



An
Coimisiún
Pleanála

Inspector's Report ABP-320232-24

Development

Protected Structure (NIAH NO. 21521072, RPS NO. 4060):
Construction of an outbuilding on the site with the demolition of a metal guardrail to the existing second floor terrace and replacement with a new glass guardrail; the replacement of existing single-glazing with double-glazing for all existing windows and doors; internal alterations to the existing dwelling and all associated site works.

Location

Doonea, O'Connell Avenue, Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2360565

Applicants

Ian Doran & Annette Pearse

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant	Anne Marie O'Hanrahan
Observers	None
Date of Site Inspection	9/4/2025
Inspector	Siobhan Carroll

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site of the subject appeal is located at 'Doonea', O'Connell Avenue, Limerick. O'Connell Avenue is located circa 1km to the south of Limerick City Centre. The site has a stated area of 0.036 hectares. The site contains a three-storey, two-bay terraced dwelling. The property is a Protected Structure which was built circa 1910. It is part of a terrace of three other properties which are setback from the public road and enclosed by fine boundary wall and railings. The property lies within O'Connell Avenue Architectural Conservation Area.
- 1.2. The dwelling features a three-sided bay window with balustraded balcony above accessed through large three-centred arched opening. There is a centrally placed gabled half dormer to second floor. The external finishes comprise at ground floor red brick with limestone plinth and pebbledash render walls to the first and second floors. The pitched roof has a natural slate finish, and it contains red brick chimneystacks to the north and south party wall.
- 1.3. To the north of the terrace there is a laneway which provides access to the east. The appellant's property is located to the north of the appeal site. It is a two-storey detached dwelling which has been built in part of the former rear garden of the adjoining end of terrace dwelling.

2.0 Proposed Development

- 2.1. Permission is sought for the retention for the development that will consist of (1) the demolition of a metal guardrail to the existing 2nd floor terrace at the rear of the dwelling and replacement with a new glass guardrail and an aluminium faced planter, (2) the replacement of existing single-glazing with double-glazing for all existing windows and doors, (3) the internal wall reconfiguration to accommodate minor changes to the internal layout, (4) the construction of a new 15 m² single storey outbuilding ancillary to the dwelling, to the rear of the site, (5) new hard and soft landscaping to the front and rear of the site, and all associated site works above and below ground. This is a Protected Structure (NIAH NO. 21521072, RPS NO. 4060)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Limerick City and County Council decided to grant permission by Order dated 25th of June 2024, subject to 4 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Further Information was requested in relation to the following;

1. It would appear that the unit in the rear garden area has been built up to and on a party boundary. This is not permitted. The Applicant shall address this issue through a revised proposal or the submission of written agreement with the adjoining property owner. Additionally, the Applicant shall clarify what this unit is used for, as it would not appear to be an 'outbuilding' as described in the public notices. Photographic survey of the inside of the unit is required.
2. Please submit a photographic survey of the works carried out to the second storey 'terraced area' - clearly labelled.
3. The Planning Authority is extremely concerned with regard to the loss of amenity the terrace element will cause to the surrounding property. The Applicant is invited to submit a Planning Statement clearly setting out the need for this element and how issues of overlooking might be addressed? The Applicant shall note that a terrace/balcony element is not normally permitted, and a revised proposal is advised.
4. Please submit the following information order to comply with Objective EH O50 Work to Protected Structures as set out in the Development Plan:
 - a. Information in respect of the dates and timelines for the works undertaken since: The establishment of the O'Connell Avenue Architectural Conservation Area in 2010, with particular emphasis on all external works, to include roofing cover works; Issuing of the Proposed Protected Structures Notice in mid-2021, with particular emphasis on all internal works, but also to include external works.

