



An
Bord
Pleanála

Inspector's Report ABP-310270-21

Development

Construct a dwelling to the south of the site, form a new entrance, create a new boundary to sub-divide the site, make minor changes to the existing dwelling, and carry out ancillary works.

Location

49 Avondale Drive, Greystones,
Limerick

Planning Authority

Limerick City & County Council

Planning Authority Reg. Ref.

20/1379

Applicant(s)

John Cassidy

Type of Application

Permission

Planning Authority Decision

Grant, subject to 19 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

Angela O'Brien & Others

Observer(s)

Cllr. Frankie Daly
Greystones & District Residents
Association

Date of Site Inspection

11th August 2021

Inspector

Hugh D. Morrison

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10.0 Conditions	Error! Bookmark not defined.

1.0 Site Location and Description

- 1.1. The site is located in the western suburbs of Limerick City between the arterial routes of the Northern Ring Road (R445) and the Ennis Road (R857). It lies in an extensive area of two-storey, predominantly, semi-detached dwelling houses, typically with spacious gardens. This site is situated in the south-western corner formed by the “T” junction between Avondale Drive, to the north, and Hillcrest Drive, to the east. Hillcrest Drive falls at a gentle gradient to the south and its junction with Beechwood Drive before rising to its junction with Oakland Drive further to the south.
- 1.2. The site falls, too, in parallel with Hillcrest Drive. It is of regular shape and it extends over an area of 0.0279 hectares. At present, this site accommodates a two-storey semi-detached dwelling house with a single storey side extension, which is in habitable and garage use. This dwelling house also has a front porch and a sunroom to the rear and this extension has a flat-roofed shed attached to its rear elevation.
- 1.3. The site is served by a drive-in to the front off Avondale Drive and a drive-in to the side off Hillcrest Drive. Its roadside boundaries are denoted by a low-rise wall, behind which lie front and side gardens. The rear garden is enclosed behind a higher wall, which continues the line of the eastern elevation of the flat-roofed shed. The rear garden itself is sub-divided between a larger higher portion to the north and a smaller lower portion to the south. Its other boundaries are enclosed by walls and the remaining site boundaries at the western end of the front garden and at the southern end of the side garden are enclosed by hedgerows. A deciduous tree is situated in the north-eastern corner of the side garden, beside the drive-in off Hillcrest Drive.

2.0 Proposed Development

- 2.1. The proposal would entail the demolition of the existing flat-roofed shed and the siting of a two-storey, three-bed/five-person, detached dwelling house (181.5sqm) in a position to the rear of the existing dwelling house and garage. This dwelling house would be orientated on an east/west axis and so its front elevation would face Hillcrest Drive and it would align with the side elevation of the existing extension to the north.

- 2.2. The proposed dwelling house would be of rectangular form under a double pitched roof. The openings in its front elevation would be arranged symmetrically and it would be finished in render with feature quoins under a tiled roof.
- 2.3. Vehicular access would be sited centrally along the frontage of the development site with Hillcrest Drive and pedestrian access would be sited in the south-eastern corner. The area in front of the dwelling house would be laid out as a parking/manoeuvring space and the area to the side (southern) and rear would be laid out as gardens. The new internal boundary with the existing dwelling house and its residual side/rear gardens would be denoted by means of a 1.8m high blockwork wall and a hedgerow.
- 2.4. Under further information, the applicant reduced the size of the proposed dwelling house to 138.6 sqm, i.e. its width and depth contracted from 11.1m to 9.9m and from 8m to 7m. Its roof pitch and ridge height reduced also from 35 degrees to 30 degrees and from 8.28m to 7.6m and its pitch . The proposed front porch and rear rooflights were omitted and the pattern of first floor windows was changed on the side and rear elevations. The siting of the vehicular and pedestrian accesses was swapped around, too.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 19 conditions, including the following one, denoted as No. 3:

Prior to the commencement of the development the applicant shall submit revised design proposals to address the following:

- *The two rear first floor bedroom windows on the west (rear) elevation shall be omitted in their entirety.*
- *The proposed first floor window (hall window) shall be revised to a high level horizontal window.*
- *The 2 first floor bedroom windows to the south elevation shall be revised to a high level horizontal window.*
- *The propose quoins shall be omitted entirely from the design detail.*

Reason: In the interest of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following further information was requested:

- Concern expressed over size of proposal within its context: Scaling down requested.
- Clarity with respect to retention of existing mature tree on the site.
- Vehicular entrance to be re-sited in the southern most part of the site.
- Respond, as appropriate, to objectors.

