



An
Bord
Pleanála

Inspector's Report

ABP-314624-22

Development	The demolition of an existing garage and part of existing house and for the construction of a granny flat connecting to existing dwelling house, new garage and all ancillary site works
Location	Tervoe, Clarina, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	22766
Applicant(s)	James McNamara & Emma Loftus
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	James McNamara & Emma Loftus
Date of Site Inspection	14 th April 2023
Inspector	Liam Bowe

1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area at Tervoe, County Limerick. It is situated on a local road approximately 1.5km to the north of the village of Clarina and the N69 national road, and approximately 3.7km to the west of Limerick City. The site has two vehicular accesses – one from the local road to the southwest and one from a private laneway to the northwest of the appeal site.
- 1.2. The site of the development for retention has a stated area of 0.21 hectares. The site is comprised of a single storey house and associated detached domestic garage. The northwestern and southwestern boundaries are low stone walls with part of the northwestern boundary retained as a low sod and stone wall. The north-western and south-eastern boundaries are comprised of hedgerows. There are houses immediately to the northwest, north, and northeast, and there is a farmyard to the southwest of the appeal site.

2.0 Proposed Development

- 2.1. The development comprises the demolition of the existing domestic garage and part of the existing house to facilitate the construction of a granny flat connecting to the house, and the construction of a new domestic garage on the site at Tervoe, Clarina, Co. Limerick.
- 2.2. The house is single storey in design with a proposed single storey extension. The existing house has a stated floor area of 121m², and the existing domestic garage has a stated floor area of 23.58m². The domestic garage and part of the house (25.47m²) are proposed to be demolished. It is proposed to extend the house by a floor area of 108m² and to construct a new domestic garage with a floor area of 17.8m². The existing site boundaries and entrances are to be maintained. The house is serviced by the public water supply connection and an existing on-site wastewater treatment system.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. By order dated 25th August 2022 Limerick City & County Council issued a notification to refuse permission for the following reason:

The proposed extension, by reason of its overall floor area, height and detailed design, would not be subservient to the existing dwelling. The proposed development would therefore materially contravene Objective HO 011 of the Limerick Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The Planning Officer in the report dated 24th August 2022 outlined the location of the site, the buildings on the site, the planning history, the relevant policy, and the internal consultations. The Planning Officer stated that the proposed development would be contrary to the policy requiring extensions to houses to be subservient to the existing house and recommended that permission should be refused, which is reflected in the decision of the planning authority.

Appropriate Assessment Screening was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

3.2.2. **Other Technical Reports**

Environmental Services: The Executive Engineer in his report dated 17th August 2022 sought further information in relation to the type and location of the existing wastewater treatment system.

Environment (Waste Management): The Environmental Technician in her report dated 15th August 2022 sought a waste management plan. Condition recommended.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None

4.0 **Planning History**

4.1. **Appeal site:**

P.A. Ref. No. 14/247: Permission refused for the retention of a mobile home.

5.0 **Policy Context**

5.1. **Limerick Development Plan 2022-2028**

5.1.1. **Objective HO O11 Subdivision of Dwelling to Accommodate Dependent Relative**

It is an objective of the Council to facilitate the provision of accommodation for older people and dependant relatives within the existing family home, subject to compliance with the following criteria:

- Accommodation by way of extension shall be attached to the main dwelling;
- There shall be an internal connecting door with the main residence;
- The extension shall be subservient to the main dwelling;
- In a rural location any external door shall not be located on the front elevation;
- On vacancy of the unit, the accommodation shall be integrated with the main dwelling. No such unit shall be used as rental accommodation. There will be a presumption against proposals for detached independent units within the curtilage of a dwelling, regardless of urban or rural location. Proposals must accord with planning considerations such as residential amenity, environmental and public health standards and traffic safety.

5.1.2. **Design Guidelines for Rural Houses**

“Simple design and materials reflecting the traditional vernacular of Limerick’s rural architecture should be used. Applicants are required to refer to Limerick’s Rural

Design Advice for Individual Houses in the Countryside updated in 2012 and any subsequent documents prepared by the Council.”

5.1.3. **Conservatories, Garages and Other Extensions**

“The key objective is ensuring that the main house is clearly seen as the dominant element. The scale and detail of additions, garages in particular, should match the balance of the house and be subservient to it.”¹

5.2. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 sites are the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) and the Lower River Shannon SAC (Site Code: 002165) which are both located approximately 1.7km to the northeast of the appeal site.

5.3. **EIA Screening**

Alterations to a house 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 MK Surveying & Design, Church Street, Askeaton, Co. Limerick on behalf of the first party, James McNamara and Emma Loftus. The main points made can be summarised as follows:

- Contends that the proposed floor area for the house of 201m² and height of 5.733m is not a large house in comparison to other houses in the area.
- States that the existing house is occupied by the applicants, their three children and James’s father, Patrick, and that the detailed design of the extension would enable independent living and facilitate them to assist and care for Patrick.

