



An
Bord
Pleanála

Inspector's Report ABP 313242-22.

Development	Construction of a single storey extension to rear of existing dwelling and a single storey home office to rear of existing dwelling and all associated site works.
Location	Rosario, North Circular Road, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	211228
Applicant	Garrett & Teresa Hartney
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Olive Cowpar
Observers	(1) Margaret Clifford (2) Sarah Cowpar
Date of Site Inspection	17 th of June 2022
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.058 hectares, is located to the west of Limerick City Centre on North Circular Road. The North Circular Road is a mature residential area which contains predominantly semi-detached and detached properties on generous sites, of varied age, design and architectural style.
- 1.2. The site is located on the southern side of road and is occupied by 'Rosario' an existing two-storey semi-detached dwelling which was constructed c.1940's. The dwelling has a hipped roof profile. The property is served by a relatively large mature rear garden with a length of circa 30m. The ground level fall to the rear of the site. There is a wooden decking area to the rear of the dwelling with access via stairway to the rear garden.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a single storey extension with an area of 29.82sq m to rear of existing dwelling and a single storey home office with an area of 5.8sq m to rear of existing dwelling and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted by the Planning Authority subject to 13 no. conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. Further Information was sought on the following;

1. The applicant shall demonstrate that all adjoining open spaces comply with Section 3.3 of the BRE guidance document Site Layout Planning for Sunlight and Daylight which recommends that a structure should not prevent sunlight to an amenity space by more than two fifths but preferably no more than one

quarter on the 21st March (spring equinox) – this request is specific to the rear open space provision of the adjoining dwellings.

2. As the proposed extension is within Flood Zone A, a commensurate assessment of the risks of flooding in accordance with Section 5.28 of the OPW Guidelines should be requested. This assessment should also include for a revised arrangement for the proposed storm water soakaway, as it is currently proposed to be located within Flood Zone A. The applicant is requested to provide details in relation to existing surface water disposal and determine if there is capacity to add to it.
3. The applicant is requested to clarify if permission previously granted was built in line with the permission. It was required that they provide a site layout drawing overlaying what was permitted and when it was built. If unauthorised works were completed the applicant should apply for retention of same and re-advertise accordingly. The applicant was also requested to address if development had taken place on the party boundary and if so that they had written agreement from the adjoining neighbour.
4. The applicant shall address all issues raised in the third party objections submitted on file where applicable.

3.2.3. Following the submission of a response to the further information requested the Planning Authority were satisfied that the matters were fully addressed and permission was recommended.

3.2.4. Other Technical Reports

ERCC – As the proposed extension is within Flood Zone A, a commensurate assessment of the risks of flooding in accordance with Section 5.28 of the OPW Guidelines should be requested. This assessment should also include for a revised arrangement for the proposed storm water soakaway, as it is currently proposed to be located within Flood Zone A.

Environment – Condition recommended in relation to the prevention of installation of any chimney or flue for a solid fuel burning appliance.

3.3. Prescribed Bodies

- 3.3.1. Irish Water no objection subject to connection agreement and other standard conditions.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 3 no. submissions/observations in relation to the application. The issues raised are similar to those set out in the appeal and observations to the appeal.

4.0 Planning History

Reg. Ref. 11770195 – Permission was granted to retain the as constructed revisions to extensions to the existing dwelling previously granted under Reg. Ref. P11/15 including permission to widen existing vehicular gates and increase height of existing front wall.

Reg. Ref. 11770015 – Permission was granted for the demolition of existing two storey flat roof extension to gable of existing dwelling and construction of a two-storey and single storey extension to the gable of the existing dwelling including permission to construct a porch extension to the front and single storey extension to the rear.

Adjacent site

Reg. Ref. 20667 & ABP 308332-20 – Permission was granted for the demolition of existing garage and construction of two storey extension to side of existing dwelling, Glenbeg, North Circular Road. The neighbouring property to the west.

5.0 Policy Context

5.1. Limerick City and County Development Plan 2022-2028

- 5.1.1. As indicated on Map 3 of the Plan, the site is located in an area zoned 'Existing Residential'.
- 5.1.2. As indicated on Map 5, southern part of the site is located within Flood Zone A.

