



An
Bord
Pleanála

Inspector's Report ABP-308682-20

Development	Alterations and extension to existing house and vehicular entrance
Location	12 Ballywilliam, Rathkeale, County Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	20/308
Applicant(s)	Mary O'Connor
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Mary O'Connor
Date of Site Inspection	16 th February, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located in the residential estate of Ballywilliam to the south of Rathkeale town centre in County Limerick. There is an existing detached two-storey house on the plot which lies at a cul-de-sac end. There are detached houses to the north and west and the site is bounded to the south by agricultural lands. There is a parking area to the front of the house and a paved yard to the rear.

2.0 Proposed Development

2.1. The proposed development would comprise the redevelopment, alterations and extension to the dwelling. This would facilitate vehicular access and parking along the south side of the house. The development would reduce the floor area of the house by 21.1 square metres.

3.0 Planning Authority Decision

3.1. Decision

On 22nd October 2020, Limerick City & County Council decided to refuse permission for the proposed development for one reason relating to the reduction in parking area and facilitation of unauthorised use of the parking of caravans.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions, and reports received. Concern was expressed about the creation of parking to the side of the house and it was considered that the potential for vehicles accessing the rear of the property should be designed out. A request for further information was recommended seeking a revised proposal that would maintain parking provision to the front of the house and designing out the potential for vehicles to access the side and rear of the site, a refurbishment demolition asbestos survey, and drawings showing the amount of the existing dwelling to be retained.

3.2.2. Other Technical Reports

The Environment Engineer recommended the attachment of a condition relating to a solid fuel burning appliance.

The Environmental Services Technician requested further information relating to a demolition asbestos survey and also provided a condition to apply should permission be granted.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. A request for further information was sought in accordance with the Planner's recommendation and a response was received on 1st September, 2020. This clarified that the applicant seeks to be able to park her caravan at the side of her dwelling when she returns to Rathkeale after travelling on the continent throughout the year and that the proposal provides for orderly parking. Further drawings were submitted along with a construction and demolition waste plan.

3.5. Further to this, the reports to the planning authority were as follows:

The Roads Section stated there were no observations to make.

The Environmental Technician noted that no refurbishment demolition asbestos survey had been submitted. Two conditions were recommended to be attached if permission was to be granted.

The Planner noted the further information response and recommended that clarification be requested in relation to parking and access.

3.6. Clarification was sought from the applicant requiring a revised proposal that would maintain parking provision to the front of the house and designing out the potential for vehicles to access the side and rear of the site. A response in the form of a layout plan was received by the planning authority on 28th September, 2020.

3.7. Further to this, the reports to the planning authority were as follows:

The Planner noted that the layout submitted was different from the previous layout solely due to a boundary wall at the front of the site and that the house design had

not been amended. It was further noted that the proposed layout sought to retain the proposed front projection of the house and this reduced the parking area at the front. A refusal of permission was recommended relating to the reduction in parking area and facilitation of unauthorised use of the parking of caravans

4.0 **Planning History**

P.A.15/1011

Permission was granted for alterations and extension to dwelling.

5.0 **Policy Context**

5.1. **Rathkeale Local Area Plan**

The site is zoned 'Existing Residential'. It is stated that the purpose of this zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas.

5.2. **Appropriate Assessment**

The site of the proposed development is within the serviced urban area of Rathkeale within an established residential estate and is in the vicinity of extensive buildings, infrastructure and other developments. This is a location that is remote from European sites. Having regard to the established nature of development on this site, the nature, scale, and location of the proposed development, the serviced nature of the development, the nature of the receiving environment, and the separation distance to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- At no point was it stated there would be parking for family caravans.
- The appellant is a traveller who travels the continent, returning at festive times. She must bring her single caravan home and park it in her yard.
- The caravan will not be lived in as the applicant and her family will live in their extended house.
- This proposal is in line with exempted development criteria for temporary parking of a caravan.
- Existing parking to the front of the house provides for a poor layout and promotes on carriageway / footpath parking.
- The proposal provides for a greater amount of space in the front driveway than currently exists, providing space for a second car if needed.
- The granting or refusing of the vehicular entrance had no relevance to whether the proposed extension design was capable of providing a site layout with adequate parking at the front.
- The previous proposal under Planning Permission Ref. 15/1011 provided for a similar site layout plan where the single storey canopy was demolished to make way for 90 degree parking off street. The current proposal is no different and the gable projection is narrower.
- Given the size of the plot and the adequate amenity space, it is not inappropriate for the appellant to be entitled to have a vehicular entrance to park in privacy.

- Nearly all of the Ballywilliam Estate houses have some form of vehicular entrance and there are grants of permission with such proposals.

Existing and proposed site layout plans are attached to the appeal submission.

6.2. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

- 7.1. The site of the proposed development is on lands zoned 'Existing Residential'. The redevelopment, alteration and extension to the existing dwelling on the site is acceptable in principle. The existing two-storey house was boarded up at the time of my site inspection and is vacant. The redevelopment of the house and resulting improvements to the quality of accommodation would reasonably be viewed as desirable to regain occupancy of the unit. There could be no reasonable objection to the redevelopment of the existing house to provide for the improved accommodation that would result. I note that the planning authority has at no time expressed any concerns relating to the redevelopment of the house and the improvements to the standard of living accommodation that would be derived from the proposed development. I further acknowledge the previous planning permission granted for the redevelopment of the house on this site under Planning Permission 15/1011.
- 7.2. The planning authority's concern with the proposed development relates to the outcome of the redevelopment of the property such that it would facilitate parking along the south side of the building and allow for access to the yard area to the rear. This is seen to potentially facilitate parking of a caravan. While this may result, I cannot reasonably determine that this should be prohibited for any particular planning reason. The appellants are permitted to avail of the provisions of Class 8 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) as the Board will know and there is no reason, through the redevelopment of the existing house resulting in accommodation improvements, why the restriction or limitation on on-site parking of a caravan should be pursued in this particular instance. Furthermore, the planning authority has not demonstrated in any manner how the development would run counter to any provisions it may have relating to

such development in its plans or policy provisions. In my opinion, there are no reasonable grounds for refusing permission for the development as proposed. The redevelopment of this house to improve accommodation is sustainable and is in accordance with the proper planning of this residential area.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the design, character and layout of the proposed development, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be consistent with the provisions of the Rathkeale Local Area Plan, and would otherwise 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity

3. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of pollution prevention and orderly development.

4. Prior to the commencement of development, the developer shall submit to the planning authority for agreement in writing a waste management plan for the recovery/disposal of all wastes arising from the proposed demolition and construction works and all other associated works.

Reason: In the interest of sustainable waste management.

Kevin Moore
Senior Planning Inspector

24th February 2021