- b. Augmentation of the submitted Architectural Heritage Impact Statement with material from the Valuation Office's Archives to provide more accurate dating for construction of the building, with analysis to establish land ownership, with conclusions in respect of developer of the terrace of buildings within which 'Doonea' is situated-Precise dating may assist in identifying the architect- the Edwardian / Arts and Crafts style found in Limerick is generally attributable to one practitioner.
- c. Access of all historic mapping in the Valuation Office's Archives, and held in recognised copyright Map Libraries, to establish the evolution of the site.
- d. Access of recognised copyright Map Library or Libraries' holdings to establish the precise date for the 25" mapping [Plan] on page 6 of the submitted Architectural Heritage Impact Statement to resolve conflict between the stated date of the change of name from Military Road to O'Connell Avenue.
- e. The applicants should be advised that the argument advanced in respect of the loss of historic glazing is not accepted. Neither is the implied argument made in respect of double glazing being immune from condensation. The State's National Buildings Regulations Authority took the decision in the early days of the changeover from the 'Listed Buildings' regime to the Protected Structures approach to architectural heritage preservation to exempt formally recognised heritage assets from the obligation to meet Conservation of Heat and Energy for a number of reasons- one being to ensure the retention of historic glass in situ as it is an extremely characterful element of a building's original / early fabric. Furthermore, the removal of original timber from casement sashes to accommodate the double-glazed units interferes directly with the original craftsman's design parameters for the material with which he was working-introducing potential weaknesses that decay mechanisms may exploit into the future. Please address.

- f. The matter of heat loss is mentioned- this is estimated to be in the region of 10% through historic windows. The outlay on inserting double glazing takes decades to recoup- it is an extremely inefficient approach to improving the energy efficiency of a historic building. Full record of the Methodologies and Specifications for the double-glazing works is to be prepared by the firm / tradesperson that undertook the works to include details of wood preparation following the modifications mentioned at Page 17 of the Architectural Heritage Impact Statement, glass fixings, glazing bedding materials etc.
- g. The issue of other insulation / energy efficiency works should be set out- work undertaken, materials used, compatibility with / suitability for historic fabric and materials expounded, with information on specifications and methodologies for the works.
- h. In respect of justifications for the changes to internal floor plans, on what basis is it stated that removed fabric and material was probable part of an earlier refurbishment-has a comparison been done with the adjacent building in the terrace. Please address.
- i. It is noted that justification in part for other internal alterations is founded on the concept of universal access- despite there being a statutory bar set out in the grounding legislation for the provision of such facility for protected structures. Please address.
- j. It is apparent that a number of architectural items, fixtures and features, installed originally have been removed from their original location. No information is provided on their whereabouts. Please address.
- k. The matter of the flat-roofed extension and the associated railings (materials and condition) and selected replacement requires elaboration. Please address.

- 3.2.3. Planning Report dated 10/6/24 - It was concluded in the report of the Planning Officer that all the items in the further information requested had been satisfactory addressed. Permission was recommended.
- 3.2.4. Other Technical Reports
- 3.2.5. Conservation Officer - report dated 28/9/23: Further Information requested.
- 3.2.6. Conditions attached by the Planning Authority
- 3.2.7. Regarding the decision of the Planning Authority to grant permission, I note that the following condition was attached.
- 3.2.8. Condition no. 4 – The outbuilding shall only be used for storage purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial or habitable purposes. Reason: In the interest of visual amenity, residential amenity and the orderly development of the area.
- 3.2.9. In relation to the condition, I would recommend that should the Commission decide to grant permission for the proposed development that a similarly worded condition be attached in order to ensure the protection of residential and visual amenity.

3.3. Prescribed Bodies

- 3.3.1. Irish Water: - report dated 16/09/23: - No objection subject to connection agreement.
- 3.3.2. Department of Housing, Local Government and Heritage: Development Applications Unit - Natural Heritage Service: - report dated 3/10/24: - It is considered that the applicant's conservation architect has responded in a detailed and satisfactory manner to the issues raised by the Architectural Conservation Officer relating to the changes to the Protected Structure. To this end, the Department has no objection on architectural heritage grounds to the grant of permission.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received one submissions/observations in relation to the application. The issues raised are similar to those set out in the appeal.

