



An  
Bord  
Pleanála

## Inspector's Report ABP-309523-21

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<b>Development</b>	Refurbish and extend dwelling house, install a proprietary treatment system and polishing filter and all associated site works.
<b>Location</b>	Elm Park Demesne, Clarina, Co. Limerick
<b>Planning Authority</b>	Limerick City & County Council
<b>Planning Authority Reg. Ref.</b>	20/1044
<b>Applicant(s)</b>	Catherine Fogarty
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 9 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Ivan Conway
<b>Observer(s)</b>	Amanda McMahon
<b>Date of Site Inspection</b>	29 <sup>th</sup> April 2021
<b>Inspector</b>	Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located in Elm Park Demesne, c. 3.8 km to the west south-west of Mungret and c. 1 km to the south-west of Clarina. This site lies within a cluster of historic buildings that are largely in residential use. It is accessed by means of Elm Park, a minor local road (L-8061-156) that follows a north/south axis from Doon on the N20 to Harty Road.
- 1.2. The site itself is of regular shape and it extends over an area of 0.1705 hectares. This site presently comprises two rows of outbuildings, one of which is denoted as a “dwelling house”, that join one another at a right angle via a garage.
  - The first of these rows (124 sqm) runs west/east and it is presently roofless and reduced to the shell of its external walls.
  - The second runs north/south (65.38 sqm): It is denoted as a “dwelling house”. At its southern end it abuts the applicant’s father’s dwelling house and at its northern end it abuts the garage. This row comprises a line of stone and slate outbuildings, which are set back from the adjacent road. Its front elevation is bookended by doorways, between which lies an arched headed doorway and four window openings, two of which are permanently closed with stonework. Its rear elevation, which is continuous with the rear elevation of the garage, maintains a single doorway, which may formerly have been wider, and four window openings, all of which are permanently closed with stonework.
  - The front elevation of the garage (40.87 sqm) projects forward of the adjoining row of outbuildings to the south to meet the public road. This elevation is gabled, and it contains a doorway within which are hung a pair of timber doors. Two of the garage’s walls are party walls with the adjoining rows of outbuildings: Each contains an internal door. The remaining northern elevation contains a door and a window, which are permanently closed with stonework. The garage roof is clad in sheeting.
- 1.3. The remainder of the site is down to grass. It is enclosed to the east and along the eastern portion of the northern boundary by the aforementioned rows of outbuildings. Along the western portion of the northern boundary it is enclosed by trees, a

hedgerow, and a fence, and along its western and southern boundaries it is variously enclosed by means of a wall and a hedgerow.

## **2.0 Proposed Development**

- 2.1. Under the proposal, the outbuildings denoted as a “dwelling house” (65.38 sqm) would be refurbished and extended upwards, by means of a revised roofline to the rear elevation and the insertion of an upper floor (40.08 sqm), and outwards to the rear, by means of a new build single storey extension (45.55 sqm). The resulting dwelling house would afford two-bed/three-person accommodation over a floorspace of 151.01 sqm.
- 2.2. The proposal would be served by the installation of a proprietary treatment system and polishing filter.
- 2.3. The submitted plans show that the west/east row of outbuildings would have their roofs reinstated.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Following receipt of further information, permission was granted, subject to 9 conditions.

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

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

Further information was sought with respect to the following:

- Third party photograph of flooding on the site during February 2020 to be addressed with respect to the siting of the proposed waste water treatment system (WWTS). Source of flooding to be confirmed.
- Commensurate assessment of the proposal to be submitted.
- Potential for off-road parking to be addressed.

- Construction details of proposed internal frame to be submitted, along with details of interventions to external stone and brickwork.
- Methodology for re-roofing of outbuildings to be clarified.
- Issues raised by objectors to be addressed.

#### 3.2.2. Other Technical Reports

- Environment: Following receipt of further information, no objection, subject to conditions.

### 4.0 **Planning History**

None

### 5.0 **Policy and Context**

#### 5.1. **Development Plan**

Under the Limerick County Development Plan 2010 – 2016 (extended) (CDP), the site is shown as lying within a rural area that is under strong urban influence and within the Shannon Integrated Coastal Management Zone.