5.1.3. Chapter 11 – Development Management Standards

5.1.4. Section 11.4.4.2.1 – Rear/Side Extension

Ground floor rear/side extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

5.1.5. Volume 4 – Strategic Flood Risk Assessment

5.1.6. Where there is existing residential zoning within Flood Zone A or B, new development should be limited to minor development only (Section 5.28 of the Planning Guidelines) with no new, major development permitted within this area.

5.2. Natural Heritage Designations

5.2.1. The south-eastern end of the site merges with the designated area of the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077) is circa 200m to the south.

5.3. EIA Screening

5.3.1. Having regard to the limited nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by BPS Planning Development Consultants on behalf of the appellant Olive Cowpar. The main issues raised concern the following;

- The appeal raised concerns in relation to the submitted site levels, it is stated that site levels are incorrect. Concern is expressed that cross sections were not provided indicating the site levels.

- It is stated that the existing decking area has been built larger than the submitted drawing indicate. The drawings indicate the decking with a depth of 3m, it has been constructed with a depth of 4.065m.
- Concern is expressed in relation to the shared boundary fence as the height varies and the proposals for the boundary have not been satisfactorily indicated.
- Concern is expressed that the proposed extension and proposed home office would be contrary to Development Plan policy.
- It is considered that the proposed development would be contrary to the character and pattern of development of the existing dwelling and surrounding properties which are two-storey and semi-detached.
- It is submitted that the ground floor rear extension would not be acceptable in terms of the siting, scale and levels proposed.
- It is submitted that the extension would have an overbearing impact due to the siting, scale and levels proposed.
- Concern is expressed that the proposed extension would cause overshadowing of the appellant's property.
- It is stated that the rear extension should be stepped down into the garden rather than maintaining the decking floor level.
- Concern is expressed that the raised terrace would be 1.48m above the appellant's rear garden level and that it would be above the staggered boundary fence.
- It is considered that the proposed rear office is incongruous and that the design should be revised and that it should be relocated on site.
- The appellant is concerned that if permission is granted for the proposed development that during the construction phase accessed via her property would be required. It is stated that this should not be permitted.

6.2. Applicant Response

- None received

6.3. Planning Authority Response

- None received

6.4. Observations

Observations to the appeal have been received from (1) Margaret Clifford and (2) Susan Cowpar.

(1) Margaret Clifford

- It is stated that drawings submitted with the application are not accurate and do not represent what exists on site. It is stated that the contiguous elevation does not represent the depth of the proposed extension which is 8.865m. Concern is expressed in relation to discrepancies in the ground levels and finished floor levels.
- Concern is expressed that the proposed development would result in additional shadowing of the observers property.
- Concern is expressed in relation to the matter of flood risk and the potential displacement of surface water as a result of the proposed development.
- The proposed office would be located 300mm from the observer's boundary. It is stated that the property has a large rear garden and that an alternative location could have been found to protect the observer's privacy.
- Concern is expressed that there is a lack of car parking on the site to accommodate workers vehicles and that the proposed development would generate additional car parking on North Circular Road.
- It is considered that the proposed development would negatively impact on the observer's property and surrounding dwellings. It is requested that permission be refused on that basis.

(2) Susan Cowpar

- It is stated that the site levels as indicated on the submitted plans are incorrect.
- It is considered that the submitted drawings do not represent the extent of the proposed rear extension. The proposed extension extends for 8.86m into the rear garden the proposed finished floor level is 99.55. It is noted that the existing ground level is 98.09. The proposed paved area will be 1.46m higher than the existing ground level.
- The footprint of the proposed family room is indicated on the plans as the same footprint as the decking area. It is stated that the existing decking area which was planned to extend 3m from the rear of the property extends a further 1.065m out.
- It is considered that the height and scale of the proposed family room would have a negative impact upon the property "Shannon Vale" in terms of overshadowing and overbearing.
- Concern is expressed that the proposed paved area will be 1.46m above the existing ground level of 98.09.
- It is considered that the height of the home office would not be in keeping with the character of the area. It is noted that the proposed floor level of the home office 99.70 which would be higher than the home office and paved area.
- Concern is expressed that the proposed development would impact the adjoining dwelling 'Shannon Vale' in terms of overshadowing and loss of daylight.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and observations to the appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Design and impact on residential amenity
- Flood risk

