



An
Bord
Pleanála

Inspector's Report

ABP 319390-24

Development

Demolish existing side annex, shed rear garden wall and partial demolition of the entrance way and construction of a new single storey rear extension to the existing house, construction of a new two-storey dwelling house with landscaping and car parking, new boundary wall to the rear and front to subdivide the site and all associated site works.

Location

49 Avondale Drive, Greystones. Ennis Road. Limerick.

Planning Authority

Limerick City & County Council.

Planning Authority Reg. Ref.

2360914

Applicant(s)

John Cassidy

Type of Application

Permission.

Planning Authority Decision

To Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Angela O'Brien & Others

	Greystones & District Residents Association
Observer(s)	None.
Date of Site Inspection	September 5 th , 2024
Inspector	Breda Gannon

1.0 Site Location and Description

- 1.1. The site is located at No 49 Avondale Drive, Greystones off the Ennis Road, Limerick. It occupies a corner location at the junction of Hillcrest Drive and Avondale Drive. The site which has a stated area of 0.064 ha accommodates a two-storey semi-detached residence with later extensions to the side and rear. There are 2 no. vehicular entrances to the site, one to the front off Avondale Drive and one to the side off Hillcrest Drive.
- 1.2. The site boundaries are defined by a low stone wall which have been back planted with hedgerows, behind which lie front and side gardens. The rear garden and side garden are separated by a higher wall. The rear garden is enclosed and separated from neighbouring property by walls/fence. There is a mature tree on the site close to the side entrance off Hillcrest Drive. Ground levels fall from the front towards the rear of the site.
- 1.3. The site is part of the residential suburbs to the northwest of the city centre. It is access via the Northern Ring Road (R445) to the north and the Ennis Road (R857) to the south. There are numerous shopping and community facilities in the wider area including Thomond Park to the north.

2.0 Proposed Development

- 2.1. The proposal involves the partial demolition of the existing house (side annex, rear conservatory and shed) and the partial demolition of the existing site entrance off Avondale Drive to accommodate a wider entrance. A new extension would be constructed to the rear of the house to accommodate a new kitchen/dining area and accessible W.C. A boundary wall, 2m in height would be provided, dividing the site in two.
- 2.2. A new dwelling house would be constructed on the remaining section of the site, which is the side garden of the existing house. It would be two-storey and accommodate a kitchen/living/dining area, double bedroom and WC on the ground floor and 2 no. double and 1 No. single bedrooms on the first floor. It would be attached to the side gable of the existing dwelling and extend from the front building line to the rear building line established by the new extension proposed to the

existing house. The boundary between the existing house and the proposed house would be formed by a 2m high wall to the rear and a 1.2m high wall to the front. The existing entrance onto Hillcrest Drive would be closed up and the vehicular entrance to the proposed house would be located beside the proposed widened access to the existing dwelling.

2.3. The application is supported by a Design Statement.

3.0 Further Information

3.1. Further information was sought by the planning authority on February 8th, 2024 on matters relating to the width of the vehicular entrance which was not considered to be in compliance with the development plan standard (Section 11.8.5), and in relation to the rear wall of the existing dwelling which appeared to be constructed on party walls.

3.2. The response of 20/2/24 confirmed that both vehicular entrances were amended so that they did not exceed 3m in width and less than 50% of the width of the front boundary wall. It was stated that the existing boundary wire fence and hedge between the property and No 48 would be maintained and the new extension would be located 150mm from this boundary.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the development subject to 16 no. conditions. Apart from standard engineering and construction type conditions, the decision includes the following conditions of note.

Condition No 6: 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.

Reason: To restrict the use of the extension in the interest of residential amenity and the proper planning and sustainable development of the area.

Condition No 13: Prior to construction, the developer shall submit a revised site layout drawing showing the bike storage area relocated to the rear of the property.

Reason: In the interest of visual amenity.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The planning officer's report considers the layout and design of the proposed new extension to the existing house to be acceptable.

The proposed new dwelling would have the same roof height and building line as the existing house. It would have a gross floor area of 128m² and provide for a 4 bedroom /7 person house. A schedule of accommodation shows that the proposed house is in compliance with the required floor area/room size standards except for the utility (4.5 m²) which is slightly substandard.

Due to the separation distances overshadowing and overlooking are not a matter of concern. The private amenity space for both dwellings complies with the requirements of the development plan. The external finishes which includes pebble dash and timber cladding on the ground floor elevation are considered acceptable.

