



An
Bord
Pleanála

Inspector's Report ABP-311376-21

Development

Change from 2 no. one bed apartments at first floor to a two bedroom apartment, layout alterations to second and third floor apartments, addition of a one bedroom apartment at a fourth floor level, and modifications to existing elevations.

Location

55 Thomas Street, Limerick

Planning Authority

Limerick City & County Council

Planning Authority Reg. Ref.

20/1403

Applicant(s)

Doran Financial Services

Type of Application

Permission

Planning Authority Decision

Grant

Third Party

Type of Appeal

Appellant(s)

Deirdre Martin & Neville Gawley

Date of Site Inspection

15th November, 2021

Inspector

Kevin Moore

1.0 Site Location and Description

- 1.1. No. 55 Thomas Street is a two bay, four storey over basement terraced building on the south-west side of Thomas Street in the heart of Limerick City Centre. It is a mid-terrace structure flanked by other four storey buildings. The ground floor is in use as a shop and there is residential accommodation overhead. Thomas Street is a busy retail street south-east of O'Connell Street.

2.0 Proposed Development

The proposed development would comprise:

- the change of 2 no. one bedroom apartments at first floor level to 1 no. two bedroom apartment,
- layout alterations to the second and third floor apartments,
- the addition of a fourth floor to accommodate a one-bedroom apartment,
- modifications to the existing elevations to include alterations to the shopfront façade and entrance door to the apartments at ground floor level and replacement of windows from first to third floor.

3.0 Planning Authority Decision

3.1. Decision

On 18th August, 2021, Limerick City & County Council decided to grant permission for the proposed development subject to 17 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions and quoted from apartment-related and other national guidance. Reports and third party submissions were acknowledged. It was considered that the principle of the alterations and extension were acceptable. A request for further information was recommended, seeking a

structural survey and construction methodologies to indicate the capacity to accommodate the fourth floor.

3.2.2. Other Technical Reports

The Fire Officer had no objection to the proposal.

The Environmental Services Technician requested further information relating to an asbestos survey and set out a condition relating to waste management to apply to any permission granted.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. Third Party Observations

A submission was made by Deirdre Martin and Neville Gawley, No. 1 Augustinian Lane, raising concerns relating to structural stability, fire risk, sound insulation, security risk, and title. A further submission was received from Kathleen Dunworth, 54 Thomas Street, raising issues relating to unauthorised development at the site, the adverse visual impact of an additional floor, contravention of the development plan, and an unacceptable precedent.

- 3.5. A request for further information was made on 23rd February 2021 and a response to this request was received on 22nd July, 2021. This included a report comprising a structural survey of the building, detailing construction methodologies, and clarification that works would occur independently of party boundary walls. A response was also given to third party submissions.

- 3.6. After the receipt of the further information, the following reports were submitted:

The Environmental Services Technician set out two conditions to apply to a grant of permission.

A report from the Planning & Environmental Services set out requirements relating to fire, water and wastewater.

The Planner noted the further information response and recommended that permission be granted subject to a schedule of conditions.

4.0 Planning History

P.A. Ref. 96/770039

Permission was granted for the retention of apartments on first, second and third floors, with a first floor extension to an apartment and a store in the basement.

5.0 Policy Context

5.1. Limerick City Development Plan

Zoning

The site is zoned 'Objective ZO.1 City Centre Area (CCA)' with the objective "To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the City Centre as defined in the 2030 Economic and Spatial Plan".

5.2. 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. An EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The applicant's report submitted by way of further information fails to address the appellants' concerns raised with the planning authority in relation to the stability of previous extension works which are to be built upon further by the proposed development.

- The fourth floor is to be constructed on top of a third floor that was itself an extension. The third floor extension was very poorly constructed and blockwork is already cracking. No ring beam was constructed to distribute the weight of the new third floor.
- Every wall in the building appears to have been photographed for the report bar the one actually exhibiting structural defects.
- It is noted from the applicant's report that no opening up of structural or finishes fabric was carried out. All that was conducted was a visual "look over" of the structure and there was no request to access the exterior of the property through the appellants' property.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The wall referenced in the appeal is not a party wall between both properties but is an external wall within the applicant's property.
- The assertion that a concrete ring beam is somehow structurally significant is not based on sound engineering experience. It would probably do more damage than good and would be contrary to good conservation practice.
- The construction of the third floor extension was structurally sound. The structure is not flawed and is soundly built. This portion of the building is a small-scale domestic extension that is well capable of supporting the additional lightweight storey.
- The vertical crack in the brickwork skin of the existing extension is of no structural significance and is probably due to a thermal expansion/contraction effect. Normal maintenance and repair would be sufficient to seal it effectively.
- It was not necessary to go through the adjoining property to inspect the development as the wall in question was easily accessible from within the site.
- The absence of a photograph of the wall in the report was unintentional and does not invalidate the content of the report.

