



An  
Bord  
Pleanála

## Inspector's Report ABP-311368-21

<b>Development</b>	Extension to house at rear, first floor extension at side and rear, erection of front porch and widening of driveway
<b>Location</b>	5 Thornbury, Raheen, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	201360
<b>Applicant(s)</b>	Maria Khan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Nick & Grace Judd Larry Mason
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> of January 2022
<b>Inspector</b>	Adrian Ormsby

## **1.0 Site Location and Description**

- 1.1. The appeal site is located c. 4.2km to the south west of Limerick City centre at No. 5 Thornbury, Raheen. The site has a stated area of 0.028ha.
- 1.2. The site is located on the southern side of Thornbury a cul de sac off Mulcair Road. Thornbury serves an established residential road of eight semi-detached houses and one detached house.
- 1.3. The residential area is generally characterised with two-storey semi-detached dwelling with hipped roofs and single storey side annexes. No. 6 Thornbury adjoins the subject house and has extended to its side above its single storey annex.
- 1.4. The house is part finished in brick at ground level, pebbledash plaster at first floor and a slated roof. The dwelling also has a bay window of rectangular proportions and overhanging canopy to the front elevation.
- 1.5. The site includes a hard standing vehicular entrance and grassed area. The boundary to the public path has been mostly removed. Neighbouring properties have low level fencing.

## **2.0 Proposed Development**

- 2.1. Following requests for Further Information (16/02/21) and Clarification of Further Information (18/05/21) the proposed development comprises-
  - Rear extension to house at ground level (33.4 sq.m)
  - First floor extension to house at side and rear (42.6 sq.m)
  - erection of front porch (7.4 sq.m) and
  - widening of driveway across frontage of site

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission on the 18/08/21, subject to twelve conditions generally of a standard nature and including the following-

- C.4- Noise conditions during construction
- C.9- A site specific waste management plan
- C.10- A Refurbishment Demolition Asbestos Survey to be submitted for agreement
- C.11- No chimney or flue permitted
- C.12- First floor side windows shall be obscure glass only

### **4.0 Planning Authority Reports**

#### **4.1. Planning Reports**

The final report of the Planning Officer (16-08-21) reflects the decision of the Planning Authority. The following is noted from the report-

- The revised design submitted with Clarification of Further Information received on the 06/08/21 is considered acceptable. Side windows shall have obscure glass only.

#### **4.2. Other Technical Reports**

- None on file

#### **4.3. Prescribed Bodies**

- Irish Water- No objections subjects to standard observations.

#### 4.4. Third Party Observations

Two submissions were received. The main planning issues raised can be summarised as follows-

- Loss of Sunlight to garden of No. 4 Thornbury
- Loss of Daylight to rooms of No. 6 Thornbury
- Loss of privacy and overlooking-
  - the rear of No 4 and shown obscured glass may not be retained in the future
  - through the proposed roof light to bedroom of No. 6
- Potential for construction impacts on foundation of shared boundary wall with No. 6
- Drainage concerns
- Size of proposed extension is not in keeping with existing houses in the area and would be out of character.
- Proposed finishes are not in keeping with existing pebble dash finish.

#### 5.0 Planning History

- No recent history evident.

#### 6.0 Policy Context

##### 6.1. Limerick County Development Plan 2010-2016 (as varied and extended)

Chapter 10 Development Management Standards. Section 10.5.7 deals with House Extensions and states-

*In assessing an application for a house extension, the Planning Authority will have regard to the following:-*

- ....

- *High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.*
- *Pitched roofs will be required except on some single storey rear extensions. Flat roof extensions visible from public areas will not normally be permitted.*
- *Impact on amenities of adjacent residents, in terms of light and privacy. Sunlight and daylight assessment may be required.*
- *Effect on front building line - extensions will not generally be allowed to break the existing front building line. However a porch extension which does not significantly break the front building line will normally be permitted. In terrace and semi-detached situations, extensions which significantly protrude beyond the front building line and/or along the full front of the house will not be permitted.*
- *Ability to provide adequate car parking within the curtilage of the house.*
- *.....*

## 6.2. Southern Environs Local Area Plan 2021 – 2027

The site is zoned ‘Existing Residential’ with an Objective-

*‘To provide for residential development, protect and improve existing residential amenity.’*

The Purpose of this objective states-

*‘This zone is intended primarily for established housing areas. Existing residential amenity will be protected while allowing appropriate infill development. The quality of the zone will be enhanced with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area, such as schools, crèches, doctor’s surgeries, playing fields etc.’*

## Section 5.2 Strategic Objectives of the LAP details-

*It shall be the objective of the Council to-*

.....