Revised drawings submitted in response to further information show the vehicular entrances in compliance with the provisions of the development plan. The drawings also show the proposed extension moved away from the existing boundary fence with no development occurring on the party wall.

4.2.2. Other Technical Reports

Roads: No objection subject to conditions.

4.3. Prescribed Bodies

Uisce Eireann: No objection subject to connection agreement.

4.4. Third Party Observations

A number of submissions were received by the planning authority which raised a number of issues which are summarised as follows:

- Proposal out of character with the established pattern of development in the area.
- Overdevelopment of the site.
- Precedent created by the proposal.
- Impacts on residential amenity. Non-compliance with the requirements of the development plan.
- Traffic and vehicular/pedestrian safety associated with position of new driveway. Inadequate on-site car parking. Congestion on Avondale Drive exacerbated by proposed development. Deficient road junction at Avondale Drive/Hillcrest Drive.
- Green considerations and climate change associated with removal of green area and replacement with hard surface. Removal of mature tree.
- Existing drainage issues would be exacerbated by the proposed development.

5.0 Planning History

20/1379: The decision of the planning authority to grant permission for the construction of a dwelling house on the site, provide a new entrance, create a new boundary to divide the site and minor changes to the existing house was overturned by An Bord Pleanála (ABP 310270-21).

6.0 Policy Context

6.1. Development Plan

The operative development plan is the **Limerick Development Plan 2022-2028**.

The site is located in an area zoned 'Existing Residential' with the following objective:

'To provide for residential development, protect and improve residential amenity.

This zone is intended primarily for established residential housing areas. Existing residential development will be protected while allowing appropriate infill development'.

Residential Development - Design Principles and Standards are contained in Chapter 11 of the Plan (Development Management Standards).

Section 11.4.4.1 sets out the requirements for rear extension to dwellings.

Section 11.4.4.3 sets out the requirements for the subdivision of an existing house curtilage to provide an additional dwelling in an existing built-up area. It includes consideration of the size, design, layout and relationship with the existing dwelling and adjoining property, impacts on the amenities of adjacent properties, compliance with development plan standards for existing and proposed dwellings, provision of adequate usable private open space for existing and proposed dwellings and other requirements.

6.2. National Guidelines

- 6.2.1. The '*Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities*' were published by the Department of Housing, Local Government and Heritage in January 2024. The guidelines set national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. It is the policy and objective of the guidelines to increase the density of residential development in the suburbs of cities including Limerick (Chapter 3).
- 6.2.2. The guidelines recognise the need for change and that the continued application of established suburban housing standards is hampering innovation in the housing sector. Section 5.3 of the guidelines sets out the development standards for housing. Reduced plot sizes, tighter arrangement of houses and updated standards for separation distances between dwellings (SPPR1), open space (SPPR2), car and bicycle parking (SPPR4 & SPPR 5) are identified as means for the achieving more compact growth in urban areas.
- 6.2.3. At Section 3.3.6 it is recognised that in the case of very small infill sites, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding property may take precedence over the densities set out in Chapter 3.

6.3. Natural Heritage Designations

There are no natural heritage designations close to the site.

6.4. EIA Screening

- 6.4.1. Having regard to the nature of the proposed 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.

7.0 The Appeal

7.1. Grounds of Appeal

- The development is not in keeping with the architectural integrity of the area and will create a terrace in an area of mainly semi-detached and detached properties.
- The proposal will make No 48 and end of terrace house, through no act of its owners. It will result in devaluation of the property.
- A previous decision to grant permission for a detached house on this site was overturned by An Bord Pleanála (ABP 310270-21).
- While there are some end of street houses that have been extended, there are no precedents for a separate dwelling as proposed on the site.
- The proposed vehicular entrance is located on a dangerous bend where visibility is poor. There are currently double yellow lines and a speed ramp in front of No 49.
- The proposal together with the proposed new house at No 1 Hillcrest Drive will increase vehicular activity and traffic hazard at the junction between Avondale Drive/Hillcrest Drive. There will be a reduction in visibility arising from the new buildings close to narrow roadways.

- The current congestion during peak hours makes it very difficult for residents to safely enter/exit driveways. This is exacerbated by the narrowness of Avondale Drive.
- Impacts on vehicular and pedestrian safety associated with the works required to create new driveways including adjustments to double yellow lines and dishing of footpaths.
- Adequacy of car parking.
- Mature tree on the site should be protected.
- Increased pressure on drainage and water services.
- The planning authority refers to an extension of No 49 and has erred in not recognising that these are two separate developments.

7.2. Applicant Response

None.

