



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308332-20

<b>Development</b>	Demolition of existing garage and construction of two storey extension to side of existing dwelling.
<b>Location</b>	Glenbeg, North Circular Road, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	20667
<b>Applicant(s)</b>	Margaret Clifford.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Garrett and Teresa Hartney.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	27 <sup>th</sup> November 2020.
<b>Inspector</b>	Bríd Maxwell

## **1.0 Site Location and Description**

- 1.1. This appeal relates to an established dwelling site, Glenbeg, located on the North Circular Road a mature residential area circa 1.5km west of Limerick City Centre and on the northern side of the river Shannon. The site is occupied by a two-storey semi-detached dwelling dating from c1940. The dwelling includes a gable breakfront with bow windows. To the eastern side of the dwelling is a small single storey garage with a flat roof. Levels fall significantly to the rear of the site and the dwelling includes a decking area with access via stairway to the lower rear garden. The North Circular road is a mature residential area characterised by a wide range of mainly semi-detached and detached properties on generous sites, of varied age, design and architectural style.

## **2.0 Proposed Development**

- 2.1. The proposal involves permission for the demolition of the existing garage (16.9sq.m) to the side of the dwelling and in its place provide for a two-storey extension containing a granny flat (37.23sq.m) connected to the existing dwelling at ground floor level and bedroom extension on first floor level (37.32sq.m). A single storey extension is proposed to the rear of the existing dwelling (8.91sq.m) and extension of porch (1.41sq.m) to the front of the dwelling and associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1 By order dated 10<sup>th</sup> September 2020 Limerick City and County Council issued notification of its decision to grant permission and 13 conditions were attached which included the following:

Condition 2 Development Contribution €499.20 in accordance with the Development Contribution Scheme.

Condition 9. Use of granny flat by immediate family member. Shall not be sold let or otherwise conveyed.

Condition 10. Refurbishment Demolition Asbestos Survey to be submitted for written approval.

Condition 11. Site specific waste management plan for agreement.

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

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

Planner's report considers the proposal to be acceptable and recommends permission subject to conditions.

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

Environmental Services report. Demolition asbestos survey to be submitted as further information. Waste management plan.

### **3.3. Prescribed Bodies**

Irish Water no objection subject to connection agreement and other standard conditions.

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

Submission by Gilleece McDonnell O Shaughnessy Ltd, Architectural Consultants and Chartered surveyors on behalf of Garrett and Teressa Hartney neighbours to the east of the site. Object on grounds of overdevelopment to the front of the dwelling. Two storey projection will be a blemish on the streetscape. Inclusion of a separate entrance to the granny flat is inappropriate. Overshadowing of decking area. Maintenance issues with regard to external wall.

## **4.0 Planning History**

No planning history on the appeal site.

### **Adjoining site to the east.**

**11/7770015** Conditional permission to demolish existing two storey flat roof extension to gable of existing dwelling and construct a two storey and single extension to the gable of the existing dwelling including permission to construct a porch extension to the front of the dwelling and a single storey extension to the rear of existing dwelling and associated site works,

**11/770195** Permission for retention of as constructed revisions to extensions of existing dwelling previously granted permission under planning reference P11/7770015 including permission to widen existing vehicular entrance an increase in height of existing front wall and associated works.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Limerick City Development Plan 2010-2016 (as extended) refers. The site is zoned ZO.2(A) – Residential. The objective is to provide for residential development and associated uses.

### **5.2. Natural Heritage Designations**

The south-eastern end of the site merges with the designated area of the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077) is circa 200m to the south.

### **5.3. EIA Screening**

On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development, nature of the receiving environment no likelihood of significant effects on the environment arises from the development. The need for environmental impact assessment can, therefore, be excluded.

