



An
Bord
Pleanála

Inspector's Report

ABP-315958-23

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| Development | Demolition of existing shed and construction of two-storey dwelling |
| Location | Clonconane, Old Cratloe Road, Limerick |
| Planning Authority | Limerick City and County Council |
| Planning Authority Reg. Ref. | 22/290 |
| Applicant(s) | Jennifer Broderick & Arun Si |
| Type of Application | Permission |
| Planning Authority Decision | Grant permission with Conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Dorothy Lynch |
| Observer(s) | None |
| Date of Site Inspection | 31 st October 2023 |
| Inspector | Ciara McGuinness |

1.0 Site Location and Description

- 1.1. The site is situated in the townland of Clonconane, along the Old Cratloe Road (L8078), within the development boundary of Limerick City. The site is located approx. 3.5 Km to the northwest of Limerick City and to the northern side of the River Shannon. The Old Cratloe Road is one of the key distributor routes into Limerick City from the northwest and has a 50km/h speed limit along the stretch of road where the subject site is located. The pattern of development in the area generally comprises detached houses on reasonably large plots. The applicant's family home adjoins the site to the northwest. The Willow Grove residential development is located to the southwest of the site.
- 1.2. The site of the development has a stated site area of 0.159 hectares and has frontage onto the Old Cratloe Road on its northern boundary. An existing entrance and concrete boundary wall form the sites northern boundary. The site is an infill site. There is an existing shed in poor condition located to the south of the site. The remainder of the sites comprises grassed areas and a concrete hardstand area. The rear wall of the existing shed forms the boundary wall separating the subject site from the appellant's property in Willow Grove to the south.

2.0 Proposed Development

- 2.1. The proposed development is for the demolition of the existing shed (74.3 sqm), and the construction of a part single, part two-storey dwelling. The proposed dwelling has a stated floor area of 224sqm and a maximum ridge roof height of 6.6m. The existing rear wall of the shed will be retained as the boundary wall between the subject site and the appellant's property to the south. In response to a request from Further Information from the planning authority, the proposed rear window at first floor level has been omitted.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 16 conditions. These were generally of a standard type. Condition 3 requires that a new roadside boundary be constructed behind sightlines shown on the site layout drawing. Condition 6 requires the developer to take appropriate measures during construction phase to ensure that the southern boundary stone wall and trees are retained in their entirety and that no damage is caused to any adjoining boundaries/properties. Any damage will be repaired at the expense of the developer.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial planning report (29/03/2022) noted that the site is zoned 'residential' per the Limerick Development City Development Plan. Overshadowing and overlooking is not considered to be a concern given the distance between the proposed development and adjacent properties in Willow Grove. However, it is considered that the window at first floor level on the rear elevation should be omitted. It was noted that submissions had been received from occupiers of neighbouring dwellings which note that the shed is a roost for bats. The concrete roadside boundary is not considered acceptable. A landscape plan illustrating proposed boundaries would be requested. These matters would form the basis of a Further Information request on 4th May 2022. FI was also requested in relation to sightlines, stopping distances, details of the proposed tertiary treatment system and existing treatment system within the site of the adjacent family home. The applicant was also asked to address the third-party submissions.

Further Information was received on the 12th January 2023. The applicant submitted revised drawings and a Bat Roost Inspection Survey Report which confirmed that no evidence of the presence of bats was recorded. The subsequent planners report (02/02/2023) considered that all items had been addressed and that there are no outstanding planning issues. A grant of permission was recommended.

3.2.2. Other Technical Reports

Environment Section – Requested revised site layout drawing showing the secondary treatment system and tertiary treatment system as per the recommendations of the Site Characterisation Report. Requested details of the tertiary treatment system including dimensioned plan, cross section and longitudinal section showing existing and proposed ground levels along with pipe invert levels, pipe types and details of all materials to be used.

3.3. **Prescribed Bodies**

Irish Water (12/04/2022) - No objection. It was advised that the applicant must sign a connection agreement prior to the commencement of development. Such connections will be subject to IW Capital Investment Programme.

3.4. **Third Party Observations**

The Planning Authority received 8 no. third party observations on the application and a further 7 no. third party observations on the Further Information. The issues raised related to impact on residential amenity, overdevelopment of the site, surface water flooding, wastewater drainage, traffic, potential for a bat roost on site, lack of landscaping details and procedural issues in relation to the site notice and submitted drawings.

4.0 **Planning History**

P.A. Ref 16/752 - Permission Granted in 2017 for the use of existing yard for the intake and storage of wood blocks firing only for the sale off the premises and all associated site works.

5.0 **Policy Context**

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

- 5.1.1. The site is zoned Existing Residential with the objective to provide for residential development, protect and improve existing residential amenity. This zone is intended

primarily for established housing areas. Existing residential amenity will be protected while allowing appropriate infill development.

5.1.2. Chapter 4 contains policies and objectives relating to housing including;

Objective HO O2 - Density of Residential Developments; It is an objective of the Council to: a) Promote, where appropriate, increased residential density in the exercise of its development management function and in accordance with Table 2.6 Density Assumptions per Settlement Hierarchy in Chapter 2: Core Strategy and the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009. b) Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites.

Objective HO O3 - Protection of Existing Residential Amenity; It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.

