



An
Bord
Pleanála

Inspector's Report

ABP-312039-21

Development	Construction of a single storey extension to the rear and side of the existing dwelling, the construction of a 22 m2 garage, a new driveway entrance, and all associated site works
Location	10 Lanahrone Avenue, Corbally, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	211280
Applicant(s)	Ciarán Cunningham
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Nuala O'Carroll
Date of Site Inspection	20 th January 2022
Inspector	Liam Bowe

1.0 Site Location and Description

- 1.1. The 0.041 hectares appeal site is located on a corner site on Lanahrone Avenue to the east of Corbally Road within a residential area known as the Irish Estates in the northern part of Limerick City. Lanahrone Avenue is a residential street of two-storey, semi-detached houses. The site comprises an existing two-storey, semi-detached house that addresses the main vehicular access to the street from Corbally Road. The house on the site is adjoined by No.2 Plassey Avenue. The private open space associated with the dwelling is located to the north eastern part of the site and is enclosed by a block wall on the southern and eastern boundaries, which is approximately 1.6m in height, and by a timber fence along the shared boundary with No.2 Plassey Avenue to the north, which is approximately 1.8m in height.

2.0 Proposed Development

- 2.1. The proposed development comprises a single storey extension to the rear of the house and a lobby to the southern side. The ground floor extension is proposed to accommodate a kitchen and the works will also facilitate the provision of a domestic garage. The extension is to be sited on the east facing elevation and will run along the entire shared, northern boundary of the site. The proposed extension will have a mono-pitch roof and the proposed finishes are plastered walls with metal cladding on parts of the walls and roof.
- 2.2. The existing house has a floor area of 92.4m² and a height of 6.365 metres. The floor area of the proposed extension is 41.6m² and would have a maximum height of 4.2 metres.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on 5th November 2021, subject to 12 no. conditions, which are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the objections received, the consistency with development plan policy relating to extensions, and recommends a grant of permission consistent with the notification of decision which issued.

3.2.2. Other Technical Reports

Environment – No objection. Conditions recommended.

Environmental Services – No objection. Conditions recommended.

Area Office - No objection. Conditions recommended.

3.3. Prescribed Bodies

Irish Water – No objection. Conditions recommended.

3.4. Third Party Observations

Submissions were received from Nuala O'Carroll and Thomas Cronin. The issues raised are generally similar to those referenced in the grounds of appeal. These include concerns regarding works to the party walls with No.2 Plassey Avenue and No.12 Lanahrone Avenue, loss of light sunshine, disposal of surface water, and the lack of balance in new design proposal.

4.0 Planning History

None referenced in the report of the Planning Officer.

5.0 Policy Context

5.1. Limerick City Development Plan 2010-2016 (as extended)

The site is in an area zoned '2A Residential' which has a zoning objective 'to provide for residential development and associated uses'.

Part III Development Management

Dwelling Extensions

The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected, and external finishes and window types should match the existing.

Proposed extension design shall comply with the following:

- Follow the pattern of the existing building as much as possible.
- Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it.
- Roof form should be compatible with the existing roof form and character. Traditional pitched roofs will generally be appropriate when visible from the public road. High quality mono-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials.
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not be permitted where visible from a public area.
- Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.
- Ensure that adequate space is provided to allow for maintenance of the gable and access to the rear garden.
- That the available amount of private open space should not generally be reduced to below 40m².

5.2. Natural Heritage Designations

The site is not located within any European site. The closest Natura 2000 site is the Lower River Shannon SAC (Site Code: 002165) which lies approximately 300m to the east and 400m to the west of the appeal site.

5.3. EIA Screening

The proposed extension to the existing residential dwelling is not a class of development for which EIA is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Nuala O'Carroll (owner / occupier of the property to the north of the appeal site). The main points made can be summarised as follows:

- Contends that the proposed development will overshadow her garden completely and deprive her of early morning sun.
- States that the absence of a contiguous rear elevation is a glaring omission from the planning application.
- Highlight a number of alleged inaccuracies in the submitted drawings.
- State that the mono pitch roof is falling towards the shared boundary and takes no account of surface water drainage issues.
- Concerned about the increase in height on the shared boundary from 1800mm (timber fence) to 3334mm (extension).
- Queries the proposed garage 'designation' due to inadequate door width to facilitate a car and lack of any associated hardstanding.
- State that no indication is given on how the demolition of the rear wall of the existing house will impact on the structural integrity on the appellant's property.
- Contend that a new WC shown opening directly into the office / living area does not comply with the Building Regulations.
- Contends that the proposed roof finishes and cladding are not in keeping with the house or surrounding neighbourhood.

