



An
Bord
Pleanála

Inspector's Report

ABP-319944-24

Development

Demolish an existing garden structure; modify an existing site entrance and form a new ramped access to the existing dwelling. The development will also consist of the construction of 2 dwellings and all associated site works.

Location

Lower Park, Corbally, Limerick, V94 NT0X

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2460001

Applicant(s)

Joseph Walsh

Type of Application

Permission.

Planning Authority Decision

Grant permission with conditions

Type of Appeal

Third Party

Appellant(s)

Bernard Spain

Observer(s)

No observers.

Date of Site Inspection

23rd September 2024

Inspector

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	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	6
5.1. Development Plan	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Applicant Response	8
7.0 Assessment	9
8.0 AA Screening	11
9.0 Recommendation	12
10.0 Reasons and Considerations	12
11.0 Conditions	12
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The appeal site is located at Lower Park in the established Corbally suburb of Limerick, north of the city centre. The majority of housing in the vicinity along College Park Road comprises single storey bungalows and dormer bungalows, some with integrated garages. House design and building finishes vary throughout the street. Houses are set back from the road and there is no established building line.
- 1.2. The appeal site comprises of a two-storey dwelling house and a garage with an extended garden immediately east of the house. The site is 0.106ha in size and bounded at the front by a mixture hard and soft boundary treatment. to the west side by an existing railway track.

2.0 Proposed Development

- 2.1. Permission is sought to demolish an existing garden pergola structure and to modify an existing site entrance and form new ramped access to existing dwelling plot. Permission is also sought to construct 2 No. dwellings, new combined entrance, boundary walls, off-street parking, connection to public services, including all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) decided to grant permission subject to 13 conditions, which were mostly standard in nature. Condition 4 states that:

A 2-meter high privacy wall shall be constructed along the rear and side boundaries. The wall shall be solid block, capped and rendered. Where there is a difference in ground levels between this site and adjoining properties, the level shall be taken as their average level.

Reason – in the interest of privacy and residential amenity

Condition 5 states that

All windows at first floor rear and gable elevations shall be opaque/frosted glass

Reason – in the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- There were two planning reports prepared by the Planning Officer (PO) to determine a grant of permission for the development. The first report dated 22nd of February 2024 established the suitability of the proposed development in principle and assessed the qualitative and quantitative elements of the development in line with the policies and objectives of the Limerick City and County Development Plan. Additional information was sought relating to issues of quality housing, safety audit and water drainage.
- The PO also carried out a preliminary EIA examination and concluded that the proposed dwellings are not a type of development provided for under schedule 5 of the Planning and Development Regulations 2001 (as amended). And as such a screening determination is not required.
- The second report dated 7th of May 2024 assessed the response by the applicant and was satisfied that issues had been addressed. The PO recommended that planning permission be granted for the development.
- An assessment of the need for AA, no significant impact to any SAC or SPA. The site is not located in a flood zone

3.2.2. Other Technical Reports

- Roads Section – report dated the 29th of April 2024 recommended an approval subject to conditions
- Environment Section - Report dated 7th of May 2024 recommended further information and conditions if proposed development is granted

3.3. Prescribed Bodies

Uisce Eireann (formal Irish Water) – Report dated 27th of January 2024 recommended no objections to the development subject to conditions. The report raised concerns regarding the 700mm diameter trunk watermain

3.4. Third Party Observations

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

- Two storey house type
- Distance from adjoining property
- Surface water drains within the property and impact of development on main water scheme.

Cllr John Egan made a public representation on the file

4.0 Planning History

No relevant planning history on site

5.0 Policy Context

5.1. Development Plan

The Limerick Development Plan 2022-2028 is the statutory plan for the area.

The appeal site is subject to zoning objective 2A Residential - To provide for residential development and associated uses.

Section 3.4.2.5 relates to Urban Character Area Objectives. UCA O2 – Surrounding Suburban Area covers the suburbs immediately adjoining the Inner-City Area to the north, south and east. This area includes the appeal site and it is the specific objective that

- Infill and brownfield development patterns to be favoured and
- Building Height Strategy to inform design of higher buildings.