3.2.2. Other Technical Reports

- Irish Water: No objection: Detailed observations made.
- Limerick City & County Council:
 - Environmental Services: Further information/condition requested.
 - Roads: Following receipt of further information, no objection, subject to conditions.

4.0 Planning History

- 18/570: Side extensions: Retention permission granted.
- Pre-application consultation was held on 11th November 2018.
- HS 2021/1: Section 97 exemption certificate, to shadow current proposal, granted on 21st January 2021.

5.0 Policy and Context

5.1. National Planning Policy

- Sustainable Residential development in Urban Areas Guidelines
- Quality Housing for Sustainable Communities: Best Practice Guidelines

5.2. Development Plan

Under the Limerick City Development Plan 2010 – 2016 (as extended) (CDP), the site is zoned ZO.2(a), residential, wherein the objective is “To provide for residential development and associated uses.” The site lies in Zone 3 for parking purposes.

Under its development management chapter, the CDP sets out the following with respect to corner/side garden sites:

The Planning Authority will take into consideration the following in assessing proposals for the development of corner/side garden sites:

- *Does it reflect the character of the street integration and compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.*
- *The maintenance of the front and side building lines where appropriate. Impact on the residential amenities of adjoining sites.*
- *Impact on the character of the streetscape.*
- *The maintenance of open space standards and refuse storage for both existing and proposed dwellings.*
- *The provision of a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.*
- *The provision of appropriate car parking facilities.*
- *In general apartment blocks will not be considered for corner/side garden sites.*

5.3. Natural Heritage Designations

- Lower River Shannon SAC (002165)
- River Shannon and River Fergus Estuaries SPA (004077)

5.4. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed or where urban development would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a

built-up area and 20 hectares elsewhere, the need for a mandatory EIA arises. The proposal is for the development of 1 dwelling on a site with an area of 0.0279 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Angela O'Brien of 48 Avondale Drive and Others, i.e. residents of dwelling houses in the vicinity of the site at Nos. 44, 45 & 46 Avondale Drive, No. 2 Hillcrest Drive, and Nos. 1 – 3 Beechwood Drive

City Development Plan

The key provisions of the CDP are summarised as follows:

- Relationships between buildings with respect to overlooking/privacy and sunlight/daylight standards.
- Successful higher densities hinge upon dwelling size and adequate open space provision.
- Integration with the host streetscape, e.g. building lines, proportions, heights, parapet levels, and materials.
- High level of design to ensure positive contribution is made.

House design

The design of the proposed dwelling house should respond to the site's constraints and the need to minimise the impact on the residential amenities of properties in the vicinity. The proposed dwelling house would fail in these respects, as it is of generic design and it has been modified/would be modified only at a technical rather than an aesthetic level. Accordingly, this dwelling house would not make a positive contribution to the locality.

Overbearing impact and overshadowing

The bulky size and close siting of the proposed dwelling house, particularly to the appellant's property, would cause it to appear overbearing. Likewise, it would cause severe overshadowing in the mornings and its presence would lead to a loss of refracted light resulting in a gloomy feeling in her property.

No lighting study was requested/submitted.

Overlooking

Condition No. 3 has been attached and yet its aesthetic impact would result in the rear elevation appearing like a "roofed handball alley".

No condition was attached to address the first floor windows in the northern side elevation, the nearest of which would be 9m on a diagonal line away from the windows in the rear elevation of the appellant's dwelling house.