- Appropriate Assessment

7.1. Design and impact on residential amenity

- 7.1.1. It is proposed to construct a single storey extension with an area of 29.82sq m to rear of existing dwelling and a single storey home office with an area of 5.8sq m to rear of existing dwelling. The subject site is zoned 'Existing Residential' under the provisions of the Limerick City and County Development Plan 2022-2028. Accordingly, an extension to the existing dwelling and construction of a home office would be permitted in principle subject to all other relevant planning considerations being satisfactorily addressed.
- 7.1.2. The appeal and observations to the appeal raised concern in relation to the design of the proposed rear extension in terms of its scale and impacts on residential amenity in terms of potential overshadowing and overbearing. Concern was also raised regarding the proposed finished floor level of the extension relative to the existing ground level and also relative to the neighbouring properties. Regarding the proposed home office concern was raised in relation to its siting in close proximity to the western boundary and its height, scale and proposed finished floor level.
- 7.1.3. Section 11.4.4.2.1 of the Development Plan refers to Rear/Side Extension. It advises that ground floor rear/side extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
- 7.1.4. In relation to the proposed home office, it has a floor area of 5.8sq m. It features a flat roof design with a ridge height of circa 3.4m. The proposed finished floor level is indicated as 5.14. It is proposed to locate it 5m from the rear of existing rear building line of the dwelling and 1m from the proposed extension. It would be setback circa 350mm from the side boundary. Having regard to the limited size of the structure and its location, I am satisfied that it would not result in any undue overshadowing of the neighbouring property and that it would not have any undue overbearing impact. Furthermore, I note the 'Sunlight Assessment to adjacent Open Spaces for proposed development' prepared by GMDS Architectural Consultants and Chartered Surveyors which illustrates that the proposed development including the home office is

compliant with section 3.3 of the BRE Sunlight and Daylight guidance for outdoor spaces.

- 7.1.5. Regarding the proposed rear extension which is proposed to provide a family room. The extension has a floor area of 29.82sq m and it would extend back a further 3.5m from the existing ground floor rear building line. It is set out in the appeal that the proposed extension would be out of character with the existing dwelling and surrounding properties. I would not concur with this opinion. Having regard to the limited scale of the subject extension, the fact that it is single storey and its location to the rear of the property, I am satisfied that it would not impact upon the design character of the subject property or surrounding properties.
- 7.1.6. In relation to the matters as raised in the appeal concerning potential overshadowing and overbearing. Firstly, in relation to overshadowing, having regard to the details contained in the 'Sunlight Assessment to adjacent Open Spaces for proposed development' submitted as part of the further information response, I am satisfied that the proposed rear extension would not unduly impact the appellant's property.
- 7.1.7. Secondly, regarding potential overbearing, I note that the proposed extension would project back 3.5m from the existing rear building line at ground floor level. Furthermore, I note that the extension would be inset 650mm from the party boundary. Concern is expressed in the appeal in relation to the proposed finished floor level of the rear extension relative to the appellant's property. Regarding this matter I note the revised site layout plan on Drawing no: 5170-01 which indicates the finished floor levels and ground levels. In this regard I would note that the proposed finished floor level of the rear extension is 5.05 which is marginally lower than the adjacent ground level of 5.07 indicated on the appellant's property to the east. Accordingly, I do not consider that the proposed finished floor level of the extension would unduly impact the appellant's property in terms of giving rise to an overbearing impact.
- 7.1.8. Taking all matters into consideration, I am of the opinion that given the setback from the appellant's boundary provided and taking into account the generous rear garden length, and site orientation, that the single-storey extension would not be so high or so long as to be unduly detrimental to the residential amenities of that property.

