



An
Bord
Pleanála

Inspector's Report ABP 308506-20

Development	2 dwellings and associated works.
Location	6 The Elms, North Circular Road, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	20/785
Applicant	Josephine O'Sullivan
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	1. Thomas & Rachel Dickinson & Others 2. Michael & Geraldine Duffy
Observer(s)	None
Date of Site Inspection	03/12/20
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site which has a stated area of 0.063 hectares, is located between House nos. 5 and 7 The Elms which is a small development of detached dwellings accessed from North Circular Road in north Limerick City.

The appeal site is rectangular in shape with the boundary to No. 5 delineated by a block wall with brick detailing. The boundary to No. 7 is delineated by a brick wall and leylandii hedge. The rear boundary is delineated by a wall backed by trees.

2.0 Proposed Development

Construct 2 no. semi-detached, 2 storey with attic space, 5 no bedroom dwellings, each with a stated floor area of 251 sq.m. Each site is to be served by an access off the cul-de-sac with off road parking for 2 no. vehicles.

The application is accompanied by a design statement and an Irish Water Pre Enquiry Connection which confirms connection to services is feasible subject to upgrades.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 14 conditions. Of note:

Condition 3: Within 1 month details of boundary treatments to be submitted to planning authority for written agreement. A low boundary wall to be constructed along the front boundary between entrances.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The attic accommodation is considered acceptable.
- The design is a contemporary take on established building typology for the area.

- The design principles are acceptable and the site is capable of accommodating two dwellings.
- The proposal would not have any adverse impact on the amenities of adjoining properties by reason of overlooking or loss of privacy.

Grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

Irish Water has no objection subject to conditions.

3.4. Third Party Observations

Objections to the application received by the planning authority are on file for the Board's information. The issues raised relate to adequacy of car parking, lack of footpath, impact on amenities of adjoining property, dwellings out of character and overdevelopment. No objection to 1 dwelling being constructed in accordance with scheme constructed to date.

4.0 Planning History

As per the Planner's report on file the following are noted on the appeal site:

PL 30.206611 (04/12) – permission granted for change of house design on site nos. 5 and 6 The Elms from that previously approved under Planning Authority Ref. P02/233.

P07/770128 – permission granted for 2 no. dwellings.

Adjacent Site

PL30.218231 – permission refused for 2 dwellings on a plot between Nos 1 and 4 The Elms on grounds of design being out of character with the area.

P18/493 – permission granted for retention and completion of dwelling at No. 2 The Elms.

5.0 Policy Context

5.1. Development Plan

Limerick City Development Plan 2010-2016 (as extended)

The site is within an area zoned Residential - Objective ZO.2 (A) to provide for residential development and associated uses.

Development Management - Infill Housing

In order to comply with general policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the Planning Authority will permit the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant Development Plan standards for residential development. However, in certain limited circumstances the Planning Authority may relax the normal planning standards to allow development to take place.

In all cases infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.
- Comply with the appropriate minimum habitable room sizes.
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

5.2. Natural Heritage Designations

None in the vicinity.

5.3. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development within the inner suburban location within Limerick City on residentially zoned and serviced lands, 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 at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Michael & Geraldine Duffy

The appeal can be summarised as follows:

- All existing properties are finished to the same standard, specification and character vis. red brick. The proposed dwellings are to have an unspecified render finish. The planning authority should have conditioned a similar finish.
- When they purchased their dwelling it was on the understanding that the development would be completed in accordance with the conditions of the permission for the scheme. The local authority has approved a scheme which is at odds with the said permission.
- The development is out of character and proportion with that prevailing.
- The three storey dwellings will overlook adjoining properties and would adversely impact on their amenities. A 2 storey dwelling, only, should be permitted.
- The proposal will lead to substandard landscaping at odds with adjoining property.
- There is no footpath on the opposite side of the road. The proposal would give rise to concerns re. children's safety.

6.1.2. Thomas and Rachel Dickinson & Others

The 3rd Party appeal can be summarised as follows:

- It is queried why the planning authority did not take previous files into account.
- There is no Roads Department report on file.
- The proposal is considered dangerous with no turnabout area at the end of the road.