4.0 Planning History

- None

5.0 Policy Context

5.1. Limerick Development Plan 2022 – 2028

- 5.1.1. The property 'Doonea', O'Connell Avenue, Limerick is a Protected Structure – RPS Reg. No. 4060 & NIAH Reg No. 21521072 – Description: Terraced two-bay three-storey rendered house built c. 1910.
- 5.1.2. The appeal site is located within Architectural Conservation Area (ACA) 3 – O'Connell Avenue.
- 5.1.3. Section 2.3 of Volume 3 of the Plan refers to ACA 3 - This ACA is characterised by the migration of affluent citizens from Georgian Limerick to more salubrious, former suburban locations in the early 19th Century, offering more expansive houses with gardens, in particular to O'Connell Avenue, North and South Circular Roads, Ennis Road, Ballinacurra Road and Mill Road. The streetscape displays many fine examples of ornate late 19th and early 20th Century terraced dwellings, with Edwardian and Victorian features, including bay windows, circular windows, balustraded balconies, pebble stone render, stucco detail, white brick dressings, use of redbrick and limestone, iron railings and gates with fine stone walls. Technical advances in the manufacturing of construction material such as the use of machine-made red brick replacing hand-made brick, and cast iron replacing wrought iron features, are evident on Quin Street. There is a range of residential types including terraced and detached, single storey stuccoed villas, two and three storey houses, some with basements.
- 5.1.4. Chapter 4 refers to Housing
- 5.1.5. Objective HO O3 – Protection of Existing Residential Amenity

It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.

5.1.6. Chapter 6 refers to Environment, Heritage, Landscape and Green Infrastructure

5.1.7. Objective EH O5O – Work to Protected Structures

It is an objective of the Council to:

- a) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- b) Ensure that any development proposals to Protected Structures, their curtilage and setting, shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Arts, Heritage and the Gaeltacht.
- c) Ensure that all works are carried out under the supervision of a qualified professional with specialised conservation expertise.
- d) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/ or its setting, is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- e) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.
- f) Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.
- g) Support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc.) previously existed.
- h) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- i) Protect the curtilage of Protected Structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds, that would adversely impact on the special character of the Protected Structure.

j) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

k) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development.

5.1.8. Objective EH O53 – Architectural Conservation Areas

It is an objective of the Council to:

a) Protect the character and special interest of an area, which has been designated as an Architectural Conservation Area (ACA) as set out in Volume 3.

b) Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character briefs for each area.

c) Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA, is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.

d) Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner, rather than a replica of a historic building style.

e) Seek the retention of all features that contribute to the character of an ACA, including boundary walls, railings, soft landscaping, traditional paving and street furniture.

f) Seek to safeguard the Georgian heritage of Limerick.

5.2. **Architectural Heritage Protection Guidelines for Planning Authorities (2011)**

5.2.1. Chapter 3 refers to The Development Plan - Architectural Conservation Areas

5.2.2. Chapter 6 refers to Development Control

5.2.3. Chapter 7 refers to Conservation Principles

5.3. Natural Heritage Designations

- 5.3.1. Lower River Shannon SAC (Site Code 002165) is located circa 897m to the north of the appeal site.
- 5.3.2. 5.3.2 River Shannon and River Fergus SPA (Site Code 004077) is located circa 847m to the north of the appeal site.

5.4. EIA Screening

- 5.4.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by R.M. O'Hanrahan Architecture on behalf of the appellant Anne Marie O'Hanrahan. The issues raised are as follows;

- The principal issue of concern is that the Planning Authority have accepted the argument made by the applicants in which they stated that the balcony area to the upper level was always as such.
- It is stated in the appeal that the area was not previously in use as private open space. A photograph from 1991 is included with the appeal.
- It is noted that a central chimney was located at the area where the balcony is currently located. Therefore, it is stated that the area was previously relatively private and not inclined to overlook adjoining properties.
- It is considered that the original architects intended for this row of houses to have identical balconies. It is noted that presently all four properties have different responses to how this area is delineated and used.