Lack of private open space

As revised, the proposed rear garden would meet the minimum area required by the CDP. Qualitative issues persist as discussed below.

Future rear extensions could encroach severely on the rear garden.

Daylighting

The proposed narrow rear garden would be heavily overshadowed by the rear elevation of the dwelling house and its rear boundary wall.

The narrowness in question would also impede adequate lighting of windows in the rear elevation of the dwelling house.

Furthermore, the lighting of the existing dwelling house on the overall site would be adversely affected by the proposed dwelling house. Again, the extent of such adversity has not been the subject of any lighting study.

The mature tree, which would be adjacent to the north-eastern corner of the proposed dwelling house, would overshadow this dwelling house. Furthermore, its radius is 5.5m, rather than 4.7m, and so it would overlap with this corner.

Significant pruning would therefore be required to remove such overlap.

Impact upon the applicant's dwelling house

The proposal would result in the existing rear garden contracting to a minimum of only 1.8m depth in one location.

An existing first floor bedroom window would overlook the proposed rear garden over a distance of only 4.6m.

The proximity and orientation of the proposed dwelling house would be such that the existing dwelling house and its rear garden would suffer significant light loss, so much so that it would be rendered sub-standard accommodation.

Services

The public sewer, which runs through the rear gardens of properties in the area, was problematic in the past and the subject of successful legal proceedings.

Localised, rather than comprehensive, remedial works have been undertaken and so concern exists as to the capacity of the sewer to serve the proposal.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

6.4. Observations

(a) Cllr. Frankie Daly

Support is expressed for the appellant's grounds of appeal and the following observations are made:

- The proposal would be inconsistent with and it would detract from the spacious layout of the host housing estate.
- The proposal would be unsightly when viewed from neighbouring properties to the west and its entrance would be hazardous.
- Historic sewage capacity issues could be reactivated by the proposal.

(b) Greystones & District Residents Association

- The local sewerage system was upgraded in 2013, due to its inadequacy.
- The site is too small for a separate dwelling house, being essentially a side garden.
- The proposed entrance would be hazardous, and, during any construction phase, such hazard would be compounded by the presence of construction traffic.
- The proposal would greatly impact upon the residential amenities of No. 48 Avondale Drive and No. 1 Beechwood Drive, especially.

6.5. Further Responses

None

7.0 Assessment

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

- (i) Land use, density, and streetscape,
- (ii) Development standards,
- (iii) Visual and residential amenity,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Land use, density, and streetscape

7.2. The site is located within an area of existing suburban residential development, which, under the CDP, is zoned for residential use. This site is in residential use and under the proposal such usage would be intensified by the addition of a second

dwelling house. Thus, in principle, the proposal would attract no objection from a land use perspective.

- 7.3. Under Section 5.9 of the Sustainable Residential Development in Urban Areas Guidelines, inner suburban infill residential development is discussed. Sites may include small gap infill ones. Where the character of a residential area is established by its density and architectural form, “a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.” The residential area within which the site is situated would fit this description and so the accompanying advice is of relevance.
- 7.4. The development site, which is the subject of the proposal, comprises the majority of the existing roadside and rear gardens to the applicant’s existing dwelling house. These gardens adjoin equivalent gardens to the south comprised in the residential property at No. 1 Beechwood Drive. The separation distance between the corresponding two storey rear elevations of the applicant’s dwelling house and that at No. 1 is 39m and so, *prima facie*, there is scope for a modest dwelling house to be provided between them.
- 7.5. During my site visit, I observed that between the dwelling houses at No. 44 Beechwood Drive and No. 1 Oakland Drive a dwelling house has been inserted, No. 24 Hillcrest Drive. This dwelling house and its curtilage extend over roughly half of the original roadside and rear gardens to No. 44. It is sited in a position c. 12m to the south of the original dwelling house within a rear garden that would originally have been 26m deep.
- 7.6. The development site would be similar in size to that at No. 24 Hillcrest Drive. However, the depth of the rear garden within the application site is shallower at 20m and so the separation distance envisaged between the proposed and existing dwelling houses would be tight at 6m. From a streetscape perspective, the resulting juxtaposition would appear cramped.
- 7.7. I conclude that, while there is no in principle land use objection to the proposal and there appears to be scope to provide a dwelling house between the existing dwelling houses at No. 49 Avondale Drive and No. 1 Beechwood Drive, the proposal would

from a streetscape perspective appear uncomfortably close to the existing dwelling house on the application site.