It is the objective of the PA to encourage appropriate development of infill sites and Objective CGR O3 (b) states

Encourage and facilitate sustainable revitalisation and intensification of brownfield, infill, underutilised and backland urban sites, subject to compliance with all quantitative and qualitative Development Management Standards set out under Chapter 11 of this Plan

5.2. Natural Heritage Designations

The Lower River Shannon SAC (site code 002165) is located approximately 500 metres to the east and west of the appeal site.

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

- The proposed development is close to the boundary and will result in overlooking of the adjoining property. It is submitted that the windows to the rear and gable elevations of the units will cause overlooking and that if development is allowed, to omit these windows.
- The two houses are not appropriate and out of character with the existing pattern of development and density of the area. There is a uniform set back on the southern side of Lower Park Road where the 2 units will be located and the proposed development would infringe on the existing building line.

- The access onto the public road is wider than 10m and there are concerns about the traffic movements in and out of the communal parking for the development. It is submitted that this access point poses a risk to pedestrians walking along the public footpath at this location.
- There are concerns regarding the management and maintenance of the parking area.
- There are concerns regarding surface water drainage network within the appeal site and the adjoining site immediately east. It is submitted that the drainage drawings are not clearly shown. It raised that this issue was not fully considered in the determination by the PA and would lead to flooding. It is suggested that if the development is allowed that permeable paving should be required by condition.
- It is also submitted that the 700mm water main that passes through the site and the appellant's site can't be properly identified on the maps submitted by the applicant.

6.2. Applicant Response

- Regarding the overlooking of the adjoining property east of the appeal site, it is submitted that the omission of the windows and replacement of same by rooflights can be afforded by the applicant.
- That the former Station House turned dwelling establishes a forward building line that new dwellings can integrate with. That the site is in an urban area and to align the same building line would render many sites unusable.
- The traffic management of the proposal has been tested and recommendations of a Stage 1 Road Safety Audit adapted into the proposal.
- The ownership of the communal parking area is said to be irrelevant to the Third party and the scheme designed to accommodate the 10m PA wayleave.
- In terms of the surface water drainage, the proposed development would connect directly to existing public road infrastructure and have submitted Uisce Eireann mapping for the site showing the public infrastructure piping

which carries a 10m wayleave that the proposal has designed for. There are no issues with providing permeable paving and the inclusion of rain gardens.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design and layout
- Overlooking
- Traffic Safety
- Surface Water Drainage

7.2. Principle of Development

7.2.1. The site is located within an established residential area and zoned 2A – To provide for residential development and associated uses. The site is within an Urban Character Area immediately adjoining the inner-city of Limerick and it is the objective of the Limerick Development Plan to favour Infill and brownfield development patterns.

7.2.2. I consider that residential development would be generally acceptable at this location subject to the usual development assessment criteria. I am satisfied that the proposed development represents an appropriate use of urban lands in the area.

7.3. Design and Layout

7.3.1. The proposed development is configured to align with College Park Road and the 2 no. houses will be two storeys in nature with a maximum height of c. 7.3 meters. The house design is modest in nature and has total floor area of 101.34sqm. I consider that internal space provisions of the house to be consistent with the Quality Housing for Sustainable Communities national guidelines.

7.3.2. The appellant stated as part of the ground for appeal, that the 2 no. two storey houses will be out of character with the general pattern of development in the area. The properties along College Park Road are characterised by a variety of architectural styles ranging from single storey buildings to 2 storeys. Houses immediately east of the subject site exhibits a mixture of single storey and one and a half storey dwellings. While on the western direction of the site, there are predominantly 2 storey dwelling units. I consider that the provision of two storey dwellings on this site is appropriate given the urban context of the area. Having regards to the design, scale and setting of the proposed houses, I consider that the development proposed is consistent with the general pattern of development in the area.