- Offers a solution of a revised extension proposal with a maximum height of 2.7m over the length of the boundary between the properties.

6.2. Applicant Response

6.2.1. The main issues raised in the First Party response to the grounds of appeal can be summarised as follows:

- Offers to reduce the height of the proposed extension by 321mm with a setback of 0.2m from the shared boundary.
- States that drawing errors, which are considered minor, have been corrected and submit these revisions.
- Contend that there are a number of extensions to similar houses within the Irish Estates that are much larger in scale.
- States that rear elevation Drawing No. A3-002 shows the lean-to extension to No.2 Plassey Avenue and this allows any impact from the proposed development to be assessed.
- Confirms that the finished floor level is 235mm above the temporary benchmark.
- Confirms that rainwater run-off will be discharged to the existing local authority drains.
- States that the proposed 'garage' will be used as a domestic store.
- States that means of construction will not impact neighbouring property.
- Confirms that the height of the proposed extension closest to the shared boundary will be 3185mm.

The First Party has included photographs of extensions to other houses in the Irish Estates as part of this response.

6.3. Planning Authority Response

The Planning Authority has not responded to the grounds of the appeal.

6.4. Further Response

6.4.1. The main issues raised in the Appellant's response can be summarised as follows:

- State that a contiguous rear elevation with No.2 Plassey Avenue remains absent.
- The extension to No.2 Plassey Avenue has not been shown on plan.
- Contend that the photographs submitted are not relevant as they show extensions to the side and not to the rear of houses.

7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Impact on adjacent residential amenity
- Surface water disposal
- Appropriate Assessment
- Other Issues

7.1. Impact on adjacent residential amenity

7.1.1. The impact of the proposed development on the residential amenity of the appellant's property to the north is the central issue in the grounds of appeal. I consider that the planning assessment should focus on the compatibility of the proposed development with the provisions of Limerick City Development Plan as they relate to house extensions. This will address the concerns raised by the appellant as they relate to impact on residential amenity and the design.

7.1.2. The proposed extension is a simple single storey structure to the rear of the house. There are no ground floor windows proposed in the northern elevation of the extension that could impact on the adjoining property. However, the main area of concern for the appellant is the height of the proposed extension that will run along the entire length of the shared boundary and the impact that this will have on the appellant's rear garden. I note the height of the originally proposed extension on this shared boundary at 3334mm and the height of the revised proposals, submitted in response to the appeal, at 3185mm. The appellant has stated that she would be

willing to accept a condition limiting the height of the proposed extension along this boundary to 2700mm over finished floor level. In response to the appeal, the applicant has proposed a reduction in the height of the building to a ceiling height of 2635mm at the shared boundary where the finished floor level is 235mm over ground level, which keeps the room height to its minimum of 2400mm (Drawing No. A3-002 Rev. A refers). Although the party wall remains 550mm higher than the roof, I consider the revised proposals an improvement in terms of daylight / sunlight and overbearing and I consider that it would reduce any impacts on the appellant's residential amenities to an acceptable level.

- 7.1.3. In relation to the compatibility of the proposed development with the provisions of Limerick City Development Plan, I consider the proposed house extension to be a high quality design and integrates with the existing dwelling in terms of height and scale. The proposed materials to be used and finishes are contemporary in nature in the form of metal cladding on the lobby and on the mono pitch roof of the proposed extension. The Appellant argues that these finishes are not in keeping with the house or surrounding neighbourhood. The First Party has submitted photographs of a number of modern extensions to houses in the Irish Estates and, having observed a number of these on the day of my site inspection, I consider that the proposal for contemporary finishes would not negatively impact the character of the house or neighbouring house and is, therefore, acceptable.
- 7.1.4. I note the Appellant's issues with the submitted drawings regarding the rear elevation, garage 'designation', and alleged non-compliance with building regulations. I am satisfied that the drawings submitted with the planning application and the revised drawings submitted in response to the appeal are accurate and enable a full assessment of possible impacts of the proposed development on the residential amenities of neighbouring properties.
- 7.1.5. The northern boundary of the appeal site is proposed to be altered from a 1.8m high fence to a rear wall of the proposed extension with a height of 3.185m in height. I consider that this will result in a loss of some sunlight to the appellant's rear garden to mid-afternoon on sunny days. I note the guidance outlined in BRE 8206¹ which recommends that at least half of the amenity space should receive at least two hours

¹ Section 3.3.7, P.18, Site Layout Planning for Daylight and Sunlight, 2nd Edition

of sunlight on 21st March. I consider that, given the extent and aspect of the appellant's rear garden, to the north of the appeal site, and the modest height of the proposed extension, that there is limited potential for significant loss of sunlight / daylight to occur to this property and I consider that the private open space associated with the appellant's house will receive well in excess of this two hours sunlight guideline.