Objective RS 06 of the CDP addresses refurbishment of rural structures of merit. It states that “Consideration will be given to the reuse, refurbishment and conversion of structures of merit in all areas subject to satisfying the normal planning and sustainable development criteria and being in sympathy with the character of the existing building and surrounding area. Local rural housing will not apply in this instance.”

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

Lower River Shannon SAC (002167)

River Shannon and River Fergus SPA (004077)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant is a farmer who resides in Elm Park in a property adjoining the site. Reference is made to his architect's letter of objection to LCCC and several matters, which he considers have either not been addressed or have only been inadequately addressed hitherto.

- The extent of the development appears to go beyond that which is set out in its description, e.g. use of outbuildings and their re-roofing.

The consent of the applicant's father, as owner, does not appear to have been obtained.

Supplementary planning application form 2(b) has not been completed and the applicant's ownership of an existing urban dwelling house places a question mark over her rural housing need.

- Traffic safety:
  - The garage is on a double bend and when its doors are open the road would be blocked.
  - The proposed front door would be only a short distance from the road.
  - Approximately 7 existing dwellings access the road opposite what would be the front elevation of the proposed dwelling.
  - The road is narrow and, given its sharp bends, sightlines are poor.
- Attention is drawn to the land, which abuts the northern elevation of the outbuilding: This land is the appellant's ownership and consent for any encroachment upon it would not be forthcoming.
- The adequacy of the site layout plan is questioned: An agricultural shed and other sheds are not shown and so their distance from the proposed WWTS is unclear. These sheds are planned, and they received permission in 2020.

Furthermore, concern is expressed that the siting of the WWTS may not be consistent with the separation distances that would be needed between it and a soak pit and a spring/well.

- Given the age of the buildings in question, an Architectural Heritage Impact Assessment would be appropriate. As it is, concern is expressed over the design approach adopted.
- The applicant draws attention to issues stemming from the further information stage and the Planning Authority's permission:
  - The use of the applicant's father's property for off-road parking would be unlikely to be a lasting arrangement and so the likelihood is that roadside parking would occur in the future. The permission fails to address this issue.
  - While construction details were requested, the applicant only outlined an approach, leaving such details to the post-decision stage. This unsatisfactory.
  - While a letter from the appellant's solicitor, was raised with the applicant, it has not been addressed. The appellant's architect has outlined a roofing solution to the outbuilding which would obviate the need to enter onto his land.

## 6.2. Applicant Response

The applicant has advised that she does not want to make any submissions or observations.

## 6.3. Planning Authority Response

None

## 6.4. Observations

The observer is the partner of the appellant.

- The narrow local road to the site runs north/south and it is used as a shortcut between Patrickswell and Adare, by local farmers and their livestock, and by recreational users. Consequently, it is hazardous.

- The proposed garage would be on a double bend, where sightlines are poor, and near misses/accidents occur.
- Parking outside the proposed dwelling would add to the existing hazard attendant upon the use of the local road.

The observer reiterates the appellant's concerns over how the question of parking has been dealt with. She draws attention to the original use and configuration of the building denoted as a garage, i.e. it was an outbuilding only. She also draws attention to the absence of any advice from a LCCC road engineer.

## 6.5. Further Responses

None

## 7.0 Assessment

7.1. I have reviewed the proposal in the light of the Limerick County Development Plan 2010 – 2016 (extended) (CDP), the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, description of the proposal, ownership, and rural housing need,
- (ii) Conservation and design,
- (iii) Traffic, access, and parking,
- (iv) Water, and
- (v) Appropriate Assessment.

### **(i) Land use, description of the proposal, ownership, and rural housing need**

7.2. At the application stage, the appellant questioned the description of the subject building as a dwelling house on the basis that it, along with the adjacent outbuildings, were used for about 40 years up until 2015 for housing cattle. This building has no electricity, running water or toilet facilities and it is unfit for human habitation. Trees formerly grew in the building prior to their recent removal, as one fell causing the collapse of the roof.