5.2. National Planning Framework

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of old buildings, infill development schemes, area or site-based regeneration and increased heights.

5.3. Natural Heritage Designations

Lower River Shannon SAC - c1.2km to the southwest of the site and 1.8km to northeast of the site

River Shannon and River Fergus Estuaries SPA - c1.2km to the southwest of the site

Fergus Estuary and Inner Shannon, North Shore pNHA - c1.2km to the southwest of the site

Knockalisheen Marsh pNHA – c.1.7km to the northeast of the site

5.4. **EIA Screening**

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The third-party appeal was submitted by Dorothy Lynch of 19 Willow Grove which lies immediately to the south of the appeal site. The rear wall of the existing shed forms the boundary wall separating the subject site from the appellant's property. The grounds of appeal can be summarised as follows;

- **Impact on Residential Amenity** – The appellant is not opposed to the principle of appropriate in-fill residential development at the subject site. The appellant considers that the treatment of the southern boundary wall will have a significantly adverse impact on their property. The works to the wall are not clearly stated or demonstrated in the application documentation. As such it is not possible to accurately ascertain the potential level of impact on the privacy and residential amenity of the appellants property. The planning authority did not have full information on the impacts of the proposal in making its decision. The proposed development must be designed to respect the privacy of its neighbouring dwellings.

6.2. Applicant Response

- The applicant is keen to ensure that the proposed development would not have a detrimental impact on any existing neighbouring dwelling. To this end, the first-floor window was removed in response to the FI request.
- The shed holds no features of historical or architectural merit. The condition of the shed has deteriorated in recent years and is considered to be an eyesore.
- The applicant has clearly stated their intention to retain the rear boundary wall of the shed. The southern boundary will not be altered except for general hedge cutting and maintenance.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Residential Amenity
- Appropriate Assessment

7.2. Residential Amenity

7.2.1. The appellant contends that the proposed works to the existing southern boundary wall which comprises part of the existing agricultural shed on site has not been clearly stated. While I agree with the appellant that demolition plan is not annotated, I consider that the applicant has clearly stated their intention to retain the boundary wall, with only the two side elevation walls and front elevation walls of the shed to be demolished. I further note that the intention to retain the boundary wall has been enforced through the attachment of Condition 6 to the planning authority's decision which ensures that the applicant take appropriate measures during construction

phase to ensure that the southern boundary stone wall and trees shall be retained in their entirety and that no damage is caused to any adjoining boundaries/properties. Any repairs deemed necessary will be carried out at the expense of the developer. It is considered that, should the Board be minded to grant permission, a similar condition be attached to any such permission.

7.2.2. The appellant also contends that the proposed development will impact on their privacy. It has been established that the rear boundary wall of the shed will be retained which will ensure the privacy of the rear garden of 19 Willow Grove. Furthermore, it is noted that the applicant has omitted a window at first floor level on the rear elevation eliminating the potential for overlooking. The rear garden of 19 Willow Grove is of a generous size and length. Given the distance and orientation of the proposed dwelling relative to this garden, together with the omission of the window at first floor level to the rear elevation and the existing boundary wall and trees on the common boundary, it is unlikely that the proposal would give rise to any significant loss of privacy to the adjoining garden or dwelling at 19 Willow Grove.

7.2.3. In conclusion, I consider that the design and layout of the proposed development, (as revised in the submitted plans dated 13/01/20223), would not significantly injure the residential amenities of the neighbouring properties, and would generally reflect the established pattern of development in the area.

7.3. Appropriate Assessment

7.3.1. The site lies within c.1.2km to the east of the River Shannon. The River Shannon is subject of the Lower River Shannon SAC (002165) and the River Shannon and River Fergus SPA (004077). The site is an infill site in established residential area. I am satisfied that there are no source/pathway/receptor routes between the site and the European sites within the wider area and so the development of this site to provide a dwelling house would not be likely to have any significant effect on the Conservation Objectives of these or any other European sites.

7.3.2. Having regard to the nature, scale and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not 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. I recommend that permission is granted for the proposed development.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Limerick Development Plan 2022-2028, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of 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 12th day of January 2023, the 25th day of January 2023 and the 2nd day of February 2023, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. A new roadside boundary shall be constructed behind the sightlines on the site layout drawing submitted on the 12th January 2023. The entrance gates shall be recessed 4.5 metres behind the line of the new roadside boundary. The gates shall be linked to the new roadside boundary, which shall not exceed 1m, played at an angle of 45 degrees to the public road.

Reason: In the interest of visual amenity and traffic safety.

4. An area comprising of a minimum depth of 225mm of broken stone or compacted gravel shall be provided between the edge of the public road and the recessed roadside boundary. No lip shall be permissible where this paved area meets the edge of the public road.

Reason: In the interest of traffic safety.

5. 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.

6. (a) The effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the on the 11th day of March 2022, as amended by plans and particulars submitted on the 12th day of January 2023, the 25th day of January 2023 and the 2nd day of February 2023,, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order.
(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity

insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. The developer shall take appropriate measures during the construction phase to ensure that the southern boundary stone wall and trees shall be retained in their entirety and no damage is caused by any adjoining boundaries/properties during the construction phase and repaired where necessary at the expense of the developer.

Reason: In the interest of residential amenity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of

development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

10. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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.

Ciara McGuinness

Planning Inspector

6th November 2023

