



An
Bord
Pleanála

Inspector's Report

ABP-308069-20

Development	Retention permission for extension and associated site works to rear of dwelling.
Location	Number 615 Railway Cottages, Limerick Junction, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	19/601377
Applicant(s)	Joseph Ryan
Type of Application	Retention Permission
Planning Authority Decision	Grant Retention Permission
Type of Appeal	Third Party v. Grant
Appellant(s)	Mathew Paul Bishop
Observer(s)	None
Date of Site Inspection	23rd October 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1 The appeal site is located within the village of Limerick Junction, in County Tipperary, approximately 2.5 kilometres north-west of Tipperary Town. The appeal site comprises an end of terrace single storey dwelling within a terrace of six single-storey dwellings.
- 1.2 The appeal site has a stated area of three hundred and forty square metres (sq. m.). Site levels are consistent with those of the adjoining public road. The front and rear garden spaces are hard surfaced. Within the rear amenity space there are 2.1 metre block walls to the north-west and south-east (sides) and a 2.4-metre-tall, galvanised fence along the north-eastern (rear) boundary. There is a low-level hedgerow and wall, approximately 1.2 metres in height along the roadside boundary, with a low-level hedge (approximately 1.2 metres tall) along the south-eastern boundary and a hedgerow (approximately 1.7 metres tall) along the north-western boundary.
- 1.3 There are other similar type single storey dwellings located further south-east and north-west of the appeal site. The Tipperary racecourse is located to the rear (north-east) and the adjoining public road to the south-west and the Limerick junction rail station and associated car park area is located further north-east of the appeal site.
- 1.4 Access to the site is from the L81061, a link road off the N24 (Main Limerick to Waterford route), which serves the Limerick junction rail station, car park and the railway cottages residential area, all within the 50 kilometre per hour speed control zone. There is a vehicular access to the site and a separate pedestrian access gate.

2.0 Proposed Development

- 2.1 The applicant is seeking retention permission for a single storey ground floor rear domestic extension (62.8 sq. m.) to the rear of the dwelling and for associated site works.
- 2.2 The single storey rear extension comprises three bedrooms, a bathroom, a back hall with a pitched roof. Fenestration detail and external finishes are consistent with those of the existing dwelling. The extension has been constructed on the north-eastern side within the rear garden space. It is constructed along the party boundary with number 616 Railway Cottages, which is the adjoining terraced dwelling, north-west of the

appeal site, and approximately two metres from the nearest part of the property to the south-east.

- 2.3 Further information was submitted to the Planning Authority in relation to: The submission of a site-specific flood risk assessment; To demonstrate that the rainwater goods associated with the extension are located on lands fully within the applicants control, or alternatively to submit a letter of consent from the adjoining landowner, consenting to the overhang of rainwater goods over the neighbouring property.

3.0 Planning Authority Decision

3.1 Decision

A decision to grant retention planning permission was issued by Tipperary County Council subject to three conditions. The relevant condition to the appeal is as follows:

Condition number 2: All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site by means of soak pits designed in accordance with BRE 365 standards. Surface water runoff shall not be allowed to discharge onto the public road or adjoining properties.

Reason: To avoid interference with other properties and to prevent damage to the public road with consequent traffic hazard.

3.1.1 Planning Authority Reports

3.1.2 *Planning Reports*

The Planning Officer's original report (dated February 2020) noted that the development was acceptable in principle, however two areas of concern were raised, firstly, in relation to flood risk and secondly, in relation to on site surface water management. Within the subsequent planning report, the Planning Officer indicated that she was satisfied with the further information response. This was based on the fact that the applicant had stated that the issue of flood risk had not arisen in the last sixteen years since remedial works, in the form of a stream diversion was completed. The surface water outfall was stated as being contained within the appeal site. It was

acknowledged that there is an overhang of rainwater goods onto the property to the north-west from the rear extension (the subject of the current appeal) which was constructed some time before 1995, as per the geo-hive mapping archive. The Planning Officer recommended that retention permission be granted.

3.1.3 Other Technical Reports

District Engineers Report: No objections from a road's perspective.

3.2 Prescribed Bodies

None.

3.3 Third Party Observations

A submission was received from a neighbour, whose property is located immediately north-west of the appeal site. The concerns raised in the submission are similar to those raised in the third-party appeal submission which will be addressed later in this report.

4.0 Planning History

Subject Site

Planning Authority reference number 82P.3 83/53. In 1982, planning permission was granted for the erection of an extension to the rear of 615 Railway Cottages. The extension as constructed is similar in scale, layout and height to that permitted in 1982 (copy of 1982 plans submitted by Planning Authority)

Planning Authority reference number 10/60. in 2010, planning permission was granted for the erection of an extension to the rear of 616 Railway Cottages.

5.0 Policy Context

5.1 South Tipperary County Development Plan, 2009-2015 (as extended)

5.1.1 The subject site is located in an area zoned as: 'Town Centre' within the Limerick Junction Settlement Plan, Where the objective is: To provide and enhance the

service provision of the town through the provision of mixed use development including retail, office, service and community facilities.

