



An
Bord
Pleanála

Inspector's Report ABP316214-23

Development	First floor extension.
Location	3, Dun an Oir, Milford Grange, Castletroy, Limerick.
Planning Authority	Limerick City and County Council.
Planning Authority Reg. Ref.	22/1273
Applicant(s)	Denis Callaghan.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Hannah O'Sullivan, c/o Plassey Residents Association.
Observer(s)	None on file.
Date of Site Inspection	27 th July 2023.
Inspector	Des Johnson.

1.0 Site Location and Description

- 1.1. Dun an Oir, Milford Grange is approximately 4.5km to the east of Limerick City Centre, to the north side of the Dublin Road, south of Plassey Park Road, and a short distance south of the University of Limerick. The subject site is on the north side of Dun an Oir with adjacent areas of public open space, one on the opposite side of the road and another to the east on the same side of the road. There are double yellow lines along the open space on the opposite side of the road.
- 1.2. No. 3 is a two storey semi-detached dwelling, second from the eastern end of a row of similar style houses. It has a converted garage and parking space for a single car to the front.

2.0 Proposed Development

- 2.1. The proposal is for a first floor extension. The gross floor space of the proposed extension is stated to be 22 sqm, the gross floor area of the existing building is stated to be 110 sqm, and the site area is 0.024ha.
- 2.2. The proposed extension would provide for a bedroom with ensuite. It is similar in design to a proposed first floor extension to the dwelling immediately to the west (No.5).

3.0 Planning Authority Decision

3.1. Decision

By Order dated 15.03.2023, the planning authority decided to grant permission, subject to 7 conditions.

Condition 1 requires compliance with plans and particulars submitted with the application, as revised by additional information. Condition 2 requires the existing dwelling and the proposed extension to be used solely as a single dwelling unit, and not be subdivided in any way through sale, letting or by other means. The reason for this condition is to restrict the use of the extension in the interest of residential

amenity and the proper planning and sustainable development of the area. Condition 6 restricts the hours of construction. Other conditions refer to standard matters.

3.2. Planning Authority Reports

3.2.1. Planning Reports

This is one of four applications for extensions to an existing dwelling house within the Dun an Oir development in Milford, Castletroy. The adjacent dwelling is also seeking an extension. The dwellings appear to be unoccupied. The area is zoned 'existing residential'. Four objections were received, one from the Residents Association, others from local residents. These raise issues of increased occupancy, parking congestion, emergency vehicles denied access, anti-social behaviour, Development Plan objective supporting purpose built student accommodation, change of use from residential to letting, and sewerage and litter issues.

It is recommended that Further Information be sought demonstrating adequate car parking to Development Plan standards, and responding to issues raised in submissions received. Further Information was submitted, date stamped 21 February 2023 including revised site plan showing 2 parking spaces together with 2 bicycle spaces, and a statement that the proposal is not for subdivision of the premises. The Planning Report, following this submission, recommends permission subject to conditions.

3.2.2. Other Technical Reports

None on file.

4.0 Planning History

Register Reference 16/1199 – permission granted for a two storey extension to the rear and side, including conversion of existing garage to living space, modifications to the front elevation, and front porch and ancillary works at No.5, Dun an Oir. The decision, dated 13.09.2017 was appealed and subsequently granted by An Bord Pleanála under Reference 91.249374.

5.0 Policy and Context

5.1. Development Plan

The site is in an area zoned existing residential.

Objective HO 03 relates to the protection of existing residential amenity, and seeks 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.

Objective HO 08 relates to student accommodation, and seeks to support the provision of high quality, professionally managed purpose built student accommodation either on campus or in appropriate and accessible locations on public transport or cycle networks. All forms of student accommodation must respect and protect established residential amenities of the area.

5.2. Natural Heritage Designations

Lower River Shannon SAC (Site Code: 002165) approximately 700m north of the site.

The River Shannon and River Fergus Estuaries SPA (Site Code: 004077) approximately 4.7km west of the site.

5.3. EIA Screening

5.4. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

These are submitted on behalf of Plassey Residents Association, and may be summarised as follows:

- The Residents Association has made appeals (221272, 221274, 221275) for other properties in Milford Grange, and ask that they be considered holistically
- No.3 is currently a house of multiple occupancy in which tenants (believed to be UL students) reside during the academic year. This house is currently listed with the Residential Tenancy Board as having 6 bedrooms.
- Milford Grange is a small estate already stretched beyond capacity. If permitted, the proposed development will lead to more houses seeking permission for similar type development, increasing the population further and exacerbating existing problems
- An Oral Hearing is requested (the Board decided to decide the appeal by way of written submissions)
- In Milford Grange there are 199 residential homes, with approximately 55 used as long term residential homes and the remaining 144 in multiple occupancy during the academic year. The subject premises is likely to become one of multiple occupancy with an increase in the number of bedrooms. This area was originally designed for family housing. The presence of multiple occupancy houses is changing the character of the estate and altering the lives of permanent residents.
- The proposal is out of keeping with the existing pattern of two-storey semi-detached buildings. Together with the proposed development of No.5, it would have the effect of creating a terrace.
- The potential for increased traffic is concerning. Traffic speed, congestion, and on-street parking has been problematic. There can be up to 4 and 6 cars in a house of multiple occupancy. There are traffic safety concerns.
- The proposed development, if permitted, would devalue property in the area.