7.3. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

7.4. Observations

None

8.0 Assessment

8.1. Introduction

Having examined all the application and appeal documentation on file and having regard to the 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.

I would point out to the Board that my inspection of the site took place entirely from the public roadway at the front and side of the house.

8.1.1. I consider that the main issues that arise for determination by the Board in relation to this appeal relates to the following:

- Principle of the development.
- Impacts on the character and visual amenities of the area.
- Traffic & Pedestrian Safety.
- Other matters
- Appropriate Assessment

8.2. Principle of the development.

8.2.1. Having regard to the residential zoning objective for the site and the provisions of the development plan, which facilitates the extension of an existing house (Section 11.4.4.1) and the subdivision of an existing house curtilage to provide an additional dwelling in an existing built-up area (Section 11.4.4.3), I accept that the proposal is acceptable in principle, subject to compliance with the provisions of the development plan, relevant guidelines and development management standards.

8.2.2. The proposal would intensify the residential usage of the site which accords with the Sustainable and Compact Settlements: Guidelines for Planning Authority (2024) in terms of achieving compact growth and increased densities in urban areas.

8.3. Impacts on the character and visual amenities of the area of the area.

8.3.1. It is proposed to remove the conservatory at the rear of the existing house and construct an extension to provide additional ground floor accommodation. The single storey extension would be largely concealed from public view by the existing house and the proposed new build. No negative impacts on the character or visual amenities of the area would therefore arise from this part of the development.

8.3.2. The existing shed, garage and kitchen area of the existing house will be removed and a new two-storey dwelling constructed along the eastern side of the house. The provisions of the development plan (Section 11.4.4.3) facilitate the provision of an additional house in the side garden of an existing dwelling subject to certain requirements, including design and relationship with the existing dwelling and adjoining property.

- 8.3.3. The appellants raise issues regarding impacts on the architectural integrity of the area. The original streetscape of Avondale Drive was designed with semi-detached two-storey dwellings and adjoining garages. The streetscape has been significantly altered by the addition of new porches, conversion of garages, installation of varying window styles and the modernisation of properties. Through these haphazard interventions, the original form, design quality and architectural integrity of the streetscape has been impacted.
- 8.3.4. The proposed house will be located along the established building line on Avondale Drive. The ridge height, internal floor levels and window sizes in the front elevation would match those of adjoining houses. It is intended that the external finishes would match those of neighbouring dwellings, providing a pebble dash finish at first floor level and similar roof finish. A new material is proposed (timber cladding) at ground level which would wrap around the front and side elevation of the new dwelling. While the Design Statement provides examples of its use in the wider area, it is not of the scale proposed on the subject site. I have concerns that the use of the material of the scale proposed would be out of conformity with the established character in the area. Should the Board be minded to grant permission for the development, I would recommend that a condition be attached requiring that cladding be omitted.
- 8.3.5. I consider that the site has the capacity absorb the development and the proposed house due to its size, layout, design and relationship with the existing house and adjoining properties is not out of conformity with the scale and character of surrounding development. I do not therefore consider that the proposed development would significantly detract from the character or visual amenities of the area, to warrant refusal of permission on these grounds.
- 8.3.6. I would point out to the Board that parallels cannot be drawn between the current proposal and the previous refusal by the Board for a house on this site (ABP 310270). It proposed a detached house facing onto Hillcrest Drive and incorporating part of the rear garden of No 49 and its side garden. It was refused permission on the grounds of its scale, dominance and overbearing impacts leading to overshadowing and overlooking. Such impacts will not arise in the case of the current proposal.

8.4. Traffic and Pedestrian Safety

- 8.4.1. It is proposed to close up the existing entrance to the side of the house onto Hillcrest Drive and open up a new entrance adjacent to the existing access to the front of the site off Avondale Drive. On-site parking space for 2 no. cars is proposed for both the existing and the proposed house. The entrance widths have been reduced to comply with development plan standards and ensure that an excessive length of the front boundary wall is not removed. I note that the Road's Section have raised no objection to the proposal.
- 8.4.2. While I accept that the widths of the roads within the estate are narrow this together with speed ramps close to the junction discourages vehicles from travelling at high speeds, which provides safer conditions for both pedestrian and vehicular traffic. I do not consider that the relocation of the entrance as proposed would create additional impacts to warrant refusal of permission on traffic and pedestrian safety grounds.

