



An  
Bord  
Pleanála

## Inspector's Report ABP-319852-24

<b>Development</b>	Relocation and alteration of domestic garage.
<b>Location</b>	Dunelm House, Caher Road, Islandduane, Mungret, Co. Limerick, V94 96V9
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2360304
<b>Applicant(s)</b>	Pat O'Connor and Nicola Cummins
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Pat O'Connor and Nicola Cummins
<b>Observer(s)</b>	Yvonne and Paul O'Donoghue.
<b>Date of Site Inspection</b>	23 <sup>rd</sup> September 2024
<b>Inspector</b>	Oluwatosin Kehinde



## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History .....	6
5.0 Policy Context .....	6
5.1. Development Plan .....	6
5.2. Natural Heritage Designations .....	6
5.3. EIA Screening .....	6
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.2. Observations .....	8
7.0 Assessment .....	8
8.0 AA Screening .....	9
9.0 Recommendation .....	9
10.0 Reasons and Considerations .....	9
Appendix 1 – Form 1: EIA Pre-Screening	

## **1.0 Site Location and Description**

- 1.1. The site is located on the south side of Caher Road, approximately 800m south of Mungret Regional F.C.
- 1.2. The site is characterised by a two-storey dwelling residential house. The observer's property (a two storey houses) adjoins the appeal site on the east and there exist a single storey detached house on the opposite side of the road.
- 1.3. Caher Road has no public lighting, no footpaths and no road markings along this stretch. High voltage wires erected on pylons cross the Caher Road a short distance to the south west of the appeal site. There is a speed limit of 50km/h along this stretch of the Caher Road (L1402).

## **2.0 Proposed Development**

- 2.1. The development relates to permission for the relocation and alteration of permitted detached domestic garage and all ancillary site works to the dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority (PA) issued a grant of permission subject to seven conditions. Condition 2, which is the grounds for appeal requires the applicant to relocate the garage in line with the front building line of the existing garage in the neighbouring property to the east of the site.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The decision to grant permission by the PA was informed by two reports from the Planning Officer (PO). The first report dated the 28<sup>th</sup> of June 2023 sought for Additional Information as the documentation submitted did not provide the adequate information to assess the application there were issues relating to

the ancillary works to the house, site suitability in terms of wastewater and sightlines.

- The second report of the PO dated 1<sup>st</sup> of May 2024 assessed the response by the applicant and was satisfied that issues had been addressed. They recommended that planning permission be granted.

### 3.2.2. Other Technical Reports

- Roads Section – the report dated 1<sup>st</sup> of May 2024 recommended that the Road Section were unable to sign off the application as further information had not been submitted
- Environmental Section – Initial report dated 28<sup>th</sup> of June 2023 requested for information on the location of the on-site wastewater treatment system and percolation area.

### 3.2.3. Conditions

- The PA have attached a bespoke condition, which is the subject of this appeal. Condition 2 states that  
  
“Prior to the commencement of any development on the site the applicant shall submit a revised site layout plan indicating the relocation of the garage in line with the front building line of the existing garage in the neighbouring property to the east of the site for written agreement of the Planning Authority. The 2-metre set in from the garage from the boundary shall be maintained  
  
Reason: in the interest of residential amenity”

### 3.3. Prescribed Bodies

- None received on file

### 3.4. Third Party Observations

One third party observation was received by the PA and it is summarised as follows

- Relocation of garage to the west of the site.

## 4.0 Planning History

The following relates to the appeal site

- PA Reg. Ref. 23/60305: Permission granted for the retention of as-constructed attic side window and revised site boundary to enclose an additional garden to the rear of the existing dwelling.
- PA Reg. Ref. 23/7013: Permission granted for Extension of period for permission granted under 17/1085 to construct a dwelling house.
- PA Reg. Ref. 17/1085: Permission granted for the construction of a two-storey dwelling house, wastewater treatment system, percolation area, entrance and all associated works.
- PA Reg. Ref DC-465-22: Enforcement warning letter for the non-compliance of conditions

## 5.0 Policy Context

### 5.1. Development Plan

The Limerick Development Plan 2022-2028 is the statutory plan for the area. While section 11.4.4 of the plan relates to other developments in built up areas, there are no specific guidance of domestic garages and as such the general overarching policies and objectives in the plan relating to the development would apply.

