



An  
Bord  
Pleanála

## Inspector's Report

**ABP 319732-24**

### Development

Demolition of an extension to the side of dwelling, subdivide existing site and construct a new two-storey dwelling, entrance and ancillary site works.

### Location

44 Monaleen Heights, Castletroy.  
Limerick.

### Planning Authority

Limerick City & County Council.

### Planning Authority Reg. Ref.

2360814

### Applicant(s)

Deepack Jayaram.

### Type of Application

Permission.

### Planning Authority Decision

To Grant Permission.

### Type of Appeal

Third Party

### Appellant(s)

Rachel Guerin & Others.

### Observer(s)

None.

### Date of Site Inspection

September 5th 2024

### Inspector

Breda Gannon.

## **1.0 Site Location and Description**

- 1.1. The site is located at No 44 Monalee Heights, Castletroy, Limerick. It accommodates a single storey dwelling within a residential cul de sac. It is adjoined to the northeast by a two-storey residence and to the northwest and southwest by the rear gardens of adjoining dwellings. The front garden is enclosed by a low wall and the rear and side boundaries are defined by higher concrete walls, with high vegetation on adjoining property.
- 1.2. Monalee Heights is an established residential area in the eastern suburbs of Limerick city. It accommodates detached houses of various designs and proportions. It is accessed from Monalee Road which extends between the R445 to the north and the M7 to the south.

## **2.0 Proposed Development**

- 2.1.1. Permission is sought for the demolition of an existing extension (29 sq.m) to the side of the existing house accommodating a bedroom, kitchen/living room and bathroom and for the subdivision of the site and construction of a new two-storey dwelling, entrance and all ancillary site works.
- 2.1.2. The proposed development would comprise a two-storey pitched residence in the side garden of the house. The proposed house would be positioned in line with the front building line of the existing dwelling on the site and match its external finishes. It would have a floor area of c 116 sq.m and accommodate three bedrooms.

## **3.0 Further Information**

Further information on the application was requested by the planning authority on 9/01/24 on the following matters:

- Overdevelopment of the site with excessive plot ratio and limited separation distance with existing dwelling and side site boundaries. The height, scale and massing of the proposed development was considered to impact negatively on adjacent dwellings and the character of the area. It was recommended that

a revised contemporary design be considered in the form of a mews-type dwelling, subservient to the existing dwelling.

- Schedule of accommodation to be provided together with details of garden size for existing and proposed development and boundary treatment.
- Impact on boundary trees.

The response of 1/4/24 was to the satisfaction of the planning authority. It included a revised house design replacing the pitched with a mono-pitch roof and a ridge height of 5.7m. The first floor would be recessed behind the ground floor building line, with a similar floor area and accommodation provided.

## **4.0 Planning Authority Decision**

### **4.1. Decision**

The planning authority decided to grant permission for the development subject to 8 no. conditions

### **4.2. Planning Authority Reports**

#### **4.2.1. Planning Reports**

The planning officer's report of 24/04/24 considers that the redesign of the house in response to the further information request results in a development that would be subservient to the existing dwelling on the site.

Noting the concerns of the objectors regarding the density of the development, it is stated that the proposed dwelling had a relatively small footprint (62m<sup>2</sup>) compared to other dwellings in the area. Apart from the existing dwelling on the subject site and the dwelling opposite, which are both bungalows, all have a large two-storey element. There is also a mix of bungalows and two-storey houses in the adjacent Monaleen area.

With regard to impacts on residential amenity, given the height of the proposed dwelling (c 5.7m), the distance to existing residences and existing trees and vegetation, negative impacts on adjacent dwellings will not arise. The separation distances to adjacent properties, open space provision and floor area /room sizes

are considered to be in accordance with relevant guidelines. Boundary treatments are considered adequate and sufficient space will be maintained to ensure that overhanging branches of adjacent mature trees can be cut back.

