



An
Bord
Pleanála

Inspector's Report

ABP-320565-24

| | |
|-------------------------------------|---|
| Development | Attic conversion/extension, which will incorporate changes to the gable end, revised roof design and all associated site works. |
| Location | 5 Lansdowne Gardens, Ennis Road, Limerick, V94 PDE5 |
| Planning Authority | Limerick City and County Council |
| Planning Authority Reg. Ref. | 2460512 |
| Applicant(s) | Celine and Alan Gill |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Celine and Alan Gill |
| Observer(s) | None |
| Date of Site Inspection | 13 th November 2024 |
| Inspector | Matthew McRedmond |

Contents

| | |
|---|---|
| 1.0 Site Location and Description | 3 |
| 2.0 Proposed Development | 3 |
| 3.0 Planning Authority Decision | 3 |
| 3.1. Decision | 3 |
| 3.2. Planning Authority Reports | 4 |
| 4.0 Planning History..... | 4 |
| 5.0 Policy Context..... | 4 |
| 5.1. Limerick Development Plan 2022-2028 | 4 |
| 5.2. Natural Heritage Designations | 5 |
| 5.3. EIA Screening | 5 |
| 6.0 The Appeal | 5 |
| 6.1. Grounds of Appeal | 5 |
| 6.2. Planning Authority Response..... | 6 |
| 6.3. Observations..... | 6 |
| 6.4. Further Responses | 6 |
| 7.0 Assessment..... | 7 |
| 8.0 AA Screening..... | 9 |
| 9.0 Recommendation..... | 9 |
| 10.0 Reasons and Considerations..... | 9 |
| Appendix 1 – Form 1: EIA Pre-Screening, Form 2 – Preliminary Examination. | |

1.0 Site Location and Description

- 1.1. The subject site is located on the west side of Lansdowne Gardens, approximately 140m north of Ennis Road, in an established residential area in Limerick City. The site contains a two-storey, semi-detached dwelling with single-storey to the rear, with front and rear gardens and a driveway entrance. The rear garden boundary is largely made up of a concrete block wall c. 2 metres in height, with a similar masonry wall between the houses to the north and south.

2.0 Proposed Development

- 2.1. The proposed development consists of an attic conversion and extension, which includes the extension of the existing two-storey, main element of the house, to provide a dormer extension on the rear roof area. The proposed extension would result in alterations to the gable end of the existing dwelling and the roof profile of the rear of the property.

3.0 Planning Authority Decision

3.1. Decision

Limerick City and County Council Refused permission for the proposed development on the 19th July 2024. The following was the reason for refusal:

“The design for the attic conversion/extension as presented is incongruous with the existing roof profile of the house in question and the adjoining dwelling. The extension would be harmful to the visual and residential amenity of the site and surrounding area due to its excessive size, bulk and poor design. The extension would therefore be contrary to Objective O3 Protection of Existing Residential Amenity and section 11.4.4.1.3 Alterations at Roof/Attic Level of the Limerick Development Plan (2022-2028), the Existing Residential zoning objective which seeks to protect and improve existing residential amenity, and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority Planner had regard to the locational context of the site and local planning policy. Their assessment noted the following:

- Adjacent Planning Ref. 21/205 was noted under planning history, which is also for an extension to an existing residential property.
- The proposed development is acceptable in principle under the policies and objectives of the Limerick Development Plan 2022-2028 and under the 'Existing Residential' zoning of the site.
- The proposed design is however, completely incongruous with the existing and semi-detached dwelling.
- No consideration given to visual impact of subject proposal on neighbouring dwelling in terms of the overbearing third floor proposal which completely changes the roof profile of the dwelling.
- Complete redesign is required (Ref. 21/205 is again referenced) and refusal of permission was recommended as set out above.

3.2.2. There were no third-party submissions, prescribed body submissions or reports from other internal departments on this application.

4.0 Planning History

No planning history for the subject site.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

The Land Use Zoning for the site is 'Existing Residential', which has an objective:

"To provide for residential development, protect and improve existing residential amenity."

Objective HO O3 Protection of Existing Residential Amenity, reads as follows:

“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.”