- It is submitted that the creation of an outdoor amenity at high level results in overlooking of adjoining properties which would be contrary to the relevant provisions of the Limerick Development Plan 2022-2028, specifically Section 11.2 which refers to Residential Development – Design, Principles and Standards. Also, section 4.2.5 which refers to Protecting Existing Residential Amenity. It advises that residential amenity is influenced by a range of factors, such as private outdoor amenity space, privacy and natural light. The relationship of buildings to each other and their individual design can have a significant impact on these factors and on residents' comfort. In older residential areas, infill development will be encouraged, while still protecting the existing residential amenity of these areas.
- Objective HO 03 refers to Protection of Existing Residential Amenity and states that it is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.
- The applicants have removed the metal railing and have replaced it with glazing. The change in boundary treatment in this manner is considered acceptable however concern is expressed at the use of the area as an amenity space.
- The appellant is not satisfied that the report of the Planning Officer addressed the matter of the upper floor amenity area. They submit that the use of the balcony as amenity space represents an unauthorised change of use.
- The appeal refers to a section 5 referral which the Board previously dealt with the question posed referred to whether the class and type of goods being sold represented a material change of use and contravened a condition. It was alleged that the unit was being used for the sale of non-bulky goods, such as kitchenware, cooking utensils, cleaning items, bathroom accessories, towels, candles, cushions, bed linen, clocks and picture frames. In assessing the case the Inspector attached weight to the revised definition of "bulky goods" under the 2012 version of the guidelines and concluded that it tightened the scope of the definition and removed ambiguity with regard to the type of

goods which could be sold from retail warehouse units. The Inspector recommended a finding that there had been a material change of use.

- They request that the use of the area should be restricted by way of condition to an area for means of escape and of access to the roof for maintenance purposes.
- They request that it be conditioned that the glazing to the area be opaque with at least three of the panels which face their rear garden to have opaque glass.

6.2. Applicant Response

A response to the third party appeal has been submitted by HRA Planning on behalf of the applicants Ian Doran & Annette Pease. The main issues raised are as follows;

- The third party appeal seeks to contest that provision of the balcony which forms of the application. It is contended in the appeal that the proposal would be contrary to Objective HO 03 of the Development Plan which refers to 'Protection of Existing Residential Amenities'. It is set out in the appeal that the balcony overlooks adjacent properties.
- It is set out in the appeal that no change of use of the terrace roof had been permitted, and it suggest its use is unauthorised.
- The appeal makes reference to a Section 5 referral made to An Bord Pleanála regarding the interpretation of 'change of use' (with reference to the scale of certain goods within some undefined retail warehouse development). This reference is wholly unrelatable to the subject application or the merit of the case and therefore has no basis for consideration as part of this appeal.
- The applicant submits that no change of use has occurred given that the refurbishment works to the rear roof terrace roof and/or the use of it is incidental to the established and permitted residential use of the property.
- For the purposes of clarity, the description of these works in the third party appeal statement to provision of a 'balcony' is incorrect and misleading. These works all occur within the footprint of the existing external roof terrace whereas the definition of a 'balcony' generally relates to a platform that is

attached to the façade or side of a building and generally extends out from it. The development works do not provide for a balcony.

