



An
Bord
Pleanála

Inspector's Report

ABP-306428-20

Development

Demolition of ground and first floor extension of dwelling and construct a dormer style extension. Construct a front boundary with a splayed entrance wall at the location of existing site entrance together with associated site works.

Location

Knockatancashlane, Caherconlish, Co. Limerick.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

19/1056

Applicant(s)

Bernadette Collopy

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party V. Refusal

Appellant(s)

Bernadette Collopy

Observer(s)

None

Date of Site Inspection

29th April 2020

Inspector

Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Knockatancashlane, approx. 850m north of the village of Cahercornlish. It is located on the eastern side of the R513 and is bound to the north by an existing detached residential property and to the south and east by agricultural lands.
- 1.2. The site has a stated area of 0.23ha and is slightly elevated from the public road. It currently accommodates a vacant house with a stated gross floor area of 173.5sqm and a storage building. The existing vacant house is located approx. 2m from the western boundary of the site with the public road. The roof of the existing house is missing some slates, however, the external walls are in relatively good condition. The storage building is located to the rear of the site and is in good condition.
- 1.3. The site is open, with no boundary treatment along the western (front) boundary with the public road. There is an existing vehicular access to the site located to the north of the existing house.

2.0 Proposed Development

- 2.1. It is proposed to renovate and extend the existing dwelling. The proposed works include the demolition of an existing 2-storey rear extension, with a gross floor area of 66.1sqm, the construction of a new rear extension and an increase in the ridge height of the existing dwelling to allow for a first-floor level. It is proposed to provide a disabled bedroom with en-suite and a living room within the existing structure at ground floor level.
- 2.2. The proposed works would result in a 2-storey 4-bedroom (plus study) dwelling with a gross floor area of 279sqm. The proposed extension is located to the rear of the existing dwelling. It has a traditional design with a gable ended pitched roof with a maximum height of 6.9m.
- 2.3. The works include alterations to an existing vehicular access to provide a 4m wide splayed entrance. A driveway is proposed to north (side) of the house with associated car parking area.

2.4. It is also proposed to replace an existing cesspit with a new wastewater treatment system on site. The house would be connected to the main water supply.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason: -

It is considered that the proposed development would endanger public safety by reason of a traffic hazard because the traffic movements generated by the proposed development where the sightlines are restricted would interfere with the safety and free flow of traffic on the public road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report raised concerns regarding the vehicular access arrangements and available site lines. It was recommended that permission be refused for the reason outlined above.

3.2.2. Other Technical Reports

Roads Report: Concerns regarding a new vehicular access onto the R513 and limited sightlines. It is recommended that permission be refused.

Environmental Services Report: No objection subject to conditions

Environment Report: recommends further information be sought regarding a Refurbishment Demolition Asbestos Survey. Conditions were also recommended.

3.3. Prescribed Bodies

Irish Water: No objection

3.4. Third Party Observations

None

4.0 Planning History

Reg. Ref. 09/1326: Permission was refused in 2009 for the removal of the first floor of existing house, the construction of a new first floor and a new extension to the rear and new domestic wastewater treatment system. The reason for refusal related to a potential traffic hazard due to the limited sightlines available.

Reg. Ref. 08/824: Permission was refused in 2008 for the demolition of an existing dwelling and the construction of a new dwelling, entrance and wastewater treatment system. The reason for refusal related to a potential traffic hazard due to the limited sightlines available.

Reg. Ref. 07/1290: Permission was refused in 2007 for the demolition of an existing dwelling and the construction of a new dwelling, entrance and wastewater treatment system. The reason for refusal related to a potential traffic hazard due to the limited sightlines available.

5.0 Policy Context

5.1. Limerick County Development Plan

The appeal site is located on unzoned lands, approx. 90m north of the settlement boundary for Caherconlish. Map 3.2 identifies the site as being in an area of strong agricultural base. These areas traditionally have had a strong agricultural base and an extensive network of smaller rural towns, villages and other settlements. In these areas, the focus of urban generated housing should be in the network of settlements to support the development of services and infrastructure and to take pressure off development in the open countryside. The following policies are considered relevant:

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Objective RS O5: Refurbishment / replacement of Traditional Rural Dwelling

The retention and sympathetic refurbishment, with adaptation if necessary, of traditional dwellings in the countryside in sympathy with the character of the existing building will be encouraged in preference to their replacement... Local rural housing need shall not apply in this instance.

Objective RS 08: Occupancy Condition

Sections 10.5.7 - House Extensions and 10.5.8 – Waste Water Treatment Plants and Residential Developments are also considered relevant

5.2. Natural Heritage Designations

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

5.3. EIA Screening

- 5.3.1. 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

This is a first party appeal against the Planning Authority's decision to refuse permission. The appeal addresses the reason for refusal and is summarised below: -

- There is an existing cottage on the site which has previously been extended. The storage building to the rear was previously a farm building and is currently used for storage purposes. The dwelling is currently in a state of disrepair and is being used in conjunction with the with the storage shed on a daily basis. Access to the existing structures on site is from the existing vehicular access to the site.
- The planning authority assessed the application for a new vehicular entrance. This was incorrect, as the site is in use daily. The traffic movements generated by the proposed works would be negligible.

- The dwelling cannot be currently occupied under health and safety grounds as the existing cesspit needs to be replaced with a wastewater treatment system. There is an electricity supply to the house.
- The applicant is currently renting in the area and does not own any other property. The renovated house would provide accommodation for her and her family.
- The speed limit on the R513 is 80kmph. The applicant has removed a palisade fence and trees along the western boundary with the R513 to improve sightlines at the existing entrance. These works also improve the sightlines for the existing dwelling located to the north of the appeal site. The landowner to the south has also given his permission to cut trees and ditches to further enhance the existing sightlines.
- At present sightlines of approx. 72m to the north and 90m to the south are achievable. It is proposed to erect a 1m high boundary treatment which would not impact on these sightlines. A drawing showing the available sightlines has been submitted with the appeal. The applicant argues that the sightlines for a large number of existing properties along regional roads do not reach the standards set out in the Road Design Manual. As this is an existing house, which is approx. 100 years old, the guidelines can not be rigorously applied.
- The proposed design of the extension respects the established form of height, scale and materials of dwellings in the immediate vicinity of the site.