- The report is the result of a detailed visual inspection, carried out by an experienced structural engineer well acquainted with buildings of this type. The building has been well maintained and there was no evidence which suggested that invasive opening would be necessary.

6.3. Planning Authority Response

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

7.0 Assessment

I first note that the appellants' concerns relate to structural stability arising from the addition of a fourth floor to accommodate a one-bedroom apartment and to the construction works that previously took place on the site. I acknowledge that there is no objection in principle to the provision of one apartment in place of two apartments at first floor level, to layout alterations at the second and third floor levels, or to the modifications including the shopfront changes and the replacement of windows.

I note the planning history relating to the site when, under Planning Permission 96/770039, permission was granted for the retention of apartments on the first, second and third floors of the building and for a first floor extension to an apartment.

The Board will note the reports received by the planning authority and in particular the report from the Fire Officer. I acknowledge the different legislative code that would apply and the responsibilities of the Fire Authority separate from the planning code. However, I observe that the Assistant Chief Fire Officer had no objection to the proposal and set out the requirements to be met under Building Control legislation. It may reasonably be understood from this that the Fire Authority raised no structural or fire safety concerns.

I note the applicant's response to the appeal from the Consulting Engineer and I further note the Structural Condition Report submitted by way of further information. The former provided a balanced response to address the concerns raised in the appeal, notably in relation to the construction methodologies that have been applied in the building. The latter provides a comprehensive understanding of the building's

present condition. I particularly note that the existing stairway is to be remastered as part of the general alterations which would then create a new structural loadbearing wall. The Consulting Engineer submits that the proposed additional apartment can then be completely supported by the new stairwell and the existing internal loadbearing partitions. It is reasonable to conclude, therefore, that no additional loads would be imposed on existing party walls. Having regard to this, I am satisfied to conclude that structural stability concerns should be adequately addressed in a manner that would not cause any adverse material impacts on the structural integrity of adjoining properties. I again note the duty to meet the provisions set out under the Building Control legislation. Finally, I submit that it is reasonable to require by way of planning condition that the construction works would be overseen by a Structural Engineer to ensure adherence to best practice in this instance.

Further to the above, I note that the addition of a fourth floor apartment would have some streetscape impact as it would increase the building height. However, I first note the varying building heights of the terrace within which No. 55 is set and, in particular, I note the adjoining higher building at No.54. The proposed extended area at fourth floor level would constitute a relatively minor addition along a narrow street in which there are restricted roofline views and could not reasonably be seen to be out of character with the streetscape at this location.

Appropriate Assessment

The site of the proposed development is located within the city centre serviced urban area of Limerick City at a location which is separated from Lower River Shannon SAC (Site Code: 002165) by extensive buildings, infrastructure and other developments. Having regard to 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 the nearest 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.

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 established uses on the site, to the site's planning history, and to the nature, scale, design, character and layout of the proposed development, it is considered that the proposed development would not adversely impact on the amenities of adjoining properties, would be consistent with the pattern of development in the area, 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, as amended by the further plans and particulars submitted to the planning authority on the 23rd July 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 developer shall employ a suitably qualified Structural Engineer to assess the site and to monitor all site development works at construction phase. A report containing the results of the assessment and detailing the proposed construction methodologies shall be submitted to the planning authority for written agreement prior to commencement of construction works.

Reason: To protect the amenities of property in the vicinity

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, control of surface water, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

4. 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.

5. Details of the external shopfront finish and signage, exclusive of any backlighting, awning and external roller shutters, shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of development.

Reason: In the interest of visual amenity.

6. Prior to the commencement of development, details of the proposed on-site bin storage provisions for each of the apartments shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential amenity.

7. Water supply and drainage arrangements, including 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

8. The developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water, prior to the commencement of development.

Reason: In the interest of public health.

9. 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.

Kevin Moore
Senior Planning Inspector

18th November, 2021