



An  
Bord  
Pleanála

## Inspector's Report ABP 315068-22

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| <b>Development</b>                  | Retention of domestic store to the side of the house and covered canopy to the rear. |
| <b>Location</b>                     | 7 Cluain Dara, Clonmacken. Ennis Road. Limerick.                                     |
| <b>Planning Authority</b>           | Limerick City & Co. Council.   |
| <b>Planning Authority Reg. Ref.</b> | 22/924.  |
| <b>Applicant(s)</b>                 | Declan Moylan.   |
| <b>Type of Application</b>          | Retention.   |
| <b>Planning Authority Decision</b>  | To Refuse Permission.  |
| <b>Type of Appeal</b>               | First Party.   |
| <b>Appellant(s)</b>                 | Declan Moylan.   |
| <b>Observer(s)</b>                  | Martin & Therese Wallace   |
| <b>Date of Site Inspection</b>      | April 17 <sup>th</sup> , 2023.   |
| <b>Inspector</b>                    | Breda Gannon.  |

## **1.0 Site Location and Description**

- 1.1. The site is located at Cluain Dara, a residential development close to Caherdavin, in the western suburbs of Limerick city. It accommodates a large detached two-storey dwelling with attic accommodation. There is gated access along the southern gable to the garden at the rear. This area is covered with a Perspex roof forming a covered area along the side of the house. A concrete block boundary wall separates the house from the adjacent dwelling. A wooden patio canopy has been constructed to the rear of the house erected along the boundary wall with adjacent property.

## **2.0 Proposed Development**

- 2.1. The proposal seeks the retention of the covered domestic store to the side of the existing dwelling and a covered canopy patio to the rear.
- 2.2. Unsolicited further information was received by the planning authority on 28<sup>th</sup> September 2022 responding to the matters raised in the observation submitted by adjoining property owner.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to refuse permission for the retention of the development due to its haphazard nature which would seriously injure the amenities and depreciate the value of properties in the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning officer's report of 14<sup>th</sup> October, 2022 notes that the side access providing access to the rear of the property has been covered and is now used as storage area. Supporting beams, frames and rainwater gullies are within the applicant's boundaries. The rainwater gullies are located intermittently and do not extend over the entire length of the structure. The roof structure is attached to the

party wall with no guarantee that roof run-off will not impact on the adjacent property. The development is haphazard and would seriously injure the amenities and depreciate the value of properties in the residential area. There is also a covered canopy patio to the rear which is visible from the public road.

### 3.2.2. Other Technical Reports

The Mid West National Road Design Office had no observations to make on the application.

## 4.0 Planning History

No details of any relevant planning history have been forwarded by the planning authority.

## 5.0 Policy and Context

### 5.1. Development Plan

The operative development plan is the Limerick City & County Development Plan 2022-2028.

Development Management Standards are contained in Chapter 11 and the following sections are relevant in the context of the appeal.

Section 11.4.4.1.2: refers to rear/side extensions, stating that ground floor rear/side extension will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private space remaining.

## 5.2. **Natural Heritage Designations**

The site lies to the north of the River Shannon SAC and the River Shannon and River Fergus SPA.

## 5.3. **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations and accordingly no EIAR or a screening determination is required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of appeal may be summarised as follows:

- The extent of the works are minor in nature and do not constitute haphazard development or depreciate the value of properties in the area.
- There is no significant revision to the front elevation as the roof covering is set at a low level and hidden from view by the existing side gate.
- A flat pitch was use in order to finish below the cap level of the shared boundary.
- Rainwater is collected in gullies and disposed of within the applicant's property.
- The claims made by the owners of the adjoining property that the development is resulting in rainwater ingress and that the dry storage area at the side of the house will be used for commercial purposes are erroneous.
- The pergola type structure is situated to the rear of the dwelling with an overall height of 2.2m above ground level. The applicant is prepared to offset the boundary end of the pergola structure away from the boundary wall by 300m and would be happy to accept a condition to this effect.

## 6.2. Planning Authority Response

The side domestic store is attached to the party wall and the roof is constructed with a slope towards the party wall with the adjoining property. Rainwater gullies below the level of the boundary wall capping have been provided on applicant's side but these are intermittent (as per photographs submitted with original application).

The dwelling house has the benefit of a decent size rear garden where an alternative stand along structure could be provided, without having any impact on adjoining property.

## 6.3. Observations

An observation was received from the adjoining property owner at No 6 Cluain Dara. The areas of concern relate to rainwater ingress from the development and damage to the party wall during construction, including removal of wall caps.

It is stated that there is a package delivery business being run from No 7 and that the storage area will be used to store packages awaiting delivery.

## 7.0 Assessment

### 7.1. Introduction

- 7.1.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered.

The main issues, therefore, are as follows:

- Residential Amenity
- Appropriate Assessment

### 7.2. Residential Amenity

- 7.2.1. There are two components to the development proposed to be retained, including a side covered store to the side of the dwelling and a wooden patio canopy to the rear. Both structures are largely concealed from public view by the existing wooden gate

at the side of the property ensuring that there are no significant visual impacts arising from either structure. There are no windows in either structure which would result in overlooking with loss of privacy.

7.2.2. The side extension runs along the length of the southern gable wall of the house and its Perspex roof slopes towards the boundary wall with appellant's property. The structure is located below the capped level of the wall with no physical evidence of any significant structural damage. I was unable to gain access to the area during my inspection of the site, but the photographs submitted in support of the planning application suggest that rainwater gullies and downpipes have been erected inside the store, albeit intermittently. I am not in a position to verify that these rainwater goods are effective in terms of the efficient disposal of surface water arising from the development.

7.2.3. Having regard to the limited nature and scale of the development which results in no significant impacts on the visual or residential amenities of the area, I consider that the issues raised by the appellant can be addressed by a condition requiring the applicant to install effective means to capture surface water, to details to be submitted and agreed in writing with the planning authority.

7.2.4. The structure erected to the rear is a pergola type wooden structure, which encroaches onto sections of the boundary wall including wall caps and a pier. The applicant stated that he is agreeable to a condition requiring that the structure be offset from the boundary wall by 300mm. Subject to the reinstatement of the boundary wall to its original condition, I consider that this would address the issues raised. A reasonable quantum of private amenity space remains at the rear of the dwelling to ensure that its amenity is not compromised.

7.2.5. The Board cannot speculate on possible future uses of the side extension and should planning permission be required, this is a matter for the planning authority.

### 7.3. **Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the proposed development and its location within a built-up area, connected to existing public services, 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

- 8.1. On the basis of the above assessment, I recommend that permission be granted for the retention of the development for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the limited size and scale of the development to be retained and its location in an area which is largely screened from public view, I consider that subject to the following conditions the development will not impact on the visual or residential amenities of the area or depreciate the value of property in the vicinity and is in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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| 1. | <p>The development to be retained and completed shall be 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 details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority within one month of the date of this Order and the development shall be completed in accordance with agreed particulars.</p> <p><b>Reason: In the interests of clarity</b></p> |
| 2. | <p>The applicant shall submit for written agreement with the planning authority, proposals for surface water management within the site together with a timescale for implementation.</p> <p><b>Reason: To ensure the satisfactory disposal of surface water within the site.</b></p>   |
| 3. | <p>The covered canopy patio at the rear of the house shall be relocated a minimum of 300mm from the side boundary wall which shall be reinstated to its original condition to details to be submitted to and agreed in writing with the planning authority.</p>   |

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|  | <b>Reason: In the interests of residential and visual amenity.</b> |
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Breda Gannon  
Inspector

April 26<sup>th</sup>, 2023