- 7.3. During my site visit, I viewed the subject building, which is presently sub-divided between a smaller self-contained storage building and a larger building that is unused. The storage use is ancillary to the existing dwelling house, which adjoins the smaller building to the south. The larger building is bare inside and so evidence of its previous use is lacking. The pattern of openings in the front and rear elevations of the subject building would be consistent with possible historic residential usage.
- 7.4. Under further information, the applicant was given the opportunity to comment upon the question of usage raised by the appellant. She did not do so. I consider that the case for referring to the subject building as a dwelling house has not therefore been made. *Prima facie* any such use has been abandoned and so I consider that, in these circumstances, the description of the proposal is problematic.
- 7.5. The appellant also questions the description of the proposal on the basis that the submitted plans show the reinstatement of the roof to the outbuildings and yet this is not referred to in this description. Likewise, the proposed future use of these outbuildings is not stated.
- 7.6. The red edge of the application site does include the outbuildings and the submitted plans do show the said reinstatement indicating thereby that it would form part of the envisaged project. I, therefore, consider that they should be referred to in the description of the proposal along with the proposed future use of the outbuilding.
- 7.7. The appellant states that it is the applicant's father who owns the site and yet his formal consent to the application does not appear within the application. I note that the application has been made on the basis that the applicant owns the site. I note, too, that the appellant has not submitted any documentary evidence to support his understanding of the ownership of this site.
- 7.8. The appellant also states that the applicant should have completed supplementary planning application form 2(b), which addresses the question of local rural housing need. In this respect, Objective RS 06 of the CDP is of relevance insofar as it states that, in cases of reuse, refurbishment and conversion of structures of merit, the normal requirement to demonstrate local rural housing need is waived. In the light of my discussion of conservation under the second heading of my assessment, I consider that the subject building is a structure of merit and so insofar as the

proposal is for its reuse, refurbishment and conversion the applicant does need to demonstrate a local rural housing need.

- 7.9. I conclude that the description of the proposal is inadequate and so, if the Board is minded to grant, then it would need to be readvertised on the basis of a revised and expanded description.

**(ii) Conservation and design**

- 7.10. The subject building is not a protected structure and it does not lie within an ACA. Nevertheless, the appellant's architect in a letter dated 18<sup>th</sup> February 2021, draws attention to its location within the Elm Park Demesne and to its place within a complex of buildings depicted on historic maps, i.e. the "Cassini" maps (c. 1830 – c. 1930) and the first edition Ordnance Survey 6 inch map (1837 – 1842). He reproduces an extract from an 1888 map with the buildings on the application site highlighted in red.
- 7.11. During my site visit, I observed the road network, boundary walls, and surviving buildings in the Elm Park Demesne. I observed, too, the important roadside position that the subject building and the adjacent outbuilding occupy within this ensemble. Accordingly, I consider that these buildings are of merit from a conservation perspective and so, as cited above, Objective RS 06 of the CDP is relevant. This Objective states that consideration will be given to the reuse, refurbishment and conversion of structures of merit, subject to works "being in sympathy with the character of the existing building and surrounding area."
- 7.12. Under the proposal, the subject building would be extended upwards and outwards to the rear. Thus, in order to facilitate the insertion of an upper floor, the rear wall and accompanied side gabled end party walls would be raised and three windows inserted in the new rear wall. A shallow pitched dark metal clad roof would be added. A new opening would be formed in the existing rear wall and a link constructed to an otherwise freestanding single storey extension to the rear. This extension would be finished in render under a slated roof. It would be extensively glazed in its southern and western elevations. Additionally, the existing rear wall would be the subject of two new ground floor openings and the reinstatement of two existing openings.
- 7.13. The front elevation would have a centrally placed door inserted in the arched doorway with single window lights on either side. The other two doors in this

elevation would be replaced over their upper halves with windows and over their lower halves with stonework. Elsewhere, four windows would be reinstated.