#### 4.2.2. Other Technical Reports

**Roads & Traffic:** No objection subject to conditions.

#### 4.3. Prescribed Bodies

**Uisce Eireann** – No objection subject to conditions.

#### 4.4. Third Party Observations

Submissions were received from adjacent residents who raised the following matters:

- Design of proposed two-storey dwelling inappropriate and out of character with the area.
- Overdevelopment of the site, precedent created.
- Impacts on residential amenity arising from overlooking, overshadowing.
- Traffic and parking issues.

### 5.0 Planning History

**86/26050:** Permission granted for the conversion of existing garage to a family room and construction of domestic garage.

### 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.'*

Chapter 11 of the Plan contains Development Management Standards. Section 11.4.2. sets out residential quality standards.

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 proximate 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 site notice was removed two days prior to the deadline for submissions and the application is therefore invalid.
- The plot ratio is not in keeping with the local pattern of development and the revised proposals does not address the further information requested by the planning authority which refers to the plot ratio as excessive resulting in overdevelopment. The footprint of the development appears to have increased.
- The description of the development by the planning officer as 'storey and a half' is incorrect as the building is clearly two-storey with a flat roof. The building with a proposed height of 5.7m is not subservient to the adjoining bungalow and the introduction of a flat roof is of poor design quality and out of context in the area.
- No contiguous information has been provided. The appellants all live in bungalows adjacent, opposite and on the border of the proposed development. The proposed development will result in overlooking with impacts on privacy and overshadowing and loss of light.
- The proposal is in breach of the 2009 Sustainable Residential Guidelines regarding separation distances between directly opposing first floor windows and open space requirements.
- Traffic hazard associated with the use of the existing entrance by two dwellings.

- Damage to mature trees adjacent to the site boundaries due to the proximity of the proposed foundations. Damage to hedgehog habitat.

The appeal is supported by extracts from the Limerick Development Plan 2022-2028.

## **7.2. Applicant's Response**

- The applicant and his family were out of the country on April 11<sup>th</sup>, 2024 and do not know when the site notice was removed.
- The first house design submitted was not acceptable to the planning authority. In response to further information and following consultation with the planning authority a new house design was submitted.
- The separation distances to neighbouring properties complies with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (Section 5.3.1).
- Open space provision for the existing house and the proposed house complies with these Guidelines (Section 5.3.2).
- Details of the height and finish of the boundary walls have been submitted. The boundary between the existing and proposed house would be a concrete block wall 1.8m in height which will be stepped down to 1.1m at the front and will be plastered and capped. Existing boundary walls to the northwest and west are 1.8m in height and will be retained. These will be planted with creeping plants.
- The mature trees on the boundary are not in applicant's ownership. The neighbour has been approached and they are not agreeable to their removal.

## **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**

- 8.1.1. Having examined all the application and appeal documentation on file, 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.
- 8.1.2. 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 visual amenities of the area.
  - Impacts on the residential amenities.
  - Traffic & Parking.
  - Other matters.
  - Appropriate Assessment

### **8.2. Principle of the development**

- 8.2.1. 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.
- 8.2.2. Having regard to the residential zoning objective for the site and the provisions of the development plan, which facilitates the subdivision of an existing house curtilage to provide an additional dwelling in an existing built-up area, 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, which is discussed in more detail below.

### **8.3. Impacts on the visual amenities of the area.**

- 8.3.1. The subdivision of the subject site would result in a very restricted area (c 260 sq.m). The proposed house would be positioned very close to the side boundaries and the minimum separation distance of 3m (equally divided between the two dwellings) set out in the development plan (Section 11.4.2) cannot be achieved.



- 8.3.2. I do not share the opinion of the planning authority that the design of the proposed house would be acceptable in this location, or that it would be subservient to the existing dwelling. With a ridge height that extends c 1.5m above the ridge height of the existing house and the scale and mass of the house within a very narrow site, with minimum separation distances to side boundaries, the proposal would result in a development that is overbearing and unduly dominant in proximity to the existing house. While there are two-storey dwellings within the cul-de-sac, I consider that the overall design of the house with its blocky presentation is out of conformity with the scale and character of surrounding development.
- 8.3.3. I would therefore conclude that the site does, due to its restricted size and width does not have the capacity to absorb the development and the proposed house due to its size, design and relationship with the existing house and adjoining properties does not satisfy the development plan requirements set out in Section 11.4.4.3 for a house in the side garden of the existing house.
- 8.3.4. I would point out to the Board that the pattern of development in Monalee Heights consists of a series of cul-de-sacs off a spine road formed by Monalee Road. Each cul-de-sac accommodates 6 no. dwellings with two bungalows at either end. I do not consider that the proposal responds well to the scale and form of surrounding development and to if permitted is likely to create an undesirable precedent for further similar type development on restricted sites in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **8.4. Impacts on the residential amenities.**