6.2. Planning Authority Response

None

7.0 Assessment

- 7.1. The main issues in this appeal relate to the reason for refusal, in this regard traffic. Water Services and 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
- Traffic
- Water Services
- Appropriate Assessment

7.2. *Principle of Development*

- 7.2.1. It is proposed to renovate and extend an existing house on a site that is unzoned and approx. 90m north of the settlement boundary for Caherconlish. Policy Objective RS O5 allows for the retention and sympathetic refurbishment, with adaptation if necessary, of traditional dwellings in the countryside. In such cases, local rural housing need does not apply.
- 7.2.2. The applicant submitted a letter to the planning authority which states that she is disabled and that her son is her carer. It is intended that the proposed dwelling would provide accommodation for the applicant, her son and his family. It also states that when she originally bought the property, she planned to build an exempt extension to the rear to provide for her and her family's, however, due to her circumstances and size of her family, a 40sqm extension would not provide sufficient accommodation. It is noted that the applicant's son and his wife have 5 no. children.
- 7.2.3. The proposed extension is located to the rear of the existing dwelling. The proposed works result in a 2-storey, 4-bedroomed (plus study) house with a gross floor area of 279sqm. The design of the extension and renovation works results in a traditional style house with a gable ended pitched roof with a maximum height of 6.9m. It is noted that the ground floor of the existing dwelling would be refurbished to provide a bedroom with en-suite and a living room. Having regard to the pattern of development in the vicinity of the site and the design and layout of the extension, it is my view that the proposed development is in accordance with policy objective RSO5. Therefore, local rural housing need does not apply in this instance.
- 7.2.4. It is also noted that there is an existing vacant structure on the site, which in my view detracts from the amenity, character and appearance of the area. It is, therefore,

considered that the proposed redevelopment of the site would improve the existing visual amenities.

7.3. Traffic

- 7.3.1. The Planning Authority refused permission on the basis that the proposed development would endanger public safety by reason of a traffic hazard as insufficient sightlines would interfere with the safety and free flow of traffic on the public road. It is noted that permission was previously refused for the similar developments on the site for a similar reason, Reg. Ref. 07/1290, Reg. Ref. 08/824 and Reg. Ref. 09/ 1326.
- 7.3.2. In the appeal the applicant has stated that there is an existing house and storage unit on the site, which are currently accessed via an existing vehicular access and that the proposed development would not increase the number of vehicular movements generated by the site.
- 7.3.3. The applicant has acknowledged that the available sightlines do not reach the standards set out in the road Design Manual, however, it is argued that a large number of dwellings located on regional roads do not reach this standard. It is also noted that the applicant has recently removed a palisade fence and trees and vegetation to improve the sightlines.
- 7.3.4. The Design Manual for Roads and Bridges requires sightlines of 160m in both directions for roads with a 85kph. The existing vehicular access provides sightlines of approx. 72m to the north and 90m to the south. It is noted that the sightlines available are below the standards set out in the guidelines, however, having regard to the existing use on the site which generates daily vehicular movements, the limited number of vehicular movements potentially generated by a single dwelling and the pattern of development in the vicinity of the site, it is my view that the proposed development would not generate a traffic hazard.

7.4. Water Services

- 7.4.1. It is proposed to provide a new waste water treatment system on the site. The applicant has stated that this system would replace an existing cesspit on the site. Water supply

is from the public mains. The Caherconlish public well is located approx. 560m from the site and that the site is located within the outer protection zone for the well.

7.4.2. The proposed treatment system is located approx. 10m to the north (side) of the house and the percolation area is located approx. 8m north (side) of the wastewater treatment system. The submitted Site Suitability Assessment Form was from a previous application on site and is dated 2007. It states that the trial hole with a depth of 2.1m, recorded 300mm topsoil; 100mm of clay loam and 1700mm sandy (gritty) clay. With regard to the percolation characteristics of the soil, a T value of 32 minutes / 25mm was recorded. This indicates that the site is suitable for the installation of an on-site domestic wastewater treatment system.

7.4.3. It is noted that the Planning Authority's Environment Section raised no objection to the installation of the proposed wastewater treatment system on site. Having regard to the information submitted I have no objection in principle to the provision of the proposed wastewater treatment system. However, it is noted from the submitted site characteristics form that the proposed system has a PE capacity of 6. Information submitted with the planning application indicates that that house would accommodate approx. 8 persons, in this regard the applicant, her son and his family. It is recommended that a condition be attached to any grant of permission that the final details of the wastewater treatment system be agreed with the planning authority.

7.5. ***Appropriate Assessment***

Having regard to the nature and small 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**

I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the provision of Objective RS O5 of the Limerick County Development Plan, 2010-2016 (as extended), the existing pattern of development and the nature and small scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would be generally acceptable in terms of traffic safety. 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 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 final details and formation of the vehicular access to the site, shall be constructed in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development and traffic safety

3. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

4. Details of the boundary treatments shall be submitted to, and agreed in writing with, the planning authority within 3 months from the date of this order.

Reason: In the interest of residential and visual amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority within 3 months from the date of this order.

Reason: In the interest of visual amenity.

6. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

7. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The applicant shall enter into water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

10. 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

Elaine Power

Planning Inspector

6th May 2020