



An
Bord
Pleanála

Inspector's Report ABP 315111-22

Development	Demolition of existing detached garage and construction of extension to the side and rear of the existing house, new boundary wall and all ancillary site development works.
Location	2 Iona Close, College Court, Castletroy. Limerick.
Planning Authority	Limerick City & County Council.
Planning Authority Reg. Ref.	22/943.
Applicant(s)	Maurice Ahern.
Type of Application	Permission.
Planning Authority Decision	To Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Maurice Ahern.
Observer(s)	Ana Saiz Garcia.
Date of Site Inspection	April 17 th , 2023.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at 2 Iona Close, College Court, Castletroy to the northeast of Limerick city centre. Iona Close forms a cul-de-sac off College Court Drive, which provides access to a number of residential developments. The University of Limerick campus lies to the northeast and Plassey Village student accommodation lies to the southeast.
- 1.2. The site accommodates a semi-detached single-storey dwelling, which has been extended to the side and to provide first floor accommodation. To the rear there is a garage/shed which is accessed from the side of the house. On site parking space is available at the front of the house. The site is adjoined on all sides by residential properties with boundary walls forming common boundaries.

2.0 Proposed Development

- 2.1. The proposal as described in the public notices submitted with the application is for the demolition of a detached garage and the construction of an extension to the side and rear of the house, new boundary wall and all ancillary site development works.
- 2.2. The proposed extension would increase the floor area of the existing house by 223.3 m². The extension to the side of the house would incorporate 4 no. additional bedroom and bathroom facilities. The extension to the rear would accommodate kitchen/living/dining facilities on the ground floor with 4 no. additional bedroom and bathroom facilities on the first floor.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for 2 no. reasons:

1. The proposed extension by reason of its scale relative to the existing house would adversely impact on the residential amenity of the existing house and residential properties in the vicinity. The development as proposed and the precedent which a grant of permission would set for similar type development would increase the prevailing density of development in the area, would

constitute an overdevelopment of the site, would injure the residential amenities, depreciate the value of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.

2. The proposed development materially contravenes Objective 11.4.2 Residential Quality Standards of the Limerick County Development Plan 2022-2028 in terms of bedroom sizes and inadequate provision of daylight. Furthermore, the structure and extension to same would endanger the health and safety of persons occupying the property having regard to inadequate provision of a means of escape from the upper floors. The proposed would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer's report of 19/10/22 raises issues regarding the following:

- Overdevelopment of the site.
- Scale of the development which is out of character with the established pattern of development with negative impacts on residential amenities and property values in the vicinity.
- Inadequate means of fire escape which would impact on the safety of occupants.
- Non-compliance with Residential Quality Standards.
- Inadequate open space.

3.2.2. Other Technical Reports

Fire Service – recommends refusal of the application on the basis of the current design and inadequate means of escape in the event of a fire.

Uisce Eireann –requested that the applicant submit further information in the form of revised drawings showing the location of the existing watermain/sewer in relation to the new extension.

4.0 Planning History

03/145 – Permission granted for a two-storey extension to the side of the existing house on the site.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Limerick City & County Development Plan 2022-2028. The site is located in an area zoned 'Residential'.
- 5.1.2. Development Management Standards are contained in Chapter 11 and the following sections are relevant in the context of the appeal.
- 5.1.3. Section 11.4.4.1.2: Rear/Side Extension: - rear/side extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private space remaining. First floor rear/side extensions shall be considered on their merits and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities.
- 5.1.4. Section 11.4.4.1.3: Alterations to Roof Attic Level: -roof alterations/expansions to main roof profile and additional dormer windows will be assessed having regard to the following:
- Character and size of the structure, position on the streetscape and proximity to adjacent structures.
 - Established streetscape character and roof profiles.
 - Dormer extension to roofs -impacts on existing character and form and the privacy of adjacent dwellings.

5.2. Natural Heritage Designations

- 5.2.1. None

5.3. EIA Screening

- 5.3.1. 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 standard of design far exceeds any type of student accommodation available. It maximises the southerly aspect with light filled living/kitchen areas, large glazed doors and glass on the south west façade which connect seamlessly to the garden and patio areas.
 - The design maximises the properties aspect and energy efficiency and can only have a positive effect on the area by raising property standards and property values.
 - The adjoining property at No 4 Iona Close has already been extended and converted into a self-contained apartment. The proposed extension is in keeping with other development in the area.
 - The proposed extension includes over 100 m² of southwest facing garden space and is over 8-10m from any other property. There will be no overlooking or light impacts on other properties.
- 6.1.1. The appeal is supported by photographs, stated by appellant to show extensions and the positive impact on properties.