7.1.9. The matter of boundary treatment has been raised in the grounds of appeal. It is set out in the appeal that the proposals for boundary treatment along the shared boundary between the properties is not clear and specifically with reference to the height of the proposed extension relative to the boundary treatment. Accordingly, I considered that should the Bord decide to grant permission I would recommend the attachment of a condition requiring that details of all boundary treatments along the eastern rear boundary to be submitted to the Planning Authority for their agreement in writing prior to commencement of development.

7.2. Flood risk

7.2.1. The appeal site is located within an area which is designated as Flood Zone A. The matter of flood risk was raised in an observation to the appeal. As part of the further information the applicant was requested to address the location of the site within Flood Zone A and provide an assessment of the risks of flooding in accordance with Section 5.28 of the OPW Guidelines should be requested.

7.2.2. Revised proposals were sought to relocate the proposed storm water soakaway as it was originally proposed to locate it within Flood Zone A. The applicant was also requested to provide details in relation to existing surface water disposal and determine if there is capacity to add to it.

7.2.3. In response to these matters the applicant submitted a site specific flood risk assessment prepared by EOB Management Services. It is stated in the study that the site is not at risk from fluvial flooding, pluvial flooding and groundwater flooding. In relation to coastal flooding, it is stated that the CFRAM map clearly indicates that the site is at risk from coastal flooding. It highlighted in the site specific flood risk assessment that the proposal is for a modest extension to an existing residence and that under section 5.28 of the Flood Risk Management Guidelines for Planning Authorities, it advises that “applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Such applications concern buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test

will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.”

- 7.2.4. It is set out in the assessment that despite the ‘Sequential Approach’ and ‘Justification Test’ not applying due to the modest nature of the application that resistance and resilience measures for the extension are proposed. In relation to the matter of whether the proposed development will increase flood risk elsewhere, it is confirmed in the assessment that the site is at risk for low category flooding for the 0.1% AEP and that further lands are available in Zone A and Zone B which are currently defended by a flood defence embankment and are outside the actual flood extent for the 0.1% AEP event. Therefore, it is possible to construct the development without affecting flood risk elsewhere. Accordingly, subject to the proposed development being constructed in compliance with the recommendations of the Site Specific Flood Risk Assessment submitted to Planning Authority on the 16th of February 2022 specifically the proposed flood resistance and flood resilience measure, I am satisfied that it would not result in an adverse impact to the hydrological regime of the area nor an increase in flood risk elsewhere. The proposed development would therefore be acceptable in terms of flood risk in the area.
- 7.2.5. In relation to the soakaway the applicant stated that as part of the permission granted under Reg. Ref. 11770015 a soakaway pit was located inside the southern boundary of the property. They noted that the invert level of the existing sewer/combined services was too high to achieve gravity flow from the rear of the proposed extension. It was highlighted that there has been no flooding or ponding since the soakaway was installed. It is proposed to drain storm water from the proposed extension to the existing soakaway.
- 7.2.6. The Planning and Environmental section of the Council reviewed the Site specific flood risk assessment and revised proposals and noted that the difference in water levels described in Section 3.2 of the assessment is mainly due to improved data gathering and availability of bathymetric and gauge data. They recommended the use of flood resilient finishes and construction methods to be adopted as part of the

development. It was noted in the report that the proposed storm water soakaway is now proposed to be located at a lower level 2.33mOD, further south than what was originally proposed. They advise that the proposed soakaway should be relocated at the highest possible point, ideally within Flood Zone C if possible. They recommended a condition be attached requiring this. Accordingly, subject to the attachment of a condition requiring that drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, I am satisfied with the surface water drainage arrangements.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and consideration set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Limerick City and County Council Development Plan 2022-2028 and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate with the existing dwelling in a complimentary manner, would be acceptable in terms of visual and residential amenity and would not increase the risk of flooding in the area. The proposed development would, therefore, 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 on the 16th day of February 2022, 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 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.

3. Water supply and 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 to ensure a proper standard of development.

4. The development shall be constructed in compliance with the recommendations of the Site Specific Flood Risk Assessment submitted to Planning Authority on the 16th of February 2022.

Reason: In the interest of public health.

5. Details of boundary treatments along the eastern boundary to the rear garden of the property shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

6. Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

7. 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.

Siobhan Carroll
Planning Inspector

31st of July 2022