- Regarding the nature and extent of the works proposed, the replacement of the existing single-glazed windows and doors and the minor internal layout changes was fundamental to ensure essential energy efficiency and functionality of use of the property.
- In terms of the internal changes the statement prepared by the conservation architect, Michael Pledge Architects, as part of the response submission to the request for further information and the Architectural Heritage Impact Statement confirmed in respect to internal alterations that all architectural items, features and fittings such as entrance doors, original tile floor and finishes, picture rails, architraves, coving, cornicing, radiators, ceiling roses and fireplaces were retained without change. Where internal changes have occurred the architraves and skirting have been finished to match the existing period where appropriate.
- In relation to the works to the rear terrace the conservation report had confirmed that the existing flat roof was in need of repair and upgrade to achieve internal thermal improvement, and that the surrounding balustrade guard railing was damaged with a section missing. A photographic record was submitted with the professional opinion of the conservation architect in the response to the request for further information.
- The outbuilding is positioned to the rear north-eastern side of the back garden adjacent to be stepped back from the party boundary wall with the neighbour (the appellant's property) to the north. The outbuilding is intended for use as personal office space by the property owner ancillary to the enjoyment of the house. It is of modest scale, form and proportion and of simplistic contemporary design. Its position at the rear of the property in no way competes or detracts from the character or setting of the main dwelling house.
- In relation to the refurbishment works to the rear terrace they are confined to its floor plate and are sympathetic in scale and form to the character of the rear elevation. The fundamental architectural form of the rear elevation in

terms of the flat roof remains in place. It is considered that the works contribute positively to the aesthetic quality of the rear elevation.

- The replacement of the balustrade with glass screen does not undermine any special character or feature given the irreparable nature of the existing railings and the considerably poor quality and visual amenity of the existing terrace and flat roof. The works to the terrace are neither injurious to the exceptional character and special interest of the front elevation, or to any character of the rear of the property when considered either by itself or as part of the appearance of the rear of adjacent properties collectively.
- The development works are thus considered consistent with the objective EH O50 of the Limerick Development Plan in respect to 'Work to a Protected Structure where it is the objective of the Council to interalia – Protect Structures included on the RPS from any works that would negatively impact their special character or appearance; Ensure that any development, modification, alteration or extension affecting a Protected Structure and/or its setting, is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout and materials and Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gats and piers and any other associated curtilage features.
- The applicant confirms that the subject works to the rear terrace are only intended to enhance its useability for use ancillary to their enjoyment of the property. The design has been consciously considered in relation to the proximity, orientation and juxtaposition of adjacent properties including the appellant's property.
- The design includes the provision of bench seating placed close to the rear building line and orientated southward in a fixed position. This is in lieu of providing formal seating positioned closer to the eastern edge of the terrace and orientated in a fixed position eastward or north-eastward. The orientation and position of the bench seating was intended for the express purpose of dismissing any suggestion of intentional overlooking of adjacent properties.
- It is highlighted that the terrace does not extend beyond its established footprint defined by the balustrade and replaced with more aesthetic glazed

treatment. The applicant respectfully contests that there is no difference in terms of potential effect on the amenity of adjacent residential properties arising from the use between pre and post works given the existing access to the terrace and given that the applicant could have freely placed casual seating on the existing terrace and enjoyed the same amenity.

- The appellant's initial concerns as stated in the submission to the Planning Authority referred to impact on their amenity caused by a reduction in natural light. That was addressed by the applicant by lowering the height of the building during construction. The appellant's submission also referred to impact caused by loss of the silence enjoyed by the use of their garden space as a result of the use of the terrace by the applicant. It is highlighted that neither of these points have been mentioned in the appeal.
- The subject works do not introduce any noise levels such that would give rise to adverse effects to the amenity of adjacent property anymore than the enjoyment of the house in its pre-work context. It is highlighted that the site is within a highly urbanised city location.
- The subject works do not introduce the concept of overlooking into any adjacent property beyond the established and permissible level of passive overlooking which exists due to the proximity between adjacent properties within this built-up urban context.
- The appellant's property is built as a mews development occupying the former rear garden of the adjacent property. By its nature, its amenity provision is inherently confined by reduced space and orientation by virtue of its mews character. This presents an established principle of close proximity between the appellant's property and adjacent properties including the applicant's dwelling and including the passive use of the second and third floor windows and the associated rear terrace of those properties.
- The applicant respectfully submits that the perception is likely to differ substantially from reality in that the terrace does not present any clear, direct and unobstructive or invasive view into the appellant's property.