6.2. Planning Authority Response

- No response to the grounds of appeal.

6.3. Observations

- The majority of family dwellings have been converted into multiple occupancy dwellings and the retirement village turned into student accommodation and ongoing issues with lack of parking.
- The house on the site was originally a two-bedroom bungalow which has now multiple unauthorised developments. It is currently a 7-bedroom property and the proposal is to extend this to 15.
- The proposal would result in overdevelopment of the site, would injure residential amenities, depreciate the value of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.
- The development materially contravenes residential standards in terms of bedroom sizes and daylight provision. The development will endanger the health and safety of occupants.
- The rear extension will overlook 4 Castlebrook, College Court resulting in loss of privacy.
- Noise pollution from additional tenants in a very small space that will affect quality of life for residents.

7.0 Assessment

7.1. 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
- Visual amenity
- Appropriate Assessment

7.2.

7.3. Residential Amenity

- 7.3.1. The original house on the site was extended on foot of planning permission Reg. Ref. No. 03/145. The existing floor plans indicate that the development was not carried out in conformity with the approved plans resulting in a significant increase in the number of bedrooms. The current proposal would further increase the number of bedrooms to 14.
- 7.3.2. The floor area of the proposed extension (223.3m²) is significantly larger than the existing house (157.7 m²). There are no private amenity space standards in the development plan for a house of this size. With a total of 14 no. bedrooms, it is comparable to 3 no. residential units on a restricted site. The minimum rear garden area for a 3-5 bedroom house is 60-75 m². The proposed extension would reduce the quantum of private open space on the site to an unacceptable level which would seriously impact on the level of amenity afforded to existing and future residents.
- 7.3.3. There are 2 no. car parking spaces available at the front of the site, which is insufficient to serve the level of accommodation currently provided in the existing house. The site is located in a high rental location and there are parking restrictions on adjacent roadways. As noted by the planning authority, there is evidence of high dependency on car transport in the area and the proposal will increase the demand for car parking which cannot be accommodated either on the site or in the wider immediate area. This will result in knock on adverse effects for adjoining residents.
- 7.3.4. I would therefore concur with the conclusion reached by the planning authority that the proposed development constitutes overdevelopment of the site, which if permitted would impact adversely on the residential amenities of both future residents of the scheme and adjacent residents.
- 7.3.5. The planning authority raise issues regarding the size of some of the bedrooms and access to daylight. While the appeal refers to the provision of student accommodation, the application is for permission is for a 'house extension'. The development plan includes Residential Quality Standards (Section 11.4. 2) for residential development and adherence to minimum room sizes in accordance with national guidance and standards. I note that the 'Quality Housing for Sustainable Communities' and the guidance provided on space provision and room sizes, does not include houses with more than 4 no. bedrooms and an occupancy of 7 persons.

I do note that there are deficiencies in the standard of accommodation provided including a bedroom in the first floor side extension with no access to daylight/sunlight. The Fire Service has raised serious issues regarding means of escape from a number of existing/proposed bedrooms, which is a matter covered under the Building Regulations.

- 7.3.6. The observer resides at 4 Castlebrook to the north and does not share a common boundary with the appeal site. Due to the orientation of the first-floor bedroom windows and the distance between the properties, no significant overlooking issues will arise. Regarding an increase in light and noise pollution, this is a built-up area where light and noise from adjoining properties is to be expected. Excessive noise related matters are controlled by separate legislation.

7.4. Visual

- 7.4.1. The existing dwellings in the area comprise single and two-storey dwellings, which retain their original design characteristics. Having regard to the pattern of development in the area, I consider that the proposed extension due to its size, scale and design characteristics would be at variance with the established scale and character of existing development and would detract from the visual amenities of the area.

7.5. Appropriate Assessment

- 7.5.1. 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 the Board uphold the decision of the planning authority and refuse planning permission for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed development by reason of its size and scale relative to the existing house would result in overdevelopment of the site resulting in inadequate provide open space and car parking facilities for residents of the development. The proposed development by the precedent it would create for similar type development would be seriously injurious to the residential amenities and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the pattern of existing development in the vicinity of the site, it is considered that the proposed development due to its size, scale and design characteristics would seriously impact on the visual amenities of the area and would, therefore be contrary to the proper planning and sustainable development of the area.

Breda Gannon

Inspector

26th, April 2023