*3. Ensure that all development proposals comply with the Development Management Standards of the Limerick County Development Plan 2010 - 2016 (as extended), and any replacement thereof or any relevant Section 28 Guidance.*

.....

### 6.3. Natural Heritage Designations

- The site is c. 1.8 km south of the Lower River Shannon SAC (002165).
- The site is c. 2.6 km south of the River Shannon and River Fergus Estuaries SPA (004077)
- The site is c. 2.6 km south of the Inner Shannon Estuary - South Shore pNHA (000435).
- The site is c. 1.5km east of the Loughmore Common Turlough pNHA (000438).

## 7.0 The Appeal

### 7.1. Grounds of Appeal

Two third party appeals have been received from-

- Nick & Grace Judd of No. 4 Thornbury, Raheen and
- Larry Mason of No. 6 Thornbury, Raheen

The grounds of the appeals can generally be summarised as follows-

- The first floor rear extension will substantially overlook garden of No. 4 Thornbury and will block light.
- The proposal will set a very poor precedent

- No objection to the side extension but the upper windows should not be included as they overlook the garden.
- The size of the proposed extension is not in keeping with other dwellings in the area.
- The first request for further information sought the omission of the first floor rear extension. The clarification request sought the proposed extension to be subservient to the existing dwelling on site. The permitted development is contrary to these requests.
- The two storey extension at the rear is incongruous even without the bulk of a ridgeline roof.
- The ground floor extension is to be built in close proximity to and above the party wall for a distance of 4.4m. It will be imposing and incongruous.
- The ground floor should be conditioned to be a minimum of 1.0m from the party wall. The drawings don't show a dimension of the first floor set back.
- The skylight in the ground floor extension should be of obscure glass to ensure privacy.

## **7.2. Applicant Response**

The applicants response to the grounds of appeal can be summarised as follows-

- Two personal letters from the applicant to ABP and the Planning Authority.
- The letters detail reasons why side windows are required and that obscure glass and the window size proposed are to protect privacy of No. 4.
- Revisions to the rear extension respect the neighbours' concerns.
- The planning process has had a negative impact on the applicants family.

## **7.3. Planning Authority Response**

- None received

#### 7.4. Observations

- None

### 8.0 Assessment

#### 8.1. Introduction

8.1.1. I have examined the application details and other documentation on file, including the two appeal submissions. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the main issues for this appeal are as follows-

- Zoning
- Impact on Residential Amenity
- Impact on Visual Amenity
- Appropriate Assessment

#### 8.2. Zoning

8.2.1. The subject site is located within an area with a zoning objective '*Existing Residential*' within the Southern Environs Local Area Plan 2021 – 2027 with a stated objective '*To provide for residential development, protect and improve existing residential amenity.* The development proposes an extension to an existing house and is therefore acceptable in principle.

#### 8.3. Impact on Residential Amenity

8.3.1. The appellant's residential amenity concerns generally relate to loss of light to No. 4 Thornbury and overlooking and loss of privacy to No's 4 and 6 Thornbury.

8.3.2. Section 10.5.7 of the County Development Plan details the Planning Authority will have regard to the impact of house extensions on amenities of adjacent residents, in terms of light and privacy.

##### *Loss of Light*



- 8.3.3. The appellants concerns in this regard are not specific and are considered a loss of daylight to internal rooms and loss of sunlight to private amenity space i.e. rear gardens. Section 10.5.7 of the Development Plan details that a sunlight and daylight assessment may be required. The Planning Authority did not seek an such an assessment.
- 8.3.4. Having considered the site context and the extent of the proposed development, I am satisfied a sunlight and daylight assessment is not required for a development of this scale. The proposed ground floor extension is no higher than 3m. The proposed rear first floor extension is c. 5.5m high and will be set back c. 3m from the boundary with No. 6 to the north west and c. 2m from the boundary with No. 4 to the south east. The development will not lead to significant overshadowing or loss of daylight to existing rooms or significantly reduce the amount of sunlight to private amenity areas of either neighbouring properties.

