



An
Bord
Pleanála

Inspector's Report ABP-319237-24

Development	<i>The demolition of a derelict cottage, removal of septic tank for replacement with a new house, packaged wastewater treatment system and site entrance including all ancillary works</i>		
Location	<i>Graigue, Adare, Co. Limerick</i>		
Planning Authority Ref.	<i>2360356</i>		
Applicant	<i>Rod O'Callaghan</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant Permission with conditions.</i>
Type of Appeal	<i>Third Party</i>	Appellant	<i>Ann & Barry O'Riordan Eoin Ryan & Gormlaith Joyce</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>10/05/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description.

The site is located to the south west side of Adare Village on the Rathkeale Road. The site comprises of a derelict cottage with outbuildings to the rear on a stated area of 0.094ha. There is a two storey dwelling to the north east, the garden of which wraps around to the rear of the proposed developments site and a single

storey bungalow to the south west. A variety of architectural styles of dwellings face onto the Rathkeale Road at this location. There is a lane running along the south west which forms part of the site.

2. Description of development. The proposed development comprises of :

- Permission to demolish the existing cottage on site
- Replace the said cottage with a new detached dwelling
- New wastewater treatment plant

3. Planning History.

None on site

4. National/Regional/Local Planning Policy

The Limerick County Development Plan 2022- 2028 is the statutory plan in force at present.

- The site is zoned as Existing Residential the objective of which is to provide for residential development and protect and improve residential amenity
- Objective HO03 refers to the protection of residential amenity and it is stated within this objective that the council ensures a balance between the protection of residential amenity, the established character of the area and the need to provide for sustainable new development.

Draft Adare Local Area Plan 2024-2030

- The site is zoned *Existing Residential* per the Draft LAP.

5. Natural Heritage Designations

- The nearest designated site is the Adare Woodland pNHA which is located across the road from the said site (circa 10 metres away)
- The Lower River Shannon SAC Site Code 002165 is located 2km to the north east of the site

Development, Decision and Grounds of Appeal

6. PA Decision.

- Permission was granted subject to 16 conditions
- Condition 2 relates to a Development Contribution
- Condition 8 refers to the need to submit a revised preservation record for the existing cottage on site
- Condition 10 states that the FFL should not be more than 200mm above existing ground levels
- Condition 12 – relates to screen planting along the boundaries of the site

7. Internal Reports

- None on file

8. Prescribed Bodies

- Irish Water (28th June 2023) – no objection
- TII (27th June 2023) - state that they will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012),

9. Submissions

There is one submission on file as follows:

- Eoin Ryan & Gormlaith Joyce of V94 VWR0 (received 28th January 2023)

In summary the submission raises the following issues:

- That the principle of redevelopment is accepted
- The scale and design of the proposed development will result in significant adverse residential amenity impacts on their property
- Lack of technical information submitted with application

10. Grounds of Appeal

A third party appeal was received by Eoin Ryan and Gormlaith Joyce of V94 VWR0 on the 7th March 2024. The appeal in summary states:

- That they are not opposed to the principle of redevelopment of the site
- That the size and the scale of the proposed development will result in a significant, adverse impact on the amenities of our family home which is located immediately to the west of the site
- The proposed house is located just 3.9 metres from their single storey dwelling. houses in the vicinity of the site are bungalows generally, far smaller in mass and size than the proposed house . Of twelve properties on the road only two are two storey . The two storey house to the east of the site is on a far larger site. Proposal represents overdevelopment
- Double height internally is unnecessary and is a source of many of the issues relating to scale
- Overlooking from first floor windows
- Appellant refers to Section 5.2 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas which relates to Avoidance of Overlooking and Overshadowing.

A second appeal was lodged after a successful application for Leave to Appeal from Anne and Barry O'Riordan of V94 RW6F on 8th April 2024. The appeal is summary states:

- That their property is a two storey residence located to the east of the proposed development site.
- That they have no issue with the redevelopment of the site which is derelict
- That the scale and design of the proposed development will have a negative impact upon their property
- That the scale of the proposed house has increased in size during the planning process with particular relevance to the elevation facing their property.

- Overlooking and that two further windows were proposed after further information was submitted to the Planning Authority
- That because of the proximity of the proposed house to the party boundary means that the existing boundary hedges will be at significant risk

11. First Party Response

A response to the third party appeal (specifically with respect of the appeal submitted by Eoin Ryan and Gormlaith Joyce) was received on the 5th April 2024. In summary the response states:

- That the claims of the appellants lack substantial backing from independent professionals that would lend credibility to their concerns
- That the proposed development is compliant with the 'Existing Residential' zoning objective
- That there is no defined style of building along the road which ranges from single storey, dormers and two storey dwellings
- That the proposed dwelling has a lesser floorspace than that of the appellants
- That the FFL is lower than that of the appellants and that the difference between the two properties ridge height will only be between 550-700mm
- That there is no explanation as to how the height of the proposed house will impact upon the appellants property
- That the double height void space within the proposed house has no impact upon adjacent properties and is therefore inconsequential.
- That great care was taken with respect to the placing of windows on the elevation facing the appellants property as well as other measures by way of using frosted glass and locating windows so as to prevent direct views to the appellants property.

