and interfering with the terrace of cottages' presentation to the streetscape. It is again referenced that developments to the rear of main houses at this location are single-storey. I also note that the appellants' property was previously subject to a planning application (P.A. 18/785) and that permission has recently been granted for a single-storey, flat roof extension.

7.6 The key planning considerations 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 proposal 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. It is evident that the footprint of development would be consistent with neighbouring properties and that the

available allotment behind the site would adequately provide for private open space needs.

- The modern extension that is proposed 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, in light of the array of existing and permitted extensions at this location, 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. There would be no overlooking of flanking properties. I acknowledge that there would be first floor level windows on the rear elevation. This type of arrangement is commonplace in urban areas and there is no necessity to prohibit such an arrangement in this instance. The effects on an allotment, to be developed into a back garden, on the opposite of the lane would not be significant in this urban context. With regard to impacts on light, I first note that the existing house faces north. The appellants' property lies to the east. There is an established built-up form of development to the rear of the existing cottages and development has been permitted on the appellants' property to expand on the footprint of development. The proposed development, given its design and orientation, would not substantially add to any increase in overshadowing of the neighbouring property to the east. I note that the appellants' extension would include rooflights and that the principal amenity space, as referenced by the appellants, would be the use of the allotment as a garden on the other side of the lane. I do not consider that there would be significant adverse impacts on the amenities of residential properties arising from the established context, the orientation of established properties, and the layout and design of the proposed extension.
- The proposed development would have no impact on the established building line of the property.
- The allotment space on the other side of the lane 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 Adare 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, 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include proposals for the handling, treatment and disposal of asbestos material and the disposal of all construction waste.

**Reason:** In the interests of public safety and residential amenity.

5. 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