(ii) Development standards

- 7.8. The proposal, as revised, is for a two-storey dwelling house, which would provide three-bed/five-person accommodation over a floor space of 115.92 sqm (gross internal). Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, the target gross floor area for the type and size of dwelling house in question is 92 sqm. The proposed dwelling house would exceed this target and the other minimum and aggregate floorspace figures cited in this Table. The utility room would be slightly sub-standard at 4.56 sqm instead of the recommended 5 sqm and the two identical double bedrooms would at 3.6m be slightly below the recommended minimum width of 3.8m.
- 7.9. The proposal would entail the laying out of a continuous garden to the southern side and to the rear (west) of the new dwelling house. This garden would extend over an area of c. 85 sqm and it would have a depth of c. 4m. A pair of glazed doors from the living room would be inserted in the southern side elevation of the dwelling house and so continuity and ease of access between this room and the side garden would be afforded. The principal elevation would overlook Hillcrest Drive to the east. The remaining elevations would consistently have obscure glazed windows at first floor level, contributing thereby to light and ventilation.
- 7.10. I conclude that the proposal would both quantitatively and qualitatively afford a satisfactory standard of amenity to future residents.

(iii) Visual and residential amenity

- 7.11. The appellant and the observers draw attention to the impact that the proposed two-storey dwelling house would have upon the visual and residential amenities of the area and in particular upon the appellant's dwelling house to the north-west at No. 48 Avondale Drive and the applicant's dwelling house to the north at No. 49 Avondale Drive.
- 7.12. With respect to visual amenity, the design of the dwelling house is critiqued on the basis that it would be generic, rather than site-specific, and some of the measures incorporated within it to overcome residential amenity issues would be technical fixes, e.g. the specification of obscure glazing to first floor windows, which should

have prompted a more thorough going redesign. The applicant has not responded to this critique.

- 7.13. With respect to residential amenity, the siting, size, particularly the height, and the design of the dwelling house is critiqued on the basis that it would be overbearing when viewed from the nearest adjacent dwelling houses and it would overshadow and lead to a loss of daylight at these dwelling houses. Again, the applicant has not responded to this critique.
- 7.14. The above cited advice of the Sustainable Residential Development in Urban Areas Guidelines is relevant, as is development management advice set out in the CDP with respect to the development of corner/side garden sites. The scale and conventional rectangular form under a double pitched roof of the proposed dwelling house would complement visually the existing dwelling houses in the vicinity when viewed from Hillcrest Drive. Its front elevation would respect the existing side building line of the extension to the applicant's dwelling house to the north. Under Condition No. 3 attached to the Planning Authority's permission the feature quoins would be omitted, thereby removing a somewhat "fussy" detail within the context of the site. The roadside tree would be capable of being retained and so its visual amenity value would persist.
- 7.15. The proposed dwelling house would lie a minimum of 7.5m to the south-east of the appellant's dwelling house. Views of this dwelling house would be available from habitable room openings in the rear elevation and from within the rear garden. Given its scale, the resulting presence would exceed that of a conventional two-storey rear extension and so it would be unduly overbearing. Given its siting to the south-east, overshadowing would arise. Additionally, while obscure glazing would be specified for first floor windows in the side and rear elevations and, while under Condition No. 3 these windows would be rationalised, under either scenario, these elevations would appear anomalous and incongruous, i.e. either due to the unsightly overuse of obscure glazing or the solid/void deficiencies arising from a lack of windows.
- 7.16. The proposed dwelling house would lie a minimum of 6m to the south of the two-storey rear elevation of the applicant's dwelling house and 3.5m to the south south-east of its sunroom. Given its scale and proximity, this dwelling house would dominate and comprise the lighting of the kitchen window in the rear elevation and

the sunroom, as a result of overshadowing and the obstruction of direct sunlight. Furthermore, the residual rear garden would be sandwiched between the proposed and existing dwelling houses and at c. 37 sqm with an awkward shape its utility and amenity value would be undermined.