- 7.14. The existing ground floor of the subject building is continuous with the ground level to the front and it is at a lower level than the ground level to the rear. Under the proposal the rear extension would have a higher ground floor level and steps would be specified to span the ensuing difference.
- 7.15. Regrettably, the submitted proposal has not been presented with the benefit of existing plans and any commentary on the existing condition of the subject building. Nevertheless, its existing character is clearly that of a modest single storey building of elongated form, finished in natural stone under a double pitched slate roof, and with brickwork heads to openings. The interconnection between this building and the garage to the north and, in turn, the outbuildings to the north-west is evidenced by the presence of internal doors.
- 7.16. A conservation informed approach to the reuse, refurbishment and conversion of the subject building would entail working with the existing structure and its openings in the first instance and, ideally, looking to achieve “additional” space by the incorporation of the adjoining garage and outbuildings.
- 7.17. By contrast, the proposal exhibits an approach that seeks to extend the available floorspace by new build additions upwards and outwards. The former would be ungainly in appearance and the latter would fail to reflect the historic linear form of buildings in the host demesne. Likewise, the handling of existing elevations would obscure the pattern of existing openings, which are an important component of the existing character of the subject building.
- 7.18. The appellant’s architect has further critiqued the proposal on the basis that window specifications have not been made explicit, the partial stoning up of openings would be inappropriate, and the roof should be clad in natural Irish slate.
- 7.19. While I acknowledge that the design of the proposal from a user’s perspective would afford a satisfactory standard of amenity, I conclude that, under Objective RS 06, it would fail to be “in sympathy with the character of the existing building and surrounding area.”

### **(iii) Traffic, access, and parking**

- 7.20. The proposal would entail the provision of a functioning two-bed dwelling house and so it can be assumed that traffic would be generated by the future resident household. CDP standards indicate that one off-road parking space should serve a dwelling house of the size proposed for residents and a third of a space for visitors.
- 7.21. The appellant and the observer draw attention to the garage, which is shown on the submitted plans, and its location on a double bend in the local road, which is used by through traffic and for recreation by walkers. The northern sightline and the forward visibility available to road users approaching from the north is limited. They also draw attention to the pair of garage doors that open outwards, thereby causing an obstruction, and to the shallow strip of land between the front elevation of the subject building and the local road, the use of which for parking could cause an obstruction, too.
- 7.22. Under further information, the applicant was requested to address off-road parking. She did not indicate that the garage would be used in this respect, but the grounds of her father's dwelling house to the south. (A pedestrian gate in the hedgerow between this property and the site would facilitate access/egress between the site and these grounds).
- 7.23. The observer has drawn attention to the original use of the building denoted as a garage in the submitted plans, i.e. historically it extended further to the east and so was presumably in either agricultural or residential use. Its planning authorisation for use as a garage is thus questioned. The appellant questions the sustainability of the proposed off-road parking arrangements, i.e. under a scenario wherein the applicant's father's dwelling house and the envisaged dwelling house were no longer occupied by households from the same family.
- 7.24. During my site visit, I observed the local road, the garage, the land in front of the subject building, and the grounds of the applicant's father's dwelling house.
- With respect to the local road, I concur with the appellant and the observer concerning the hazard inherent in the road layout and the consequent lack of visibility identified.

- With respect to the garage, it appears to have been capable of being used as a garage for a considerable period of time. The Planning Authority has indicated that there is no planning history attendant upon the site and so, without further information on the history of the use of the garage, its planning authorisation for use as a garage remains an open question. The doorway to the garage is c. 2.5m wide and the adjoining road is c. 5.5m wide. Given the proximity of the bend to the north, I envisage that access would be obtained most readily by reversing into the garage, a manoeuvre that would add to the hazard posed already by this bend. While the applicant's response to the further information request did not indicate her reliance upon the garage for off-road parking, in practise, it would be difficult to preclude its use for this purpose.
- With respect to the land in front of the subject building, this strip of land tapers in a northerly direction. Thus, at its southern end it exhibits a width of 3.2m and at its northern end a width of 1.46m. Forward of the proposed front door, there is a width of 2.8m. The length of the strip is 15m and the said front door is situated slightly to the north of the centre line. I consider that there would thus be scope for one vehicle to park, satisfactorily, in the southern half of this strip.
- With respect to the grounds of the applicant's father's dwelling house, there is scope here for additional off-road parking and turning to ensure that egress can be undertaken in forward gear. I concur with the appellant's concern that the parking thus identified may not be available in the future.