- A number of photographs are included with the appeal response. It is stated that the terrace is not orientated directly at the appellant's property and that there are other structures and features positioned between the terrace and the appellant's property which clearly limit any unobstructed view within the appellant's property. It is noted that there are a number of directly opposing first floor windows directly facing the appellant's property rather than the applicant's terrace.
- Having regard to the nature of the development which does not give rise to adverse effect by way of increase noise or overlooking of adjacent properties and having regard to the characteristics of this urban location and the established pattern of development in the vicinity, the applicant respectfully submits that the proposed development would not give rise to adverse effects on the residential amenity of adjacent residential properties or the appellant property and this would not be contrary to the provisions of Objective HO 03 of the Limerick Development Plan.
- For the reasons set out in the appeal response including the clarification of the sympathetic and respectful nature and the refurbishment works relative to the special character and interest of the structure as a protected structure, demonstrable compliance with Objective EHO5O (works to Protected Structures) and Objective EH O53 (Architectural Conservation Area) and the absence of effect on the amenity of adjacent properties consistent with Objective HO O3 (Protection of Existing Residential Amenity), the applicant respectfully requests that the Commission uphold the decision of the Planning Authority and grant planning permission.

6.3. Planning Authority Response

- None

7.0 Assessment

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is as follows:

- Works to the Protected Structure
- Impact on adjacent Residential Amenity

7.1. Works to the Protected Structure

- 7.1.1. Permission is sought for the retention of development and for development at the 'Doonea', O'Connell Avenue, Limerick. The subject property is a Protected Structure. RPS Reg. No. 4060 & NIAH Reg No. 21521072. It is described a terraced two-bay three-storey rendered house, built c. 1910 and it is categorised as being of Regional significance and of Architectural and Artistic special interest.
- 7.1.2. The elements of the application which it is proposed to retain comprise the demolition of a metal guardrail to the existing 2nd floor terrace at the rear of the dwelling and replacement with a new glass guardrail and an aluminium faced planter, the replacement of existing single-glazing with double-glazing for all existing windows and doors the replacement of existing single-glazing with double-glazing for all existing windows and doors and internal wall reconfiguration to accommodate minor changes to the internal layout. The elements of the application for which permission is sought to construct them comprises a 15sq m single storey outbuilding ancillary to the dwelling to the rear of the site. The application was accompanied with an Architectural Heritage Impact Statement.
- 7.1.3. The Planning Authority in their assessment of the proposal sought further information in respect of a number of matters including the proposed use of the outbuilding, the second storey 'terraced area' and details of how the proposal complies with Objective EH O50 Work to Protected Structures as set out in the Development Plan. In relation to the first matter concerning the proposed use of the outbuilding it was confirmed that it would be used as a home office and study area. In relation to the second matter concerning the second storey 'terraced area' I shall address this in the subsequent section of the assessment. In relation to the third matter concerning how the proposal complies with Objective EH O50 of the Development Plan, the response provided by Michael Pledge Architect includes a photographic survey of the property along with details of the works carried out including for energy upgrades and to provide universal access to meet personal requirements. Following the

submission of the response to the further information the Planning Authority were satisfied that all the issues raised were adequately addressed. This included that they were satisfied that the proposals were in accordance with Objective EH O50 of the Development Plan which refers to Work to Protected Structures. Furthermore, I note that the report from the Development Applications Unit from the Department of Housing, Local Government and Heritage dated 3rd October 2024 which states that they consider that the applicant's conservation architect has responded in a detailed and satisfactory manner to the issues raised by the Architectural Conservation Officer relating to the changes to the Protected Structure. They concluded that they had no objection on architectural heritage grounds to the grant of permission.

- 7.1.4. Accordingly, having regard to the design, nature and scale of the proposed development and development to be retained and the details set out above I consider that the proposal and would not adversely impact on the character and setting of the Protected Structure and would be acceptable and in accordance with the relevant provisions of the Limerick City and County Development Plan 2022-2028.