- 7.17. The proposal would thus have a particularly severe impact upon the visual and residential amenities of the applicant's existing dwelling house. The view can be taken that applicants are the best judges of their own amenity. However, in this case, the impact would be such as to radically change the amenities afforded by this dwelling house. Accordingly, I consider that deferring to the applicant in this matter would be inappropriate.
- 7.18. I conclude that the proposal would be incompatible with the visual and residential amenities of the area.

(iv) Traffic, access, and parking

- 7.19. The proposal is for a single dwelling house, which would be expected to generate some vehicular traffic during its construction and operational phases.
- 7.20. As revised, the proposed vehicular access would be sited towards the south-eastern corner of the site off the western side of Hillcrest Drive. Consequently, its separation distance from the junction between Hillcrest Drive and Avondale Drive, to the north, would be 38.2m and its separation distance from the junction between Hillcrest Drive and Beechwood Drive, to the south, would be 42.5m. On the opposite side of Hillcrest Drive, there are vehicular accesses to the drive-ins that serve existing dwelling houses on this side of the residential street.
- 7.21. Observer (b) expresses concern over the traffic hazard that would be posed by the proposal, during its construction and operational phase. During my site visit, I observed the reasonable width and straight horizontal alignment of Hillcrest Drive as it passes the site. I, also, observed that satisfactory sightlines would be available to drivers egressing from the proposed vehicular access and good forward visibility would, likewise, be available to drivers accessing. On-site parking would be available for two cars and, while the opportunity to turn around may not arise, reversing movements onto Hillcrest Drive do regularly occur on its eastern side opposite the site.
- 7.22. I conclude that the proposal would not raise any traffic, access, or parking issues.

(v) Water

- 7.23. Under the proposal the new dwelling house would be connected to the public water mains and the public foul and stormwater sewers. Irish Water has raised no in principle objection to such connections.
- 7.24. The appellants and observers draw attention to a public sewer that runs beneath rear gardens in the vicinity of the site. This sewer has been the subject of remedial works in the past and concern is expressed over its capacity to serve the proposal.
- 7.25. I note that the proposal would entail the addition of a single dwelling house to the neighbourhood and that, ordinarily, such addition would not be expected to pose capacity issues to an existing public sewer. I note, too, the absence of objection from Irish Water.
- 7.26. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.27. I conclude that the proposal arises no water issues.

(vi) Appropriate Assessment

- 7.28. The site is located neither in nor near to a European site. It is located within a fully serviced urban area. The proposal is for the provision of a single dwelling house only, which would be connected to existing services. Accordingly, no Appropriate Assessment issues would arise.
- 7.29. Having regard to the nature, scale, and location of the proposal and the nature of the receiving environment, it is concluded 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

That permission be refused.

9.0 Reasons and Considerations

Having regard to the Sustainable Residential Development in Urban Areas Guidelines and the Limerick City Development Plan 2010 – 2016 (as extended), it is considered that, due to the siting, size, and design of the proposed dwelling house, and, in particular, to its proximity to the dwelling houses at No. 48 Avondale Drive and the existing dwelling house on the site at No. 49 Avondale Drive, this dwelling house would be overbearing and unduly dominant and it would lead to a loss of light, through overshadowing and the obstruction of direct sunlight, at these existing dwelling houses. Furthermore, the measures incorporated within the design of the dwelling house to mitigate against overlooking would appear anomalous and incongruous. Consequently, the proposal would seriously injure the amenities of residential properties in the vicinity of the site and, as such, it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

16th September 2021