¹ P.56, 5. Designing the House, Rural Design Advice for Individual Houses in the Countryside (Limerick County Council 2012)

- Contends that the planning application was lodged before the Limerick Development Plan 2022-2028 was adopted.
- A letter from a GP is included in support of the appeal.

6.2. 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:

- Principle of Development
- Other Issue
- Appropriate Assessment

7.1. Principle of Development

7.1.1. The planning authority's reason for refusal issued within the notification of decision is clear insofar as it considers that the proposed extension, by reason of its overall floor area, height and detailed design, would not be subservient to the existing dwelling and, therefore materially contravenes policy Objective HO O11 of the Limerick Development Plan 2022-2028. The first parties contend that the proposed floor area for the house of 201m² and height of 5.733m is not a large house in comparison to other houses in the area. The first parties have explained that the reason for needing an extension to the house and a granny flat is to enable them to provide care for James's father.

7.1.2. The kernel for the reason for refusal is based on the scale and design of the proposed extension relative to the size of the existing house i.e., the proposed extension is not considered to be subservient to the existing house. The Board should note that the proposed development is described on the public notices as the construction of a granny flat connecting to the existing house. However, the drawings submitted with the planning application and this appeal indicate that the proposed development comprises of an extension to the house with part of the

existing house being used as a granny flat (Drawing No. 0847-P-03-Rev A refers). Therefore, the proposed development is essentially an extension to the existing house.

7.1.3. Under Objective HO O11, in order to facilitate the provision of accommodation for older people and dependant relatives within an existing family home, the Council requires:

- Accommodation by way of extension to be attached to the main dwelling,
- An internal connecting door with the main residence,
- The extension to be subservient to the main dwelling,
- Any external door not to be located on the front elevation (in a rural location), and
- On vacancy of the unit, the accommodation to be integrated with the main dwelling.

7.1.4. Similarly, the Rural Design Advice for Individual Houses in the Countryside (Limerick County Council 2012) gives guidance for the design and siting of garages and other extensions states:

“The key objective is ensuring that the main house is clearly seen as the dominant element. The scale and detail of additions, garages in particular, should match the balance of the house and be subservient to it.”

7.1.5. In relation to this, the part of the existing house to be retained on the appeal site has a stated floor area of 95.53m² i.e., 121m² minus 25.47m². Therefore, the proposed extension to the house with a stated floor area of 108m² would be larger in scale than the part of the house to be retained on the site. Similarly, the height of the proposed extension would be 1.306m above the ridge level of the existing house. Given these facts and that the extension would be sited to the side and front of the existing house, I consider that it will form a prominent feature on the appeal site and would not be viewed as being subservient to the existing house, as required by development plan policy.

7.1.6. I am satisfied that the planning authority assessed the development proposal under the relevant policies and objectives in the current Development Plan. I also agree

with the planning authority, and I consider that the proposed extension would not be viewed as being subservient to the main dwelling on the appeal site and, consequently, would directly conflict with the policy objectives outlined in the Development Plan.

- 7.1.7. In conclusion, I consider that the proposed extension would conflict with policy Objective HO O11 in the Limerick Development Plan 2022-2028 and would not be subservient to the main house on the appeal site. On this basis, I recommend that the Board refuse permission for the proposed development.

7.2. **Other Issue**

Disposal of Wastewater

- 7.2.1. I note the concerns outlined in the planning officer's report and that of the engineer in Environmental Services, Limerick City & County Council. I also note the contents of the appeal, where the first parties have stated that the existing house is occupied by the applicants, their three children and James's father, Patrick.
- 7.2.2. On the day of my site inspection, I noted that the ground conditions were good and, although I noted the location of the treatment system (per Site Layout Plan: Drawing No.0847-P-07), I could see no evidence of the distribution box / percolation area on the appeal site. I conclude, based on the material submitted with the application, that it is unclear whether the appeal site is suitable for the safe disposal of domestic effluent associated the existing or proposed use. However, I am satisfied that there would be no increase on loading to the existing wastewater treatment system as a result of the proposed development.
- 7.2.3. I am satisfied that if an issue arises concerning ground water pollution or public health on the site, the planning authority would be able to pursue/resolve such matters through the appropriate environmental/water pollution legislation.

7.3. **Appropriate Assessment**

- 7.3.1. The nearest designated European sites are the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) and the Lower River Shannon SAC (Site Code: 002165) which are located approximately 1.7km to the northeast of the appeal site.

Having regard to the nature and scale of the development which relates to a house extension and the nature of the receiving environment together with the separation distance to 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 on combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that permission be refused for the reason stated in the attached schedule.

9.0 Reasons and Considerations

It is considered that the proposed extension, by reason of its scale and design, would not be subservient to the existing dwelling. The proposed development would therefore directly conflict with Objective HO O11 of the Limerick Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Liam Bowe
Senior Planning Inspector

25th May 2023