



An
Bord
Pleanála

Inspector's Report

ABP-312152-21

Development	Construction of extension, alterations to the entrance way and all ancillary site works
Location	'The Lodge', Coolbawn, Castleconnell, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	211348
Applicant(s)	Michael & Anne O'Brien
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Thomas & Gloria Waldmann
Observer(s)	None
Date of Site Inspection	20 th January 2022
Inspector	Liam Bowe

1.0 Site Location and Description

- 1.1. The appeal site is located approximately 200m to the south of the centre of Castleconnell village, which is approximately 4km north of Limerick City. It is approximately 123m west of the Limerick-Dublin railway line, 650m west of the R445 regional road and 1.6km west of the M7 motorway. Castleconnell can be accessed off the motorway from the north at Junction 27 via Birdhill or from Junction 28 to the south at Castletroy.
- 1.2. The appeal site has an area of 0.061 hectares and is located within an established residential area characterised by single storey, dormer and two storey detached houses. The site is occupied by a detached two-storey house, the floorplan of which is orientated north - south across the site. The private open space associated with the dwelling is located to the western part of the site and is enclosed by a stone wall that is approximately 1.6m in height.

2.0 Proposed Development

- 2.1. The proposed development comprises a single storey extension to the rear of the house and minor alterations to the entrance. The ground floor extension is proposed to accommodate a garden room and the works will also facilitate the provision of a wet room / shower and a restroom within the existing house. The extension is to be sited on the west facing elevation on the north west corner of the floorplan. The extension will be 1.2m from the northern boundary of the site. The proposed extension will have a flat roof and the proposed finishes are plastered walls with a brick band along the plinth.
- 2.2. The existing house has a floor area of 143m² and a height of 8.743 metres. The floor area of the proposed extension is 22.3m² and would have a maximum height of 3.525 metres.
- 2.3. The proposed development also comprises work to widen the vehicular entrance to the appeal site in order to accommodate parking for two cars to the front of the house.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 17th November 2021, subject to 7 no. conditions, which are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer notes the objection 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

None.

3.3. Prescribed Bodies

Irish Water – No objection. Conditions recommended.

3.4. Third Party Observations

A submission was received from Thomas and Gloria Waldmann. The issues raised are generally similar to those referenced in the grounds of appeal. These include concerns regarding works to the entrance, a new window in the northern elevation, the distance of the proposed extension from the party boundary wall, and that any damage to the party boundary wall be made good.

4.0 Planning History

None referenced in the report of the Planning Officer.

5.0 Policy Context

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

Chapter 10.5.7 - Development Management Standards for House Extensions

Regard to the following relevant provisions relating to proposed house extensions is required:

- 'Sustainable Residential Development in Urban Areas', 2009 and the accompanying 'Urban Design Manual – A Best Practice Guide' in considering the existing site density and remaining private open space.
- 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.
- Ability to provide adequate car parking within the curtilage of the house.

5.2. Castleconnell Local Area Plan 2013-2019 (as extended)

The appeal site has a land use zoning of 'Existing Residential (R2)'.

The purpose of this zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas.

5.3. 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 270m to the west of the appeal site.

5.4. **EIA Screening**

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

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of appeal are submitted by Thomas and Gloria Waldmann (owners / occupiers of the property to the north of the appeal site). The main points made can be summarised as follows:

- State that no site survey, spot levels or finished floor levels were submitted with the planning application and the contiguous drawing was incorrect.
- Contend that window on northern gable is shown as being present on the planning drawings and not as a proposed window. They object to this window as they contend that it will cause overlooking of their property.
- Concerned about disturbance if the property is used for short / long term letting.
- Contend that the view of a window of a WC / shower room will be unattractive and detrimental, does not constitute good planning, and could set a precedent for future windows.
- Concerned that the condition attached to the grant of permission issued by the Planning Authority regarding repairs to the shared boundary is not specific enough.

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:

- States that the existing structure was fully surveyed and contends that a full survey of levels is not necessary when adding a single room at the same finished floor level as the existing house.