- There is already a problem of access for service vehicles and emergency vehicles.
- The proposed development is contrary to Objective HO 08 of the Development Plan.
- There is a probability of noise nuisance.
- The trend in this area is moving towards unmanaged student accommodation in houses of multiple occupancy. The submission of Further Information to the planning authority gives no comfort.
- The appeal submission includes copy of the objection submitted to the planning authority (including photographs and notices advertising rental opportunities in the area. The appeal submission also includes a submission made in respect of the Limerick City Draft Development Plan 2022-2028, dated September 2021; this contends that the draft Plan does not address the issue of density of unmanaged student accommodation and associated anti-social behaviour. Further attachments are slides from a meeting between Resident Representatives and An Garda Síochána, a draft Case Study prepared by Milford Residents Association in 2015 'Highlighting negative side effects of over developed student let houses Compostella, Milford Grange, Castletroy, Limerick on the Local Community/Environment', and a series of photographs.

6.2. **Applicant Response**

None on file.

6.3. **Planning Authority Response**

None on file.

6.4. **Observations**

None on file.

6.5. Further Responses

None on file.

7.0 Assessment

- 7.1. The proposal is for a first floor extension to a two storey semi-detached dwelling, providing for a double bedroom with en-suite. The drawings submitted with the application indicate that the existing house has 3 bedrooms (2 doubles and 1 single) served by 1 bathroom at first floor level (this is disputed by the appellants). The proposed extension would be over an existing converted garage. In response to a request for Additional Information, it is stated that “this proposed development is NOT for the subdivision of the premises”. The planning authority has granted conditioned permission for the proposed development with Condition 2 requiring that the existing dwelling and the proposed extension shall be used solely as a single dwelling and not be subdivided in any way through sale, letting or by any other means”. The reason given for this condition is “to restrict the use of the extension in the interest of residential amenity and the proper planning and sustainable development of the area”. There is no appeal by the first party in respect of this condition or the reason for its imposition.
- 7.2. There is a third party appeal, stated to be on behalf of Plassey Residents Association. It is one of 4 appeals made against decisions to grant permission for developments in the vicinity. Several of the grounds of appeal relate to claimed anti-social behaviour in the area resulting from existing multiple occupancy of dwellings during the academic year. I submit that the enforcement of planning conditions is a function of the planning authority and that the Board has no role in this regard. Any other forms of anti-social behaviour are matters to be addressed by the appropriate authorities. The Board is required to assess the current proposal on its own merits.
- 7.3. I submit that the key planning issues to be addressed are as follows:
- Development Plan policy
 - Proposed design and existing pattern of development in the area
 - Traffic

- Devaluation of property

7.4. **Development Plan policy**

The making of planning policy is a matter for the planning authority and is expressed through the Development Plan. The appellants argue that the proposed development, taken with other current similar proposals in the vicinity, would be contrary to Objective HO-08 of the current Development Plan for the area. Objective HO 08 relates to student accommodation, and seeks to support the provision of high quality, professionally managed purpose-built student accommodation either on campus or in appropriate and accessible locations on public transport or cycle networks. All forms of student accommodation must respect and protect established residential amenities of the area.

I submit that there is no convincing evidence submitted to indicate that the proposed development, as clarified by way of Further Information and as conditioned in the planning authority's decision to grant permission, would be contrary to Development Plan policy or would be detrimental to the established residential amenities of the area.

7.5. **Design**

The appellants argue that the proposed development would be out of character with the existing pattern of development in the area. I note that there are other first floor extensions to properties in the area (e.g., nos. 14 and 16 Dun an Oir). I submit that the proposed design is acceptable and would not be out of keeping with the established pattern of development in the area.

The proposal provides for windows to the front serving the bedroom, and a window to the rear serving the proposed en-suite. These would not give rise to overlooking of the adjoining property and are acceptable.

7.6. **Traffic**

The development as permitted would provide for two off-street parking spaces to the front of the subject dwelling. Having regard to the location proximate to public

transport routes, I consider that this is acceptable, and would not give rise to traffic congestion or access problems for emergency vehicles.

7.7. Devaluation of property

I submit that the proposed first floor extension, as permitted by the conditioned permission granted by the planning authority, is acceptable and in character with the existing pattern of development in the area. I consider that no convincing evidence is submitted to support the appellants contention that the development would give rise to the devaluation of property in the vicinity.

7.8. Appropriate Assessment Screening

Having regard to the nature and scale of the proposed development, the nature of receiving environment as a built up residential area, the separation distance and to the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of a Natura Impact Statement.

8.0 Recommendation

8.1. I recommend that planning permission be granted subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposal, and the established pattern and character of development in the area, it is considered that the proposed development, subject to the following conditions, is an acceptable form of development consistent with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by plans and particulars submitted on the 21st day of February 2023 by way of Further Information, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be as outlined on the plans and particulars accompanying the application.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The existing dwelling and the proposed extension shall be used solely as a single dwelling unit and shall not be subdivided in any way through sale, letting or by any other means.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity and the proper planning and sustainable development of the area.</p>
4.	<p>All surface water run-off from roofs, entrances and parking areas within the site shall be collected and disposed of within the site to the surface water drainage system and shall be discharged to the public surface water sewer. No surface waters shall discharge onto adjoining properties or the public road.</p> <p>Reason: In the interest of public health and to prevent flooding in the interest of traffic safety and amenity.</p>
5.	<p>No work shall take place on site outside the hours of 8.00 am to 8.00 pm Monday to Friday and 8.00 am to 4.00 pm Saturday, or on Sundays or public holidays, unless otherwise agreed in writing by the Planning Authority.</p> <p>Reason: In order to protect the residential amenities of the area.</p>

Des Johnson
Planning Inspector

14th August 2023

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.