7.3.3. On the issue of uniform set back, it was observed that some houses on the southern side of College Park Road have similar setbacks while others varied. The proposed houses are forward of the building line of the properties south of College Park Road. Having regards to the landscaping, front and side boundary treatments of existing houses along this road, I am of the opinion that the positioning of the proposed houses will not detract from the existing setbacks in the area.

7.4. Overlooking

7.4.1. The third party appeal submission outlined that the development is close to the boundary and this would lead to overlooking issues from the first floor gable and rear windows. The gable windows are associated with the first floor bathrooms and having regards to the configuration of these houses, it is my opinion that the gable windows will not cause any significant overlooking of other properties in the area. However, the first floor rear windows of the houses have the potential to present overlooking issues.

7.4.2. The houses are to be positioned forward of the houses along the southern side of College Park Road. Proposed House No.1 is north of the closest adjoining property and more than 5 meters away. By reason of location, these windows would lead to overlooking issues. The first floor layout of the houses provides for three bedrooms to the front and a stairwell plus landing with a shower room to the rear. The rear windows are positioned to light the stairwell and not a habitable room. The applicant in their response to the third party appeal has suggested providing a roof light in

place of the rear windows which would avoid any form of overlooking. It is my opinion that, if the rear windows were to be removed and no openings provided at the rear elevation, the rear of the houses can present a wall effect. Given that the function of these rear windows are to provide lighting to the stairwell, I consider that the first floor rear windows can remain but be glazed with obscure glazing.

7.5. Traffic safety

- 7.5.1. The proposed car parking arrangement for development is located over a drainage infrastructure known as the 700mm trunk watermain with a 10m way leave. The third party appeal has raised concerns regarding the traffic movements in and out of the parking area. As part of the response to Further Information requested by the PA, a stage 1 Road Safety Audit was submitted together with a Swept Path analysis. The recommendation of audit has been adapted to a revised layout. The footpath will be increased to 1.8m, planters to the front of the development will not exceed 900mm in height to provide adequate visibility for vehicles and pedestrians. College Park Road is within the 30km/h and 50km/h speed limit zone in an urban setting. Having regards to the revised drawings, I am satisfied that the development will not lead to any significant levels of traffic that will cause safety concerns.

7.6. Surface Water Drainage

- 7.6.1. The proposed development will be connecting to the existing drainage network, and it is the intention of the applicant to install Sustainable Drainage systems (SuDS) measures on site to include permeable paving and Water Butts. I am satisfied that the proposed works relating to surface water drainage management will not lead any form of flooding. I note the advice from Uisce Eireann regarding pre commencement conditions.

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 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

I recommend that permission be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the nature and scale of the proposed development, within the settlement boundary of Limerick City and Suburbs and on a site with an '2A – Residential' zoning objective, it is considered that the proposal would be in accordance with the Limerick Development Plan 2022-2028, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 24th day of April 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 interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The first floor rear windows of the houses shall be of obscure glazing.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>Details of the materials, boundary treatments, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development</p>
4.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
5.	<p>The applicant/developer shall comply with the following:</p> <p>(a) The proposed development shall be restricted to one car parking space per house only.</p> <p>(b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.</p> <p>Reason: In the interests of traffic and pedestrian safety.</p>
6.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Adhere to any other specific requirements.</p>

	Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours 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: In order to safeguard the amenities of properties in the vicinity.</p>
9.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
10.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>(a) The proposed SuDS measures shall be implemented in full. A final SuDS design and maintenance plan shall be submitted for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>

11.	<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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála 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, as amended, 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.



Oluwatosin Kehinde
Planning Inspector

07th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference				
Proposed Development Summary	To demolish an existing garden structure, modify an existing site entrance and form new ramped access to existing dwelling plot. Permission is also sought to construct 2 No. dwellings			
Development Address	Lower Park, Corbally, Limerick, V94 NT0X			
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	X
			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	X	2 No. Residential development units	EIA Mandatory EIAR required	
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)	Conclusion
No				No EIAR or Preliminary Examination required
Yes	X	Residential Development	2 No. dwelling houses	Proceed to Q.4

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

Inspector: Oluwatosin Kehinde Date: 07th October 2024