7.2. Impact on adjacent Residential Amenity

- 7.2.1. The grounds of appeal primarily refer to the use of the second floor terrace at the rear of the dwelling and the proposal to retain the glass guardrail and aluminium faced planter which replaced the former metal guardrail.
- 7.2.2. The Planning Authority in their assessment of the proposal sought further information in respect of a number of matters including the provision of a photographic survey of the works carried out to the second storey 'terraced area' and also that a Planning Statement be provided setting out the need for that element of the scheme and how issues of overlooking are addressed. The response submitted by the applicant included photographs of the second floor terrace area prior to the works being carried out and following the works being carried out. The submitted photographs illustrate the clear glazing which has been erected along the northern and eastern boundaries of the terrace, along with the aluminium planter box and countertop with storage installed along the southern side of the terrace and the perforated aluminium planter with integrated inward facing seating which is installed to the northern side of the terrace.

- 7.2.3. The appellant has raised concern at the use of the second floor terrace for amenity purposes. It is set out in the appeal that the use of the second floor terrace would be a change of use. The first party in their appeal response submit that no change of use has occurred given that the refurbishment works to the rear roof terrace roof and/or the use of it is incidental to the established and permitted residential use of the property.
- 7.2.4. The Planning Authority in the further information raised the matter of the use of the terrace. The response from the applicant stated that a balcony existed in this location prior to works commencing on the property. The photographs submitted as part of the further information response indicate that the second floor terrace area with railings was in place previously along with balconies and railings on the neighbouring properties. The report of the Planning Officer dated 10/6/24, which assessed the further information response stated that the retention of the balcony element was considered reasonable in the context of the fact that it was pre-existing and the adjoining dwellings have the same structure in place. Accordingly, having regard to the details provided I am satisfied that the use of the second floor terrace for amenity purposes ancillary to the use of the dwelling was pre-existing and therefore the retention of the subject balcony would be acceptable on that basis.
- 7.2.5. In relation to the matter of overlooking the first party submit that the proposed development does not introduce the concept of overlooking into any adjacent property beyond the established and permissible level of passive overlooking which exists due to the proximity between adjacent properties within this built-up urban context. They state that the that the proposed development would not give rise to adverse effects on the residential amenity of adjacent residential properties or the appellant property and this would not be contrary to the provisions of Objective HO 03 of the Limerick Development Plan.
- 7.2.6. In relation to the appellant's property, it is the mews dwelling which was constructed to the rear of the immediate neighbouring property at Osma. The first party in their appeal response highlighted that the second floor terrace is not orientated directly at the appellant's property and that there are other structures and features positioned between the terrace and the appellant's property which limit any unobstructed view within the appellant's property. They also noted that there are a number of directly opposing first floor windows directly facing the appellant's property rather than the

applicant's terrace. Furthermore, regarding the matter of overlooking and use of the terrace the first party stated that the design of the area includes bench seating which has been placed close to the rear building line. The bench is orientated southward, and it is in a fixed position. The first party state that this bench seating was intentionally orientated and positioned in order to address concerns regarding potential overlooking. I note the points made by the first party in relation to location of the second floor terrace relative to the appellant's property and I would therefore conclude that it would not result in any undue new overlooking.

