



An
Bord
Pleanála

Inspector's Report ABP-307384-20

Development	Removal of single storey extensions to side and rear of dwelling and construction of two storey extension to side and single storey extension to rear and associated site works.
Location	52 Lansdowne Park, Ennis Road, Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	19/828
Applicant(s)	John Kennedy
Type of Application	Permission
Planning Authority Decision	Grant, subject to 14 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Adrian Greaney
Observer(s)	None
Date of Site Inspection	4 th August 2020

Inspector

Hugh D. Morrison

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2.0 Site Location and Description

- 2.1. The site is located within an area of inner suburban housing on the west side of Limerick City. This site lies on the northside of Landsdowne Park, which, via Shelbourne Park, is accessed from the east off Shelbourne Road (R464), a major north/south route. Landsdowne Road is composed of two-storey, semi-detached dwelling houses.
- 2.2. The site itself is of regular shape and it extends over an area of 0.04 hectares. This site accommodates a bay fronted, two-storey, semi-detached dwelling house with single storey side and rear extensions. This dwelling house is served by front and rear gardens, an ungated front drive-in, and passageway to the side of the aforementioned side extension. A fence runs along the boundary to this passageway, while, elsewhere, the site is bound by walls.

3.0 Proposed Development

- 3.1. The proposal, which is submitted against the backdrop of the planning permission granted to application 16/1075 by ABP (PL91.248405), would comprise the following elements:
 - The demolition of the single storey extensions to the side and to the rear (38.68 sqm) of the dwelling house (131 sqm), and
 - The construction of a two storey extension to the side of the dwelling house (92.32 sqm) and a single storey extension to the rear.
- 3.2. The proposed extensions would have a total floorspace of 121.98 sqm, i.e. at GF 104.5 sqm and at FF 17.48 sqm. The two storey side extension would replicate that which was given permission, as modified by the Board, and the single storey rear extension would be instead of the one previously permitted. Thus, instead of a lean-to, full width, rear extension, that which is now proposed would be of contemporary design, incorporating mono-pitched roofed elements, and it would extend further into the rear garden.

4.0 Planning Authority Decision

4.1. Decision

Following receipt of further information, permission was granted, subject to 14 conditions, including the following one denoted as No. 3:

The proposed high level windows onto eastern elevation of the proposed extension are not permitted. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority the following:

- *Revised drawings indicating the removal of high level windows*
- *A revised proposal for roof lights to the flat roof extension, which shall not extend above the proposed parapet level.*

Reason: In the interest of residential amenity.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The following further information was requested:

- Revised contiguous elevations to show separation between extensions and adjacent boundary wall,
Floor plan to be elucidated, and
Boundary walls to be depicted on a N/S axis.
- Surface water management.
- Objections to be addressed.

4.2.2. Other Technical Reports

- Irish Water: No objection + Standard notes
- LCCC:
 - Air, Noise, Water & Public Health Team: Air pollution condition requested.
 - Environmental Services: Conditions requested with respect to an asbestos survey and a construction phase waste management plan.

5.0 Planning History

16/1075: Removal of single storey extension to the side of the dwelling house and the construction of a two-storey side/rear extension: Permitted at appeal PL91.248405, subject to 7 conditions, including the following one:

The proposed development shall be amended as follows:

(a) The first floor extension shall be reduced in length, from the proposed 11.375 metres to 7.9 metres, so that the rear wall of the first floor extension is in line with the existing first floor rear building line of the house, and the internal layout of the first floor extension shall be modified accordingly.

(b) As a consequence of the modification specified in condition 2(a), the roof of the existing ground floor extension to the rear shall be extended over the extended ground floor side extension.

(c) No windows, other than the rooflights indicated in the submitted drawings, shall be provided in the side elevation of the extension at either ground or first floor levels.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of protecting the residential amenities of adjoining property.

6.0 Policy and Context

6.1. Development Plan

Under the Limerick City Development Plan 2010 – 2016 (CDP), the site is shown as lying within an area zoned ZO 2(A) residential. On Page 16.30, the CDP addresses proposed extension designs. It sets out criteria for such designs, the following of which are relevant to the proposed single storey extension:

- *...High quality mono-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials.*
- *Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.*

- *Ensure that adequate space is provided to allow for maintenance of the gable and access to the rear garden.*
- *That the available amount of private open space should not generally be reduced to below 40 sqm.*

6.2. Natural Heritage Designations

- Lower River Shannon SAC (002165)
- River Shannon and River Fergus SPA (004077)

6.3. EIA Screening

The proposal is for domestic extensions to the applicant's existing dwelling house. As such these extensions would not constitute a project for the purposes of EIA.

7.0 The Appeal

7.1. Grounds of Appeal

Adrian Greaney of 59 Lansdowne Park, Ennis Road, Limerick

- Road safety

Attention is drawn to the position of the subject site between a bend in Lansdowne Park to the E and a one-way roundabout to the W. The public footpath and carriageway beside this site are, variously, 1.6m and 5.36m wide. On-street parking generated by the applicant impedes the progression of pedestrians and traffic along Lansdowne Park and prevents the appellant from reversing into his driveway. In the absence of additional off-street parking, the proposal would be likely to exacerbate the existing situation.