7.25. I conclude that satisfactory and sustainable off-road parking arrangements for one resident's vehicle exists in front of the subject building.

**(iv) Water**

7.26. Under the proposal, the envisaged dwelling house would be connected to the public water mains and surface water from hard surfaces would discharge to soakaway on site. Foul water would be handled by means of a packaged waste water treatment system (WWTS) and polishing filter.

- 7.27. The OPW's flood maps show the site as lying outside an area 115m to the north of the cluster of buildings in Elm Park Demesne, which is subject to coastal and fluvial flood risk and which is identified as benefiting lands.
- 7.28. At the application stage, the appellant expressed concern that the site was subject to flooding and a photograph of Spring flooding in 2020 was submitted. The Planning Authority raised this matter with the applicant, who advised that the photograph does not depict the site or its immediate vicinity.
- 7.29. The applicant has submitted completed a site characterisation form, details of which are set out below:
- The aquifer is locally important and of high vulnerability. The Response Matrix is thus R1.
  - The direction of flow of ground water is south-west/north-east.
  - The trial hole was dug to a depth of 2.1m: Groundwater stabilised at 1.8m, after some overnight rain and showers on the test day. Initially, the sub-soil was composed of clay to a depth of 1m. Thereafter, it was composed of sandy gravelly silt/clay.
  - The T-test holes yielded an average result of 6.72 min per 25mm and the P-test holes yielded an average result of 58.58 min per 25mm. Under Table 6.3 of the EPA's relevant Code of Practice (CoP), the latter result indicates that the "site is suitable for a secondary treatment system with polishing filter at ground surface or over ground."
  - The three P-test holes showed considerable variation in permeability, i.e. 62.83, 29.33, and 83.58 min per 25mm. The risk of mottling was identified at a depth of 1.1m and so a raised percolation area is recommended.
- 7.30. The applicant proposes to install a packaged WWTS for a PE of 4 with a polishing filter. The WWTS would be a Kiely Biokast P10, which would comprise a primary reinforced concrete tank, a secondary settlement tank, and a pump to a 200 sqm polishing filter. The polishing filter would be raised 600mm above the existing ground level, i.e. in conjunction with the 300mm depth of existing top-soil, the requisite minimum of 900mm of free-draining soil would be available.

- 7.31. The appellant questions whether adequate separation distances would be available between the proposed soil polishing filter and an existing well, his existing and proposed agricultural sheds (as depicted in Appendix 1 of his original letter of objection) and a proposed soakaway on the site. Under Table 6.1 of the relevant EPA C of P, minimum separation distances are shown. This Table does not cite agricultural buildings although it does cite dwelling houses, where the requisite distance is 10m. If this distance is applied to the existing/proposed agricultural sheds, then compliance would be achievable. The applicant advises that the bored well on the site is never in use and the submitted site layout plan shows the soakaway within the required 10m of the soil polishing filter. If the Board is minded to grant, then the closure of the well should be conditioned, as should the re-siting of the soakaway to achieve the required distance.
- 7.32. I conclude that, subject to the closure of an unused well and the re-siting of a proposed soakaway, no water issues would arise under the proposal.

#### **(v) Appropriate Assessment**

- 7.33. The site is not in a European site. To the north and to the west of the site at some considerable remove from it lies the Lower River Shannon SAC and the River Shannon and the River Fergus SPA. I am not aware of any source/pathway/receptor route between the application site and these or any other European sites.
- 7.34. Having regard to the nature, scale and location of the proposal and the nature of the receiving environment, it is considered that no Appropriate Assessment issues arise as the proposal would not 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. That permission be refused.

## 9.0 Reasons and Considerations

Having regard to Objective RS 06 of the Limerick County Development Plan 2010 – 2016, as extended, and the location of the site within the historic Elm Park Demesne, it is considered that, due to the lack of a conservation informed design approach to the upwards and outwards extension of the existing building and the manner in which existing and proposed openings in the existing principal elevations would be handled, the proposal would be unsympathetic to the character of this building within its built environment context and, as such, it would contravene Objective RS 06 of the County Development Plan and be seriously injurious to the visual amenities of properties in the vicinity. The proposal would thus be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

17<sup>th</sup> June 2021