*Overlooking*

- 8.3.5. Condition 12 of the Planning Authority's grant of permission requires the first floor side windows to be obscure glass only with the reason given as in the interests of residential amenity. The applicants have not sought to appeal this condition and I note the response to the appeal suggests the applicants are happy for these windows to be obscure. The original proposal dated 23/04/21 does show one first floor window as obscure glass.
- 8.3.6. The drawings submitted in response to the Planning Authority's Request for Clarification do not show the first floor side windows as obscure. These windows face directly onto the side gable of No. 4 Thornbury and would not lead to significant or undue overlooking. The applicants have not appealed the condition. It would be unreasonable to restore this elements of the proposed development that were amended by condition where the grounds of one of the appeals raised a concern of overlooking from the windows in question and sought their omission. Should the Board decide to grant permission it is recommended a similar condition be attached.
- 8.3.7. One appellant raise concerns of a loss of privacy through the roof light over the ground floor dining area and requests it should be of obscure glass. This window will not lead to undue overlooking and obscure glass is not required.

- 8.3.8. The proposed first floor extension shows a rear facing window c. 8.2m from the rear boundary of the site. This window will be c. 19m from the rear elevation of the house to the rear of the application site i.e. No. 14 Thornbury. Having regard to the suburban nature of the area, I am satisfied this will not lead to significant or undue overlooking of that property.

*Conclusion*

- 8.3.9. The proposed development would not seriously injure the existing residential amenities of the area.

**8.4. Impact on Visual Amenity**

- 8.4.1. One appellant's visual amenity concerns generally relate to the size of the proposed development, which they contend is not in keeping with the area. These concerns also include the proximity of the rear extension to the shared boundary of No. 6 which is considered to be imposing and incongruous.
- 8.4.2. Section 10.5.7 of the Development Plan requires high quality designs for extensions that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc. It also details that flat roof extensions should not be visible from public areas
- 8.4.3. The extension to the side proposes a hipped roof in keeping with the existing roof of the house. It will be finished with brick and plaster to match the existing house. I am satisfied the proposed side extension is a reasonable design that integrates with the existing house.
- 8.4.4. The ground floor extension to the rear is proposed across the full width of the existing house. It protrudes c. 4.4m from the main rear elevation and will be 2.8m high from the existing ground level with an end parapet shown at 3m. This extension is to be set c. 0.2m inside the shared boundary with No. 6.
- 8.4.5. The first floor extension will be c. 5.5m high and finished with a flat roof. It will be set back c. 3m from the boundary with No. 6 and c. 2m from the boundary with No. 4. The flat roof of the extension will not be visible from public areas.
- 8.4.6. Overall I am satisfied the proposed house extensions are in keeping with the requirements of section 10.5.7 of the Development Plan. The proposal will not be

visually obtrusive, imposing or incongruous. The development will not detract from the visual character of the area.

## **8.5. Appropriate Assessment**

- 8.5.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, 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.

## **9.0 Recommendation**

- 9.1. I recommend a grant of permission subject to the following conditions.

## **10.0 Reasons and Considerations**

- 10.1. Having regard to the *'Existing Residential'* zoning for the site within the Southern Environs Local Area Plan 2021-2027 with a stated objective *'To provide for residential development, protect and improve existing residential amenity'*, the Development Management Standards for House Extensions as set out in section 10.5.7 of the Limerick County Development Plan 2010-2016 (as extended), and to the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the existing residential amenities of the area and would not have a negative visual impact on the character of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 23<sup>rd</sup> day of April 2021 and the 06<sup>th</sup> day of August 2021, 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 first floor side windows shall be obscure glass only.

Reason: In the interest of residential amenity.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Drainage arrangements, including the attenuation and 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.

5. 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 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 residential amenities of property in the vicinity.

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Adrian Ormsby  
Planning Inspector

24<sup>th</sup> of January 2021