- 8.4.1. 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 and side, ensuring the reasonable protection of residential amenity.
- 8.4.2. I would also note that the proposed house substantially complies with the minimum space requirements and room size requirements for a typical 3 bed/5 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.

- 8.4.3. While the quantum of private open space proposed (59.4 sq.m) would exceed the minimum standard of 40 sq.m for a three-bedroom house set out in the guidelines, I have concerns regarding the quality of the space at the rear of the proposed dwelling. The site is bounded by high walls (1.8m) to the rear and side which have been back planted with high vegetation. The planting is on neighbouring property, over which the occupants of the new dwelling would have no control and permission for its removal has been refused.
- 8.4.4. Having regard to the limited width of the site, the scale of the development proposed, the proximity to the site boundaries, the height of existing and proposed boundaries and high vegetation on neighbouring property, I have concerns regarding overshadowing and the quality of the open space proposed. This would significantly impact on its usability and the level of amenity afforded to future occupants of the house. The proposal therefore conflicts with the requirements of both the development plan and the guidelines which specify that adequate private open space which affords a high standard of amenity be provided for residents.

## **8.5. Traffic & Parking**

It is proposed to access the new house from a new access located immediately beside the existing site entrance. Due to its location at the end of the cul-de sac, which is relatively traffic free, I do not consider that it presents a significant traffic hazard. On site parking space would be available for both dwellings.

The proposed entrance would have a width of 4.1 m which is in excess of the development plan standard of 3m (Section 11.8.5). Should the Board consider that the proposal is otherwise acceptable, I accept that this matter can be addressed by condition.

### **Other Matters**

- 8.5.1. I draw the attention of the Board to the decision of the planning authority and the attached conditions. There is an error in Condition No 1 which refers to retention of development which is clearly incorrect. The dates of the receipt of the application and further information are also incorrectly stated.

- 8.5.2. Regarding the removal of the site notice, the application was received by the planning authority on 8/11/23. The site was inspected by the planning officer (12/12/23) and the notice was stated to be in position. It is clear that third parties were aware of the application, and I do not consider that their rights have been compromised in any way.

## **8.6. 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**

- 9.1.1. On the basis of the above assessment, I recommend that permission be refused for the retention of the development for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

1. Having regard to the scale, mass and height of the proposed house on a narrow restricted site with minimal separation distances to side boundaries, it is considered that the proposed development would be overbearing and unduly dominant in proximity to the existing house and out of conformity with the scale and character of surrounding development. It is considered that the proposed development due to its size, design and relationship with the existing house and adjoining properties does not satisfy the development plan requirements for a house in the side garden of the existing house set out in Section 11.4.4.4 of the Plan and would seriously impact on the visual amenities of the area and set an undesirable precedent for similar development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale, mass and height of the proposed development on a narrow restricted site, the proximity to the existing house and the height of

existing boundary walls and vegetation to the rear and side of the site, it is considered that the proposed area of private open space to the rear of the house would be significantly overshadowed which would impact on the quality and usability of the open space and would seriously impact on the amenity of the proposed house. The proposed development 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.

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Breda Gannon  
Planning Inspector

19th September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP 319732-24			
<b>Proposed Development Summary</b>	Demolition of an extension to the side of dwelling, subdivide existing site and construct a new two-storey dwelling, entrance and all ancillary site works.			
<b>Development Address</b>	44 Monaleen Heights, Castletroy. Limerick			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	YES	
		<b>No</b>	No further action required	
<b>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?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>		No	Proceed to Q.3	
<b>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]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_