### 5.2. Natural Heritage Designations

Lower River Shannon SAC is approximately 2.6km to the north

River Shannon and River Fergus Estuaries SPA is approximately 2.6km to the north

### 5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- There is no established building line for domestic garages at this location
- There is an established building line of dwelling houses at this location formed by the appellant's house and the house furthest to the east. The house immediately east of the site that condition 2 refers to, is setback further than the established line and consequently the neighbouring garage to is set much further back within the site.
- It is submitted that if the neighbouring house was constructed in line with the established building line, the proposed location of the applicant's garage would be in line with the neighbouring garage.
- It is submitted that the aesthetics of the applicants' development will be compromised if condition 2 is upheld as the garage will be located at an excessive distance away from the main house.
- The proposed location of the garage does not lead to any form of overlooking or overshadowing of the neighbouring property. The location of the garage is optimal in terms of functionality and for purposes ancillary to the enjoyment of the dwelling.
- Upholding condition 2 would incur additional cost to run services to the garage and the garage would be excessively located making it inconvenient to purchase an electric car as the PA advocated though Condition 5 to have appropriate ducting for charging point on the external wall of the garage.
- Concern about safety having a garage far away from the main house and stated that, from a review of Google maps, no other house in the area has its garage so far away from the dwelling house.

## 6.2. Observations

- It is stated that there is a consistent building line of garages in the vicinity.
- It submits that in making their case to establish a building line in the area, the applicants' failed to disclose the new build west of the site. The existing surrounding buildings eliminate the reasoning of the applicants' point on established building line.
- The PA reviewed the location of the garage and moved it adjacent to the existing garage of the neighbouring dwelling.
- The Board to review PA 23/60304 and investigate the failure of the applicants to submit relevant further information.

## 7.0 Assessment

7.1. This is a first-party appeal only against Conditions No. 2 attached to the Planning Authority's decision to grant permission. Condition No. 2 requires the applicant to relocate the garage in line with the front building line of the existing garage in the neighbouring property to the east of the site.

7.2. Having regard to the nature and scale of the proposed development and the nature of condition no. 2 it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, and that a *de novo* assessment would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

### 7.3. Condition No. 2

The Planning Authority's reasoning for attaching this condition is stated as "in the interest of residential amenity". The Planning Officer considered that a revised location will ensure that the impact of the neighbouring and proposed garages are nullified in terms of location leading to any possible impact such as overlooking and overshadowing.

The proposed garage is 6m width and a depth of 9m. the proposed development will have a maximum height of 4m at ridge level. The garage will be placed to the rear of



the existing dwelling and at the gable end of the neighbouring house. Having regards to the design, scale and location of the garage, I do not consider that the garage will lead to any form of overlooking and overshadowing.

Caher road is a tertiary road within a 50km/h speed limit at the south western edge of Limerick City. This road is characterised by linear patterns of development particularly at the Mungret access and R526 access. The houses along Caher road are designed and configured to lend themselves to the rural setting of the area.

Having regards to rural character of the area and properties within the vicinity of the appeal site, I do not consider that there is an established building line for garages in the area. And as such, a condition to establish one is considered unreasonable.

## **8.0 AA Screening**

- 8.1. Having regard to the nature and scale of the proposed development, the receiving environment, the separation distances, and the absence of any pathway to European sites, it can be concluded that the proposed development, alone or in-combination with other plans or projects, would not give rise to any significant effects on any European site. As such, there is no requirement for a Natura Impact Statement in this case.

## **9.0 Recommendation**

- 9.1. I recommend that Condition 2 is removed from the permission as the proposed garage would not impact on the residential amenity of the area.

## **10.0 Reasons and Considerations**

- 10.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to remove condition number 2.

## REASONS AND CONSIDERATIONS

Having regards to the residential use of the site, and the pattern of development in the area, it is considered that the proposed garage, by reason of its scale, nature and design, and its location with respect to adjoining properties, would not detract from the character of the dwelling and would not seriously injure the amenities of the area or property in the vicinity by reason of overlooking or overshadowing. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.



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Oluwatosin Kehinde  
Planning Inspector

01<sup>st</sup> October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>			
<b>Proposed Development Summary</b>	Permission for the relocation and alteration of permitted detached domestic garage and all ancillary site works to the dwelling		
<b>Development Address</b>	Dunelm House, Caher Road, Islandduane, Mungret, Co. 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>	X
		<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>	X		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>No</b>	X		No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Oluwatosin Kehinde      Date: 01<sup>st</sup> October 2024