- 7.2.7. It is requested in the appeal that the clear glass panels be replaced by opaque glass with at least three of the panels which face their rear garden to have opaque glass. In relation to this matter, I do not consider that it is necessary, having regard to the assessment set out above. However, should the Commission consider it appropriate then a condition could be attached to a grant of permission requiring that the glass balustrade to the second floor terrace be fitted with opaque glazing.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 8.1.2. The subject site is located approx. 847m, at the closest point from River Shannon and River Fergus SPA (Site Code 004077) to the north. Lower River Shannon SAC (Site Code 002165) is approx. 897m to the north of the appeal site.
- 8.1.3. The proposed development comprises the retention of (1) the demolition of a metal guardrail to the existing 2nd floor terrace at the rear of the dwelling and replacement with a new glass guardrail and an aluminium faced planter, (2) the replacement of existing single-glazing with double-glazing for all existing windows and doors, (3) the internal wall reconfiguration to accommodate minor changes to the internal layout, (4) the construction of a new 15 m² single storey outbuilding ancillary to the dwelling, to the rear of the site, (5) new hard and soft landscaping to the front and rear of the site, and all associated site works above and below ground, all on a 0.036 hectare site, located on serviced lands within the suburbs to the west of Limerick City Centre.

- 8.1.4. No nature conservation concerns were raised in the planning appeal.
- 8.1.5. No streams/watercourses are identified on site.
- 8.1.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The nature of the works proposed which are located on serviced lands
 - The distance to the nearest European sites, and the absence of any hydrological or other pathways
 - Taking into account the screening report by the Planning Authority
- 8.1.7. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.1.8. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

9.0 Water Framework Directive

- 9.1.1. The subject site is located 'Doonea', O'Connell Avenue, Limerick. It is situated circa 1km to the west of Limerick City Centre. The River Shannon is located to the north of the site. It is situated circa 846m from the site at the closest point. This forms part of Limerick Dock Transitional Waterbody (IE_SH_060_0900). Ballincurra Creek is located circa 1.2km to the south. This also forms part of Limerick Dock Transitional Waterbody. The ground waterbody Limerick City Southwest (Code IE_Sh_G_141) underlies the site.
- 9.1.2. The proposed development comprises the retention of (1) the demolition of a metal guardrail to the existing 2nd floor terrace at the rear of the dwelling and replacement with a new glass guardrail and an aluminium faced planter, (2) the replacement of existing single-glazing with double-glazing for all existing windows and doors, (3) the internal wall reconfiguration to accommodate minor changes to the internal layout, (4) the construction of a new 15 m² single storey outbuilding ancillary to the dwelling,

to the rear of the site, (5) new hard and soft landscaping to the front and rear of the site, and all associated site works above and below ground, all on a 0.036 hectare site, located on serviced lands within the suburbs to the west of Limerick City Centre. The grounds of appeal have not raised the matter of the Water Framework Directive.

9.1.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater waterbodies either qualitatively or quantitatively.

9.1.4. The reason for this conclusion is as follows:

- The small scale domestic nature of the development.
- The distance to the nearest surface water bodies.

Conclusion

9.1.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1.1. I recommend that permission be granted.

11.0 Reasons and Considerations

11.1. Having regard to the design, nature and scale of the proposed development and development to be retained and to the pattern of development in the vicinity, it is considered that subject to the conditions set out below, the proposed development would be acceptable and in accordance with the provisions of the Limerick Development Plan 2022-2028. The proposed development would not seriously injure the residential and visual amenities of the area or of property in the vicinity and would not adversely impact on the character and setting of the Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be retained and completed 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 30th day of May 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.

Reason: In the interest of clarity.

2. 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.

Reason: In the interest of public health.

3. The outbuilding shall only be used for storage purposes and purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial or habitable purposes.

Reason: In the interest of visual and residential amenity.

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.

Siobhan Carroll
Planning Inspector

8th July 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP 320232-24
Proposed Development Summary	Retention for the development that will consist of (1) the demolition of a metal guardrail to the existing 2nd floor terrace at the rear of the dwelling and replacement with a new glass guardrail and an aluminium faced planter, (2) the replacement of existing single-glazing with double-glazing for all existing windows and doors, (3) the internal wall reconfiguration to accommodate minor changes to the internal layout, (4) the construction of a new 15 m2 single storey outbuilding ancillary to the dwelling, to the rear of the site, (5) new hard and soft landscaping to the front and rear of the site, and all associated site works above and below ground.
Development Address	'Doonea', O'Connell Avenue, Limerick.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____