Section 11.4.4.1.2 of the Development Plan relates to Rear/Side Extensions. This section notes that ground floor extensions will be considered in terms of their size, proximity to boundaries, and remaining useable open space. First floor extensions will only be permitted where there will be no significant negative impacts on surrounding residential or visual amenities, with overshadowing, overbearing, and overlooking additional considerations.

Section 11.4.4.1.3 relates to Roof/Attic Level. Changes to the main roof profile that is changing to a gable/'A' frame end with additional dormer windows will be assessed having regard to the character and size of the structure, established streetscape and roof profiles and dormer extensions to roofs will be considered with regard to impacts on existing character and form and privacy of adjacent properties.

5.2. Natural Heritage Designations

Lower River Shannon SAC is located c. 450 metres to the southeast.

5.3. EIA Screening

Having regard to the nature of the proposed development comprising a proposed attic conversion/extension, in an established urban area and where infrastructural services are available, 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. See completed Form 2 at Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the First Party Appeal can be summarised as follows:

- The Local Authority decision to refuse permission is not consistent with policies to develop housing for future needs and improve liveability.
- Conversion of hip end roof to gable roof is permissible under 11.4.4.1.3 of the Development Plan.
- The proposed modifications do not exceed the existing height or footprint. The straight gable is the most efficient means of converting the attic.
- There is a mix of gable and hipped roof profiles in the area.
- The proposed rear dormer is within the footprint of the existing building, would not result in additional overlooking of rear outdoor spaces of adjoining properties, and is 30m away from properties to the rear. A number of examples of various extension types are set out in Appendix A of the appeal.
- The streetscape is only impacted by a change from hipped to gable roof.
- Neighbours were consulted pre-planning submission and the subject proposal is considered more favourable than the 2-storey extension suggested by the Planning Authority.
- The reference to the permitted development to the south (Ref. 21205) does not consider commercial reality of development costs.
- The appeal is also supported by photos of existing roof profiles in the area and a letter from the applicant outlining their reasons and rationale for the extension of their property.

6.2. Planning Authority Response

None on file.

6.3. Observations

None on file.

6.4. Further Responses

None on file.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the grounds of appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered can be assessed under the following heading:

- Design and Impacts on Visual Amenity

7.2. Design and Impacts on Visual Amenity

- 7.2.1. The proposed development includes the conversion/extension of the attic space within the existing dwelling, that would result in the front elevation of the roof changing from a hipped roof to a gable end or 'A' roof profile. The rear element of the extension would result in the extension of the second storey of this existing 2-storey, semi-detached dwelling, to provide a third story and the existing hipped roof being amended to a flat roof profile.
- 7.2.2. The proposed extension includes an additional bedroom and a new bathroom and includes 2 windows, one each for the bathroom and bedroom, that both face west, towards the rear garden. A proposed velux rooflight is proposed to provide natural light to the stair extension. The proposed extension would add approx. 2.5m to the height of the rear wall of the existing dwelling and extends to the full width of the dwelling, which is approx. 6.4m. The flat roof element would extend approx. 4.35m to the rear from the apex of the roof, to sit on top of the rear wall of the existing building, which itself would be extended upwards to provide the extension/additional level of the building. The overall height of the rear elevation with the extension in place would be approx. 8.4m.
- 7.2.3. I have regard to Sections 11.4.4.1.2 and 11.4.4.1.3 of the Development Plan and the requirement to have no significant impacts on surrounding residential or visual amenities and established character and roof profiles. The First Party Appeal includes some useful examples of a range of roof profiles in the area that vary from hipped to straight gable types. I noted these varieties on my visit to the site and surrounding area. I consider the proposed amendments as they relate to the front elevation of the property to be acceptable. The alteration from hipped roof to a

gable/'A' frame end, does not detract from the existing character and roof profiles in the area and does not have a significant visual impact.