- Include a photograph of existing large window on the northern elevation, which is proposed to be replaced by a much smaller window in a wet room and this will be fitted with obscure glazing.
- Query the qualifications of the person who carried out the contour survey on behalf of the appellants. The First Party contends that the difference in floor levels is 600mm and not 1m as suggested in the contour survey.
- State that the proposed extension is 12.59m from the appellants gable end wall with no windows that will overlook their property.
- Query the appellants contention about disturbance and contends that this is irrelevant.
- Contend that the appellants could have carried out landscaping if they had concerns about visual amenity.
- State that the gable of the house is between 1m and 1.2m from the shared boundary and was not aware that planning permission was required for a ground floor window.

6.3. **Planning Authority Response**

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

7.0 **Assessment**

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

- Impact on adjacent residential amenity
- Other issues
- Appropriate Assessment

7.1. **Impact on adjacent residential amenity**

- 7.1.1. The impact of the proposed development on the residential amenity of the appellants 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 County Development Plan as they relate to house

extensions. This will address the concerns raised by the appellants as they relate to impact on residential amenity and the design. The appellants contend that the close proximity and direct overlooking of their house will adversely change the vista from their house, that it will be a cause of disturbance if the property is used for short / long term letting and that the condition attached to the grant of permission issued by the Planning Authority regarding repairs to the shared boundary is not specific enough.

- 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. There is a window proposed to be inserted into the existing northern gable end of the house at ground floor level in order to provide light and ventilation to a proposed wet room. This window is shown on the ground floor plan, but not on the elevational drawings, submitted to the Planning Authority with the planning application. There is an existing difference in ground levels between the appellant's site and the appeal site. The precise difference between the ground levels is disputed between the parties. I note no changes are proposed to the ground level by the first party as they intend to construct the proposed extension at the same finished floor level as the existing dwelling house. I also note that no changes are proposed to the shared boundary wall.
- 7.1.3. In relation to the compatibility of the proposed development with the provisions of Limerick County Development Plan, I consider the proposed house extensions to be a high quality design and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions; the flat roof extension is not visible from public areas; there is no effect on front building line; and adequate car parking is proposed within the curtilage of the house.
- 7.1.4. I am satisfied that if the proposed ground floor window on the northern elevation is fitted with opaque / obscure glazing, the proposed extension would not give rise to a level of overlooking that would adversely impact the residential amenity of the dwelling to the north. Similarly, due to the minor nature of the proposed works, I am also satisfied that the views from the appellants' property will not be impacted by the proposed development in any significantly adverse manner.

7.1.5. Overall, I consider that it is reasonable to conclude 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.

7.1.6. 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 10.5.7 of Limerick County Development Plan regarding house extensions.

7.2. **Other issues**

7.2.1. Drawings / Levels / Contiguous elevations

The appellants contend that no site survey, spot levels or finished floor levels were submitted with the planning application and the contiguous drawing was incorrect. I do agree with the appellants that the contiguous elevation submitted to the Planning Authority is inaccurate as it presents the First Party's and Appellant's houses at the same level. The First Party has acknowledged this in their response to the appeal. The difference in the levels between the appeal site and the Appellant's site is between 600mm and 1000mm. As stated previously in this report, I note no changes are proposed to the ground level by the first party as they intend to construct the proposed extension at the same finished floor level as the existing dwelling house. I am satisfied that the drawings submitted are sufficient to enable an assessment of any possible impacts of the proposed development on neighbouring residential amenities.

7.2.2. Works to wall

The appellants are concerned that the condition attached to the grant of permission issued by the Planning Authority regarding repairs to the shared boundary is not specific enough. No works are proposed to the shared boundary wall as part of the proposed development and, therefore, I consider the inclusion of a condition requiring the reparation of damage to the shared boundary wall to be unnecessary.

7.2.3. Use of property

The appellants are also concerned about disturbance if the property is used for short / long term letting. For clarity, I have limited this assessment to the nature and extent

of the proposed development under this appeal, which is primarily a ground floor extension to an existing house. Any possible future use is outside of the scope of what can be given consideration herein and will need to be assessed on its own merits if this use is proposed at a future date.

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.

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 County Development Plan, 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the
----	---

	<p>planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed restroom window on the northern gable elevation shall be fitted with opaque glazing.</p> <p>Reason: In the interest of clarity and the protection of the privacy of the adjacent property.</p>
3.	<p>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>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.</p> <p>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

28th March 2022