- There is no footpath opposite the site.
- There is no sightline for cars exiting house no. 5 due to a high wall which also means there is no sightline for cars exiting proposed House No.6A.
- The number of vehicles which would be generated by the dwellings should be considered. They would have a negative impact on adjoining properties.
- The proposal would constitute overdevelopment of the site. 1 no. dwelling, only, should be permitted in accordance with the original plans.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

- 7.1. I consider that the substantive issues pertain to the suitability of the site for two dwellings and impact on amenities of adjoining property.
- 7.2. The site is within a mature residential area zoned 2A –Residential, the objective for which is to provide for residential development and associated uses. The proposal would, in principle, accord with the general development plan policy to make the most sustainable use of land and existing urban infrastructure. However there is an obligation to reconcile the purpose of the proposal namely, to maximise the development potential of the site with the requirement that such works should respect the visual amenities, scale and architectural character of the wider area whilst not compromising the residential amenities of adjoining properties.
- 7.3. Of the 8 no. dwellings accessed from the cul-de-sac 5 no. have the same design and finishes. No. 5 immediately to the west of the appeal site, No. 4 opposite and that

nearing completion on site No. 2 vary in terms of design, albeit their brick external finishes provide for a level of consistency overall.

- 7.4. The site, with a stated area of 0.063 hectares, is adequate to allow for two dwellings. The units are large in their own right, effectively three storey in height, each with a stated floor area of 215 sq.m. I submit that their design execution by reason of their height relative to the adjoining properties is not entirely successful to allow for their integration into the established residential area. The ridge height will be 0.97 metres higher than No. 6 to the west and 2.742 metres higher than No.7 to the east. I submit that the omission of the habitable accommodation in the roof space to provide for 2 storey dwellings, only, and reduction in the ridge heights would address this concern. I consider that this can be addressed by way of condition should the Board be disposed to a favourable decision.
- 7.5. External finishes comprising a mix of render and brick are proposed. A front elevation finish comprising entirely of brick would be more complementary to the prevailing finishes within the cul-de-sac. As above, this can be addressed by way of condition.
- 7.6. Whilst the front elevation of the dwellings is staggered, the section forward of the building line of the adjoining dwellings is away from the shared boundaries which are delineated by high walls and hedging. Both dwellings are to be served by rear open space that accords with the minimum requirements of the current City Development Plan whilst each makes provision for two off street parking spaces, also in accordance with the development plan. The necessary setback to allow for side access is attained. A low front boundary wall as required by condition 3 of the planning authority's decision and which matches those of the dwellings to the east is appropriate to allow for further integration.
- 7.7. No issues in terms of overlooking or loss of privacy will arise. In such an inner suburban location overlooking from rear 1st floor windows would not be beyond what would be considered reasonable in an urban or suburban location.
- 7.8. The site was originally to be developed for 1 no. dwelling. I do not consider that the additional vehicular movements that would arise from two dwellings give rise to concerns in terms of vehicular or pedestrian safety. Vehicular speeds at the end of the cul-de-sac would be low. I also note that the footpath is to be extended along the

site frontage. Whilst reference is made in an appeal to verbal correspondence with the Council engineer regarding the suitability of the development there is no report pertaining to same on file.

- 7.9. On balance, I consider that by reason of the site location, set back into the cul-de-sac and adjacent to No.5 which differs in terms of design from that prevailing within the estate, the semi-detached dwellings can be accommodated. They would not detract from the character of the small residential cul-de-sac, would not adversely affect the neighbouring residential amenities and, subject to amendments, would be respectful of the existing built fabric and height, whilst providing for adequate amenity for prospective occupants. I therefore consider that the proposal would be in compliance with the current Limerick City development requirements for infill development and is therefore acceptable.

AA – Screening

- 7.10. Having regard to the nature and scale of the development proposed within a serviced, inner suburban residential area in Limerick City, 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

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed dwellings, to the residential zoning of the site as set out in the current development plan for the area and to the character of the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. 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 development shall be amended as follows:
 - i. The two dwellings shall be two storey in height only. The habitable accommodation at roof level shall be omitted.
 - ii. The front elevation of the dwellings shall be finished in brick.
 - iii. Provision of front boundary walls finished in brick

Revised plans with the above alterations shown thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of the visual and residential amenities of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings which shall complement the external finishes of adjoining dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. 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.

6. The footpath and kerb shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. 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 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and in particular recyclable materials, in the interest of protecting the environment.

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.

Pauline Fitzpatrick
Senior Planning Inspector

December, 2020