- 7.2.4. To the rear, while I consider the proposed extension provides some benefits in terms of reducing overshadowing and avoiding loss of private amenity space, as opposed to a 2-storey extension that projects into the rear garden, the subject proposal presents as a three-storey building that is completely at odds with the built form of properties to the north and south and in the wider surrounding area. This is directly contrary to 11.4.4.1.2 in relation to Rear Extensions as the proposal would have a negative impact on the visual amenities in the area and set an undesirable precedent for other similar developments.
- 7.1. Section 11.4.4.1.3 of the Development Plan refers to alterations at roof/attic level and that these proposals will be assessed having regard to existing character and form as well as the privacy of adjacent properties. While I note a flat roof annex to the rear in a property to the north, this is two storeys in height, which is much less visually prominent than the proposed third storey extension in the subject proposal.
- 7.2. I consider the subject proposal, extending to 8.4m in height, with third floor windows overlooking the rear private amenity spaces in the area, would present as an overbearing prospect when viewed from adjoining properties which is contrary to the land use zoning for the site which has an objective to “...*protect and improve existing residential amenity*”.
- 7.2.1. I note the numerous examples of flat roof attic conversions provided in the First Party Appeal. I consider these examples to be of a much lesser bulk and scale, dormer roof type extensions, when compared with the subject proposal, which is effectively an extension of one-full storey to the rear of the property.
- 7.2.2. The First Party Appeal sets out that the subject proposal provides for the intensification of an existing building that is environmentally beneficial and cost efficient. In this regard I note Objective HO O3 - Protection of Existing Residential Amenity, which notes that a balance must be ensured in relation to protection of existing residential amenities and the provision of sustainable new development. I do not consider that the subject proposal achieves this balance and would set an undesirable precedent for similar developments in the area if permitted.

- 7.2.3. Having regard to the foregoing, I consider the subject proposal to present as a third-floor extension to an existing two-storey dwelling that is inconsistent with the character, built form and roof profiles of properties in the vicinity. The excessive size, bulk and scale of the proposed extension would be contrary to Section 11.4.4.1.3 of the Limerick Development Plan 2022-2028, and the 'Existing Residential' zoning of the site that seeks to protect and improve existing residential amenity and would therefore be contrary to the proper planning and sustainable development of the area. The proposal would have an unacceptable impact on the visual and residential amenity of the area, and I recommend refusal of permission on this basis.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed extension, by reason of its scale, bulk and height, would seriously injure the residential amenities of adjoining properties by reason of visual obtrusion. The proposed development would be contrary to section 11.4.4.1.3 of the Limerick Development Plan 2022-2028, the 'Existing Residential' zoning of the site and 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.

Matthew McRedmond
Senior Planning Inspector

20th November 2024

Form 1

EIA Pre-Screening

| | | | |
|--|--|---|--|
| An Bord Pleanála Case Reference | ABP-320565-24 | | |
| Proposed Development Summary | Attic conversion/extension, alterations to roof profile and all associated works | | |
| Development Address | 5 Lansdowne Gardens, Ennis Road, Limerick city, Limerick | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | ✓ |
| | | No | Tick if relevant. 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)? | | | |
| Yes | Tick/or leave blank | State the Class here. | Proceed to Q3. |
| No | ✓ | | Tick if relevant. No further action required |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | Tick/or leave blank | State the relevant threshold here for the Class of development. | EIA Mandatory EIAR required |
| No | ✓ | | Proceed to Q4 |

| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
|---|---------------------------|--|---|
| Yes | Tick/or leave blank | State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold. | Preliminary examination required (Form 2) |

| 5. Has Schedule 7A information been submitted? | | |
|--|---------------------|--|
| No | √ | Screening determination remains as above (Q1 to Q4) |
| Yes | Tick/or leave blank | Screening Determination required |

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

| | | |
|---|--|------------------------------|
| An Bord Pleanála Case Reference | ABP- 320565-24 | |
| Proposed Development Summary | Attic conversion/extension and changes to roof profile. | |
| Development Address | 5 Lansdowne Gardens, Limerick, Co. Limerick | |
| <p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p> | | |
| | Examination | Yes/No/ Uncertain |
| <p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p> | Proposed attic conversion/extension is not out of context at this urban location and will not result in any significant waste or pollutants. | No. |
| <p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p> | Proposed attic conversion/extension is not out of scale at this urban location and will not result in any cumulative considerations. | No. |
| Location of the Development | Site is adequately removed from | No. |

| <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p> | <p>the Lower River Shannon SAC and is adequately setback from protected structures in the vicinity to minimise any potential impacts.</p> | |
|--|--|--|
| Conclusion | | |
| <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p> <p>√</p> | <p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p> | <p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p> |

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)