- 7.1.6. As stated previously and referenced in the appeal, there is a lean-to extension constructed to the rear of the appellant's house and on the shared boundary with the appeal site. There is no window in the southern elevation of this extension and there is a small window on the eastern elevation facing the appellant's private open space to the rear of the dwelling. There is also an oil tank sited between this window and the shared boundary with the appeal site. The top of the oil tank is flush with the window head on the eastern elevation of the extension (please refer to photographs 5 and 6 within the appeal statement demonstrating this). Given these site characteristics and limited increase in height of the shared boundary, I am satisfied that there would be minimal impact on light to this existing window and no significant loss of daylight / sunlight would accrue.
- 7.1.7. Overall, subject to the amendments as per the First Party revised drawings, I consider that it may reasonably be concluded that the proposed extension would be in keeping with Development Plan provisions, would not have any detrimental impact on the visual amenity of the area, and would cause no significant adverse impacts on the residential amenities of neighbouring properties.
- 7.1.8. In conclusion, I am satisfied that the proposed development will not adversely impact on the residential amenity of appellant's dwelling or any of the adjoining dwellings. I have no concerns about non-compliance with standards identified and that on the basis of the above assessment I consider that the proposals are consistent with the standards set out in Chapter 16 of Limerick City Development Plan regarding house extensions.

7.2. Surface water disposal

- 7.2.1. In response to the appeal, the First Party submitted revised design proposals that included a proposal for guttering and a downpipe for collecting surface water run-off from the mono-pitch roof on the northern side of the shared boundary with the

appellant (proposed rear elevation Drawing No. A3002 REV A refers). Such a proposal was not included in the First Party's original drawings to the Planning Authority. Although the revised design solution for the proposed extension enables these rainwater goods to be accommodated in such a manner, I am not satisfied that they can be adequately maintained at this location or that they would present appropriately from a visual perspective when viewed from the Appellant's rear garden. Consequently, I recommend that the Board include a condition requiring the surface water collection goods to be located to the south side of the party wall on the First Party's property.

7.3. **Appropriate Assessment**

- 7.3.1. The proposed development comprises a modest ground floor extension to an existing house in a fully serviced, urban location.
- 7.3.2. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, an urban and fully serviced location remote from any European site and the absence of any direct or indirect pathway between the appeal site and any 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.

7.4. **Other Issues**

7.4.1. Use of garage

The appellants query regarding the proposed garage 'designation' due to inadequate door width to facilitate a car and lack of any associated hardstanding is noted.

However, I consider and recommend that the use of the proposed domestic garage can be regulated by an appropriately worded condition attached to a permission.

7.4.2. New WC

I also note the appellant's contention that the proposed WC shown opening directly into the office / living area does not comply with the Building Regulations. Building regulations are controlled / managed under a suite of separate legislation and not relevant to this planning appeal.

7.4.3. Development Contributions

Under the Limerick City & County Council Development Contribution Scheme 2022, the first 60m² of an extension to a residential development is exempt from the payment of development contributions. The proposed development under this appeal is 41.6m² and, therefore, no contributions are applicable.

8.0 Recommendation

I recommend that planning permission should be granted based on the following reasons and considerations and subject to the attached 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 Limerick City Development Plan, and would otherwise be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 received by An Bord Pleanála on the 23rd day of December 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3.	<p>The rainwater goods for the collection of surface water from the roof of the proposed extension shall be located on the inside (southern side) of the shared boundary with No.2 Plassey Avenue. Otherwise, the disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
4.	<p>The domestic garage shall be solely for purposes incidental to the enjoyment of the dwelling house and shall not be used for other type of residential use, industrial, business and/or commercial purposes.</p> <p>Reason: In the interest of residential amenity and in the interest of the proper planning and sustainable development of the area.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Liam Bowe
Planning Inspector

31st March 2022