12. PA Response

None received
13. Observations
None Received

Environmental Screening

14. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

15. AA Screening

Having regard to the modest nature and scale of development and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-
- Principle of Development
 - Design
 - Residential Amenities

2.2. Principle of Development

- 2.2.1. The proposed development site is located within an area zoned as Existing Residential in the Draft Adare Local Area Plan 2024-2030 the zoning objective of which seeks 'To provide for residential development, protect and improve existing residential amenity'
- 2.2.2. I also note that there is an existing cottage on site which is proposed to be demolished as part of the development to make way for a new house.
- 2.2.3. Whilst the cottage is of vernacular merit, I note that the same is not listed on the record of protected structures in the statutory plan nor is the site located within an area designated as an Architectural Conservation Area.
- 2.2.4. I note that the case planner accepted demolition of the said cottage as did the councils conservation office as stated in the planner's report subject to a Preservation by Record report which has been submitted at response to further information.
- 2.2.5. On the basis of the above, it is considered that the demolition of the cottage and its replacement with a new dwellinghouse is appropriate in this context.

2.3. Design

- 2.3.1. The proposed development comprises of a new contemporary dwelling which according to the submissions on file has been designed in accordance with the principals of Bio-Architecture and Holistic Design.. It is understood from submissions that the curving form of the floor plan mirrors the Sun Path perfectly; affording optimal ingress and enjoyment of light as well as ensuring a significant accumulation of passive solar heat gain.
- 2.3.2. While I note that the third party appellants have no issue per say with the design concept, the concerns raised are with respect to the scale and massing of the said proposed dwellinghouse and with respect of potential to overlook their prospective properties which are located to either side of the proposed development site.
- 2.3.3. I note that the design of the proposed dwelling was altered upon response to further information and I note, as the third parties rightly point out, that the ground floor footprint of the proposed house increased in size particularly on the north eastern

elevation by the provision of further storage space and further bathroom facilities. Floorspace coverage is not stated on the plans provided.

- 2.3.4. I note that the site area is 0.094ha. and the overall floorspace proposed, as stated in the application form is 232sq.m. While the floorspace has been increased on the ground floor I do not see any stated floorspace dimensions anywhere in the further information response documents.
- 2.3.5. I note that the single storey house to the south west is on a much larger site of 0.24 ha whereas the site to the north east is located on a site area of 0.34 which is more than triple the size of the proposed development site. The floorspace of the adjacent properties is not clear though I note that the first party states that the floorspace of the single storey western property is 274sq.m. more than that of the proposed development. However, the site area associated with this house is more than double that of the proposed development site
- 2.3.6. In addition the above, the rising wall of the eastern elevation is just 618.15mm from the party boundary which is in my opinion not sufficient to enable the retention of the existing hedge along the said boundary.
- 2.3.7. On the basis of the above, I am of the opinion that the proposed house represents overdevelopment of this restricted site.
- 2.3.8. I am also of the opinion that the bulk of the proposed house is out of context with adjacent dwellings – this is clearly evident in the contiguous elevation submitted with the response to further information (Drawing No. 2024-01 dated 19th January 2024)
- 2.3.9. Regarding the design of the proposed dwelling, I have no issue per say with respect of the same. There are varying styles of design along the road and as such the site does lend itself to a contemporary form of dwelling. However, I would be of the view that the proposed house is more suited to a much larger site than the one on which it is proposed and in this respect I consider that the said proposed dwelling does not respect the context of the site.

2.4. Residential Amenity

- 2.4.1. The proposed distance to the eastern boundary is stated as being 618.15 mm and to the western boundary 3975mm

- 2.4.2. I do not have concerns with respect to ground floor windows which will be blocked by boundary treatment.
- 2.4.3. With respect to first floor windows, the only first floor windows facing the south west are feature windows which are for the purposes of allowing light into the void space within the proposed house. These windows do not appear to serve any specific room but are used to bring light into the house. Overlooking will not be possible through these windows.
- 2.4.4. I note that there are no windows on the first floor facing north east and as such I consider that overlooking issues will not result as a consequence of the same.
- 2.4.5. With respect to issues of overshadowing, I note a shadow study has been submitted with the application which shows that the level of shadowing is within acceptable parameters.
- 2.4.6. With respect of impact to residential amenities therefore the predominant issue is the proximity of the proposed house to the eastern party boundary which I consider will have an overbearing impact upon that property.

3.0 Recommendation

3.1. I recommend that permission be refused for the following reason:

1. The proposed development, by reason of its scale and bulk on a restricted site area and by reason of the proximity of the proposed dwelling to the northeastern party boundary, would be out of character with the existing residential properties in the vicinity and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, therefore, seriously injure the visual amenities of the area, would result in overbearance of the adjacent house to the northeast and would therefore 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.

Andrew Hersey
Planning Inspector

7th June 2024