- Condition No. 6(c)

This condition refers to the adequate provision of parking on-site for workers and visitors. Given the existing unsatisfactory parking situation, it is difficult to envisage how this condition would be fulfilled.

- Condition No. 6(b)

This condition seeks to prevent surface water run-off from the site. Given that the appellant's residential property opposite is at a lower level than this site, unless measures are taken, this is where such surface water would end up.

- Condition No. 9

This condition seeks to prevent surface water run-off from the site. However, as a result of the unauthorised blocking up of the applicant's existing access point and the formation of a new one with no dished kerb but a tarmac ramp instead, which blocks the roadside channel, such run-off is occurring. All of these matters are in need of regularisation.

- Condition No. 13

This condition requires that the dwelling house be used solely as a single dwelling. However, under the proposal, it would become a six-bed dwelling and if the attic were to be converted into two-beds, then it would become an eight-bed dwelling. Its long term use as a single dwelling must therefore be open to question. Thus, for example, if it were to be let out to an adult household, then the pressure on parking space would increase greatly. The PA should have required the provision of additional on-site parking and the retention of a greater amount of private open space to the rear. The proposal, as constituted, would represent over-development and it would establish an adverse precedent.

7.2. Applicant Response

- The proposal would not lead to a lack of amenity open space on the site, as 85 sqm would be retained beyond the proposed single storey rear extension and a further 49 sqm would be afforded by a patio.
- On-street parking can be an issue on Lansdowne Park, when rugby matches are being played in the nearby Thomond Park. Garda have seldom received complaints about on-street parking. The applicant has two cars, which are parked on-site. He has a young family and so his household has no need of more cars.

- When LCCC resurfaced Lansdowne Park, the tarmac ramp was provided by the kerbside to the applicant's site access and that of other residents, too.
- The proposal does not pertain to the front boundary of the site, apart from to install an Acco land drain across the entrance to intercept surface water run-off.
- The proposal would achieve four rather than six-bedrooms. The possibility of converting the attic was explored but, as this could not be done in a manner that would conform with the Building Regulations, it was decided to use this space for storage.
- During the construction phase, the applicant intends to vacate the dwelling house and so his parking area to the front would be available for workers and visitors to park upon.

7.3. **Planning Authority Response**

None

7.4. **Observations**

None

7.5. **Further Responses**

None

8.0 **Assessment**

8.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Amenity,
- (ii) Miscellaneous,
- (iii) Water, and

(iv) Stage 1 Screening for AA.

(i) Amenity

- 8.2. The current proposal would entail the demolition of the existing side and rear single storey extensions to the dwelling house and the construction of a two storey side extension, which is the subject of an extant permission and which reflects an intervention by the Board whereby the depth of the first floor was limited to the depth of the existing dwelling house. Instead of the permitted single storey rear extension to this two storey extension, which would have tied in with the existing single storey rear extension, the applicant now proposes to build an entirely new single storey rear extension. This extension would be of contemporary design and appearance. It would thus incorporate mono-pitched elements in a wrap-around format, attributes which are countenanced by the CDP's advice on domestic extensions.
- 8.3. The proposed single storey extension would extend a maximum of 17.2m back from the original rear elevation of the dwelling house. This extension would be set back from the eastern boundary to the site by 0.781m and it would be built off the eastern half of the combined rear elevation of this extended dwelling house. Adjacent to the said boundary it would comprise an initial flat roofed element followed by a mono-pitched element before returning to a flat roofed element over a total depth of 14.6m. The latter flat roofed element would intersect with a further mono-pitched roof element that would be set back from the eastern boundary by 4.1m. This latter element would effectively enclose a patio that would run towards it from the western half of the combined rear elevation of the extended dwelling house.
- 8.4. The two mono-pitched roofs would slope downwards from east to west and the one closer to the existing dwelling house would have a line of high-level windows in it to catch the morning sun. These windows would be visible over the eastern boundary of the site with No. 53 beyond. Under FI, the applicant submitted an elevation of this boundary wall with the extension above it. Condition No. 3 of the PA's draft permission requires that these high-level windows be omitted on the grounds of residential amenity.
- 8.5. During my site visit, I observed that the rear elevation of the dwelling house at No. 53 has been extended by means of two lean-to single storey extensions and a flat roofed single storey extension to the rear of a two storey side extension. The said flat

roofed extension extends further to the rear than the lean-to ones and its roof overlaps with the coping on the wall along the eastern boundary to the site. This juxtaposition is such that sight of the high-level windows from ground floor rear openings at No. 53 would be limited. A first floor habitable room window would have a line of sight. More generally, the rear garden at No. 53 would appear to be lower than the applicant's and so from within it these windows would protrude noticeably.