8.5. Impacts on residential amenity

- 8.5.1. The proposal accords with the updated development standards for housing set out in the 'Sustainable Residential development and Compact Settlement Guidelines for Planning Authorities' (2024). In excess of the recommended minimum separation distance of 16m is provided between opposing windows on adjacent properties to the rear, ensuring the reasonable protection of residential amenity.
- 8.5.2. I would also note that the proposed house substantially complies with the minimum floor area and room size requirements for a typical 4 bed/7 person two-storey house set out in the Quality Housing for Sustainable Communities, 2007 (updated), such that a reasonable level of residential amenity would be afforded to future occupants.
- 8.5.3. I also note that the quantum of private open space proposed (210 sq.m) exceeds the minimum standard of 50 sq.m for a four-bedroom house set out in the 'Sustainable Residential development and Compact Settlement Guidelines Guidelines', and that the level of open space provision for the existing house (96 sq.m) is also compliant with these standards. The open space is south facing which will afford a high level of amenity to future occupants. A new hedgerow is proposed along the side wall of the site, which will protect the a privacy of the open space. I note that the issues raised regarding the mature tree have been addressed and the applicant has confirmed that it will be maintained and protected during construction.

8.6. Other matters

- 8.6.1. The residents of No 48 have concerns that the construction of the new house will result in their property becoming an end of terrace house with impacts on the value of their property. While the proposal will alter the semi-detached arrangement of No's 48/49, there is no evidence that devaluation of their house would occur..
- 8.7. Issues have been raised in the appeals regarding the location of the sewer that traverses rear gardens in the vicinity. It is noted that remedial works were required in the past and concern is expressed regarding the capacity of the sewer to cater for additional development. I note that details of the application were referred to Uisce Eireann who have raised no objection in this regard.
- 8.8. I would point out to the Board that Condition No 1 is not necessary in this case as the extension referred to in this condition is designed as an integral part of the existing house.

8.9. Appropriate Assessment

Having regard to the limited nature and scale of the development and its location within an urban area connected to public infrastructure, and the distance from any European site 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.

9.0 Recommendation

- 9.1. I recommend that permission be granted subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the residential zoning objective for the site and the provisions of the Limerick County Development Plan 2022-2028 which facilitates the provision of an additional dwelling in the side garden of an existing site, it is considered that subject to the compliance with the conditions set down below, the proposed development would not detract from the character of the existing streetscape, or the visual or residential amenities of the area, would be acceptable in terms of traffic safety and

convenience, and would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The proposed 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 20th day of February 2024, 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.</p> <p>Reason: In the interests of clarity.</p>
2.	<p>The existing house and the proposed house shall be occupied as single residential units and shall not be subdivided in any way by sale or letting.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The external finishes of the proposed development shall match the external finishes of the existing dwelling in terms of materials and colours, to details to be submitted to and agreed in writing with the planning authority. Timber cladding shall not be used.</p> <p>Reason: In the interests of visual amenity.</p>
4.	<p>Prior to the commencement of any development on the site, the developer shall submit proposal for the protection and maintenance of the existing mature tree on the site.</p> <p>Reason: In order to protect the existing mature tree on the site.</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interests of public health.</p>

6.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann:</p> <p>Reason: In the interests of public health.</p>
7.	<p>The footpath at the site entrances shall be suitably dished in accordance with details to be agreed in writing with the planning authority prior to the commencement of development on the site.</p> <p>Reason: In the interests of traffic and pedestrian safety.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the amenities of property in the vicinity.</p>
9.	<p>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 commencement of development. The plan shall provide details of the intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction and demolition waste.</p> <p>Reason: In the interests of public health and residential amenity.</p>
10.	<p>The developer shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from the site shall be drawn or deposited onto the public road. Any damage to the public road during construction works shall be repaired at the developer's expense.</p> <p>Reason: To avoid a traffic hazard and protect public property.</p>
11.	<p>Prior to commencement of the development, the developer shall submit a revised layout plan for the written agreement of the planning authority showing the bike storage area relocated to the rear of the site.</p>

	Reason: In the interest of visual amenity.
12.	<p>All service cables associated with the proposed development including electrical and telecommunications cables shall be located underground.</p> <p>Reason: In the interest of visual amenity.</p>
13.	<p>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.</p> <p>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.</p>

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.

.Breda Gannon
Planning Inspector

24th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 319390-24		
Proposed Development Summary	Demolition of the existing side annex, shed, rear garden wall and partial demolition of the entrance way and construction of a new single storey rear extension to the existing house and subdivision of the site to provide a new two-storey house with landscaping and car parking and new boundary wall to the rear and front. construction		
Development Address	49 Avondale Drive, Greystones. Ennis Road. Limerick.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No		No	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____