Limerick Junction is designated as a local service centre within the Plan. These centres are to: Act as local residential and community centres and accommodate an appropriate level of development, including housing and community services i.e. childcare, primary level education, recreation, convenience retailing etc. The Council will seek to maintain the existing range of rural services in place in these settlements in view of their role in reducing unnecessary travelling by rural communities in order to avail of basic services.

5.1.2 Section 10.11.17 pertains to domestic extensions which sets out in the following guidance:

- Ground level extension shall be subordinate to the main dwelling in scale and design.
- The extension shall integrate with the primary dwelling, following window proportions, detailing and finishes, including texture, materials and colour.
- The design and layout of extensions to houses shall have regard to the amenities of adjoining properties. The Council may require the submission of a daylight, sunlight and overshadowing assessment, if considered necessary.
- Where a dwelling is served by an on-site wastewater treatment system and where the extension increases the potential occupancy of the dwelling, the applicant shall demonstrate that the system complies with the standards of the EPA Code of Practice 2009 (or any amendment thereof).

5.2 Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1 Grounds of Appeal

A third-party appeal was received. The issues raised are summarised below:

- The issues raised within the appeal statement fall outside of the remit of the proper planning and sustainable development of the area and do not specifically pertain to the domestic extension which the applicant is seeking to retain.

6.2 Applicant Response

The applicant made no response in relation to the appeal submission.

6.3 Planning Authority Response.

The Planning Authority made no submission in relation to the appeal.

7.0 Assessment

7.1 As indicated the appeal raises matters which do not pertain to the proper planning and sustainable development of the area nor any issue in relation to the rear extension which is sought to be retained under this appeal. I will address matters in relation to residential amenity and on-site surface water management. 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:

- Residential Amenity
- Surface water management
- Appropriate Assessment

7.2 Residential Amenity

7.2.1 The pitch roofed rear extension is generally rectangular in shape with a gross floor area of approximately 63 sq. m. It is noted that single storey rear extensions have been constructed to the rears of many of the neighbouring dwellings.

7.2.2 I am satisfied that given the single storey nature of the extension, in addition to the existence of the two-metre boundary wall and that there are no windows on the western elevation of the extension, that no undue impact on the residential amenities

of the neighbouring property to the north-west arises in this instance. I note that the appellant has not raised any issue in relation to impact upon his residential amenity, arising from the extension within his appeal submission.

7.2.3 In conclusion, I am satisfied that the rear extension, by reason of its modest scale and height is subordinate to the main dwelling and accords with the provisions of Section 10.11.17 of the Development Plan. It integrates satisfactorily with the dwelling and does not impact upon the residential amenities of neighbouring dwellings, and is therefore, considered acceptable. The ridge height does not exceed that of the main dwelling unit and is, therefore, not visible from the public domain.

7.3 Surface Water Management

7.3.1 Concerns were raised in the planning report regarding an overhang of rainwater goods from the extension to the rear of the dwelling onto the neighbouring residential property to the north-west. The applicant responded within the further information response, acknowledging the overhang of rainwater goods along the north-west (side) elevation of the rear extension, over the party boundary wall to within the curtilage of the property to the north-west, that of the appellant. It is stated that the overhang of the rainwater goods onto the property to the north-west was conducted by agreement between the applicant's uncle (the owner of number 615 at that time) and the owner of 616 Railway cottages back in the 1990's, when the rear extension was been constructed. It is also stated that the downpipe from the rainwater goods outfalls to a rainwater gully within the appeal site, and that no outfall occurs onto third party lands.

7.3.2 The appellant states within his appeal submission that he purchased number 616 Railway Cottages in April 2010. Therefore, it is apparent that he purchased the property in the knowledge that there was an overhang of rainwater goods from the western (side) elevation of the appeal site onto his property. I am satisfied that rainwater generated on site is managed within the appeal site and does not outfall onto third party lands or the public road.

7.3.3 In Conclusion, I acknowledge the overhang of the rainwater goods to within the curtilage of the neighbouring property. This is a civil matter, which has been established on the ground for in excess of twenty-five years, prior to the occupancy/ownership of the residential units by both the applicant and the appellant.

I also note the outfall from the said rainwater goods is into a drainage gully that is within the bounds of the appeal site, which is considered acceptable.

7.4 *Appropriate Assessment*

7.4.1 Having regard to the nature and small scale of the development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would have been likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

It is recommended that retention planning permission be granted.

9.0 Reasons and Considerations

Having regard to the design and scale of the development, the existing building on site and the pattern of development within the area, it is considered that the development does not adversely impact on the residential amenities of neighbouring properties or result in an increase in flood risk on site or within neighbouring properties. The development is considered to be in accordance with the policies and objectives of the current North Tipperary County Development Plan in relation to extensions and alterations, and, therefore, in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1 The development shall be retained in accordance with the plans and particulars lodged with the application to the Planning Authority on the 10th day of December, 2019, and the 12th day of May 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.

Reason: In the interest of clarity.

2. All surface water runoff generated from roofs, driveways and paved areas within the appeal site shall be collected and disposed of within the curtilage of the site by means of soakpits designed in accordance 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.

- 3 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 within six months of the date of this order 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 property owner 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

Fergal Ó Bric
Planning Inspectorate

6th November 2020