- 8.6. I note that the high level windows would afford valuable morning light to the kitchen/ dining room in the proposed extension. I note, too, that any line of sight with the above cited first floor habitable room window would be capable of being negated by the specification of obscure glazing. More generally the mono-pitched portions would extend to a height of 1.745m above the said boundary wall. This height could be eased were the extension to have the same finished floor level as the existing dwelling house, i.e. if the height were to be lowered by c. 0.35m to 1.395m. Such commonality would be advantageous for users of the extension, too.
- 8.7. I conclude that, subject to conditions requiring that the high level windows in the proposed single storey rear extension be obscure glazed and that this extension be lowered by requiring that the finished floor level be the same as that of the existing dwelling house, the proposal would be compatible with the amenities of the area.

(ii) Miscellaneous

- 8.8. The appellant has raised a series of issues that the applicant has responded to.
- 8.9. The appellant expresses concern that the extended dwelling house could be used as an adult household that would generate additional traffic which would be incapable of being accommodated on the existing drive-in to the front of the applicant's dwelling house. As Lansdowne Park is relatively narrow and twisty and already the subject of on-street parking, such traffic and related overspill parking would be problematic.
- 8.10. The applicant has responded by stating that, apart from when rugby matches are being played at Thomond Park, Lansdowne Park is not the subject of particularly difficult traffic/parking conditions. The applicant has a young family and so his two existing vehicles, which are capable of being accommodated on his existing drive-in, would not be added to in the foreseeable future.
- 8.11. The appellant also expresses concern that the proposal would entail over development of the site and so there would be insufficient private open space

remaining. The applicant has responded by stating that there would be sufficient space as the patio would comprise 49 sqm and the retained rear garden would comprise 85 sqm.

8.12. The appellant critiques the PA's draft conditions Nos. 6(c), 6(b), 9, and 13. Thus,

- In relation to the first of these, he expresses concern that there would not be scope for construction workers to park off-street. The applicant has responded by stating that the applicant and his family anticipate vacating their dwelling house for the construction phase and so the existing drive-in would be available for parking.
- In relation to the second and third of these, he expresses concern over the risk to his residential property, which is opposite the site, of surface water run-off, especially as a ramp associated with the re-siting of the access to this site interferes with the drainage channel to the carriageway. The applicant has responded by stating that an Acco land drain would be laid across the site access.
- In relation to the fourth of these, he expresses scepticism over the prospect that the residential property would remain in use as a single dwelling.

8.13. I note the first of the above exchanges. With respect to the second and third exchanges, these appear to relate to disputes that go beyond the ambit of the current proposal. In this respect, the applicant has shown the Acco land drain as being laid across what I understand to be the original access point to the site rather than the one that is operating at present. This depiction may imply a resumption in the use of the original one. It has the effect of ensuring that the current proposal remains discrete from what may be an unauthorised access point. I note, too, that the appellant's concern over the use of the proposal may stem from the submitted floor plans, which indicate that each of the four bedrooms would be served by en-suites. However, for planning purposes, a material change of use would only arise if the use of the residential property as a single dwelling, i.e. occupied by a single household, were to change to that of a house in multiple occupation, i.e. occupied no longer by a single household.

8.14. I conclude that the issues raised by the appellant do not warrant objection to the current proposal.

(iii) Water

- 8.15. The site is a fully serviced one for the purposes of water supply and sewerage. SuDS methodologies have not been addressed but should be incorporated where appropriate.
- 8.16. Under the OPW's flood information maps, the site is not the subject of any identified flood risk.

(iv) Stage 1 Screening for AA

- 8.17. The site is neither in nor near to a Natura 2000 site. It is rather a fully serviced urban site and the proposal is to extend an existing dwelling house only.
- 8.18. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects in a European site.

9.0 Recommendation

- 9.1. That permission be granted.

10.0 Reasons and Considerations

Having regard to the Limerick City Development Plan 2010 – 2016 and the planning history of the site, the Board considers that, subject to conditions, the proposal would accord with the residential zoning of the site and relevant Development Plan advice on domestic extensions. Subject to the specification of obscure glazing to high level windows and the lowering of the rear extension to achieve a common floor level with that of the existing dwelling house, the proposed extensions would be compatible with the visual and residential amenities of the area. No water or Appropriate Assessment issues arise. The proposal would thus accord with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of April 2020, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed rear extension shall be lowered in height to achieve a common floor level with that of the ground floor level to the existing dwelling house.</p> <p>(b) The high level windows in the eastern elevation of the proposed single storey rear extension shall be obscure glazed and thereafter such glazing shall be retained in-situ for the duration of this extension on the site.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>Prior to the commencement of development, a scheme for the disposal of surface water within the site in accordance with sustainable urban drainage methods shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interests of sustainable urban drainage.</p>

4.	<p>The proposed extensions shall be constructed in a position whereby a passageway with a minimum width of 781mm is consistently available along their combined eastern elevations.</p> <p>Reason: In order to ensure the maintenance of external access between the front and rear of the extended dwelling house.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed extensions shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>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 provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
8.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extensions, in the interest of residential amenity.</p>

9.	<p>The developer shall pay to the planning authority a financial contribution of €1239 (one thousand two hundred and thirty-nine euro) 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. The application of any indexation required by this condition 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.</p> <p>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.</p>
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Hugh D. Morrison
Planning Inspector

25th August 2020