## **6.0 The Appeal**

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

6.1.1 The appeal is submitted by Gilleece McDonnell O Shaughnessy Ltd. Architectural Consultants and Chartered Surveyors on behalf of neighbouring residents Garrett and Teresa Hartney. Grounds of appeal are summarised as follows:

- Note no objection in principle and no bias against the applicant.
- Proposal does not contribute positively or enhance the urban quality of the streetscape along North Circular Road in regard to scale, mass and height.
- Proposal fails to maintain the building line. Two storey extension to the front will be a blemish on the streetscape.
- Proposed two storey element will be a dominating structure over the appellant's property as demonstrated in appendix B side elevation.
- No section drawings provided. Height shown as 4.4m however likely to require 5.7m height to achieve habitable ceiling heights.
- Proposed two storey projection to the rear will overshadow appellant's decking area.
- Based on level difference extension will be circa 6.7m in height when viewed from garden area to rear of property.
- Proposal is an overdevelopment which will injure established residential amenity.
- Limerick City Council failed to address the mass and scale impact of the proposed extension on the adjoining property.

### **6.2. Applicant Response**

6.2.1 The submission by Morgan McDonogh Architectural and Planning Consultants is summarised as follows:

- Note that significant modifications were made in the design process to accommodate concerns raised in discussions with the appellants.
- Appellants preference for a single storey extension when they themselves constructed a two-storey extension.
- Houses on North Circular Road developed gradually over a period of time from the 1920s to 1950s with varied elevational treatment. Precedence for two storey extension of the form proposed under 11770103 at No 1 Old Westfields.
- Drawing provided by the appellant is not accurate. Proposal projects 1.4m beyond the building line of Glenbeg aligning with the existing front ground floor line of Rosario. The bay window of Rosario extends a further 400mm beyond this front building line.
- Longitudinal Section provided.
- Daylight analysis submitted with the application indicated minimal impact on the appellants property.
- Overshadowed decking area is a passageway. Seating area is on the eastern side of the deck and will not be affected. Kitchen window will be slightly impacted.
- Rear of the dwellings face southeast. Daylight will not be impacted during the day and afternoon as is indicated in the analysis.
- Contemporary design will form a positive impact to the varying streetscape along North Circular Road.

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

6.3.1 The Planning Authority did not respond to the grounds of appeal.

## **7.0 Assessment**

7.1. The main issues in this appeal relate to the impact the proposed extension would have on existing residential amenities in terms of scale and design, its visual impact

and potential for overshadowing. Appropriate Assessment requirements also need to be considered. I am satisfied that no other substantial planning issues arise.

- 7.2. The key issue is therefore to consider whether the intervention proposed on the site is acceptable in terms of its impact on residential amenity, its visual impact and impact on the character of the dwelling and the area in the specific circumstances of this site. The third-party appellant contends that the proposal which extends beyond the established front building line would be incongruous in the streetscape. I am satisfied that based on the varied design and character of the established dwellings on North Circular Road and the substantial size of the sites and curvature of the road a strict adherence to an established building line is not warranted. I consider that the proposed extension which is 1.4m forward of the existing dwelling front wall is acceptable. As regards the design and form of the extension it takes a contemporary format which is considered appropriate.
- 7.3. On the issue of the extension to the rear I consider that the projection circa 1.118m beyond the rear wall is acceptable and will mitigate impact on established residential amenity. Overshadowing impact is not significant. As regards the provision of a separate front entrance to the granny flat I consider this to be appropriate. I note that the granny flat is linked internally to the main dwelling and the extension in its design and form reads as ancillary to the main dwelling. I am satisfied that by way of design and scale the proposal appropriately mitigates impact on established residential amenity and on the amenities of the area.
- 7.4. On the issue of Appropriate Assessment having regard to the nature and small scale of the proposed development within the existing built-up area, 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**

- 8.1 It is recommended that permission be granted subject to conditions.

## **Reasons and Considerations**

Having regard to the zoning objective of the site and the scale and design of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area, in terms of visual impact and overshadowing. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and 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. 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

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health.



4. The proposed granny flat extension shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: To protect the amenities of property in the vicinity.

5. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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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Bríd Maxwell  
Planning Inspector

18<sup>th</sup> December 2020