



An
Coimisiún
Pleanála

Inspector's Report

PL-500691-LK-26

Development	Retention of rear extension and associated site works
Location	81 Greenfields, Rossbrien, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2561194
Applicant(s)	Maria Kelly.
Type of Application	Retention permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant	Maria Kelly.
Observer(s)	None.
Date of Site Inspection	2 nd April 2026
Inspector	Ann Bogan

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1.0 Site Location and Description

- 1.1. The site is located at No 81 Greenfields, a housing estate in Rossbrien, Limerick City. No 81 Greenfields is a two-storey dwelling mid terrace dwelling which fronts onto the busy Greenfields Road.
- 1.2. There are service laneways running to the rear of many of the terraces in the Greenfields estate, with access via laneways at each end of the terraces. In some cases, a number of back gardens are extended to take in the rear laneways. In the subject terrace, comprising Nos 77 to 82 Greenfields, the rear gardens of Nos 79 and 80 extend back to take in the laneway, while the laneway is still open to rear of the other dwellings in the terrace. The pattern varies in other terraces.
- 1.3. The front garden of No 81 Greenfields is laid out for carparking, with no front garden wall. An extension, the subject of this application for retention, is located to the rear of the dwelling and there is a door in the rear boundary fence giving access to the laneway.

2.0 Proposed Development

- 2.1. Development consists of:
 - Retention of rear extension (18.8sqm in area), to an existing two storey terraced dwelling (stated to be 93sqm in area)
 - Extension accommodates a kitchen, as well a store, which is accessed from the garden
 - Extension has a mono pitch roof, which reaches a height of 3.45m high on the side adjoining No 82 Greenfields and 2.82m on the elevation facing onto applicants rear garden
 - Remaining area of open space in rear garden is 16sqm.
 - Extension is clad in grey metal sheeting
 - Extension is set back approximately 150mm from existing boundary wall with No 82 Greenfields

- The northern end of the extension projects approx. 160mm beyond rear boundary of neighbouring property (No 82 Greenfields)
- Extension has a roof light and also a high-level window with obscured glass in the elevation facing rear garden of No. 82 Greenfields

3.0 **Planning Authority Decision**

3.1. **Decision**

Refuse permission for two reasons:

1. The extension proposed to be retained, by reason of its excessive scale, height, depth and proximity to the shared neighbouring boundary, rear amenity space and rear habitable room windows of the adjacent property, would result in an unacceptable loss of daylight and sunlight to the outdoor amenity space and ground floor habitable rooms, appear overbearing, visually dominant and result in an unacceptable sense of [*word missing?*], which would be materially harmful to the amenity of the neighbouring residents. The development to be retained, is therefore considered to be contrary to Objective HO O3 of the Limerick Development Plan 2022 – 2028, the ‘existing residential’ zoning which seeks to protect and improve existing residential amenity, and the proper planning and sustainable development of the area.

2. As the application seeks retention permission for a structure already constructed on land outside the applicant’s proven ownership, the Planning Authority is not satisfied that the applicant has the necessary legal interest in the land to which the application relates. In the absence of such evidence, the incorporation of the laneway within the application boundary is considered unacceptable. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

- Proposal for extension of an existing house is considered compliant with zoning objectives and therefore considered acceptable in principle

- Has concerns relating to applicant's failure to demonstrate legal interest in the lands included in the red-line boundary
- Has concerns re "unacceptable negative impact on residential amenity, in terms of overbearing impact, perceived overlooking, and loss of daylight and sunlight on the adjoining property to the north"
- Considers the development is contrary to Development Plan objective HO 03 and to zoning objective which seeks to protect residential amenity
- Recommended refusal of permission
- AA screening the development not likely to exercise significant effect on conservation status of SAC or SPA, therefore AA not necessary
- Preliminary EIA examination notes the development is for a type of development not included for under Schedule 5 of the Planning and Development Regulations 2001 (as amended) and screening determination not required.

3.2.2. Other Technical Reports

- None on file

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

3.4.1. Observations received from owner of 80 Greenfields:

- A right of way has existed to my property via a rear laneway, which to my knowledge has been in place since 1960
- Previous application claimed ownership of portion of laneway beyond applicant's house, and notes this has been corrected in current application
- Has no difficulty with extension as constructed but urges that current application be considered in light of existing right of way
- Any interference with laneway or right of way would impinge on his access and rights to laneway which services his property.

3.4.2. Observation from owner of 82 Greenfields:

- Original layout not included in application, no accurate context provided for development
- Extension extends beyond legal boundary of property, new extension extends beyond old boundary wall
- Scale and design detract for the area, highest point of mono-pitched roof runs full length of her boundary. Other extensions have A pitched roofs, or roofs sloping out and down from rear of house and less intrusive on gardens
- No functional reason for north elevation to be so high
- Design blocks all direct sunlight to my garden, loss of garden as living space has significant impact
- Window contrary to planning rules. Windows should be 1m from boundary at ground level, this window is 30cm from boundary. In addition to privacy concerns, window results in light pollution
- Extension and site-works negatively impacted services and required remedial action, as extension was constructed over electrical mains cable. Extension was built flush against neighbour's gas boiler vent/flue which now vents into my property, and built over sewerage pipes to rear of houses
- Property devalued due to scale of extension next door and overlooking window.
- Roadside boundary of property removed without permission and there may have been unauthorised conversion of attic.

4.0 Planning History

- 4.1. 25/302: Maria Kelly was refused permission for retention of single storey extension to rear of dwelling due to impact on residential amenity of adjacent properties, precedence same would set, scale and design and in the absence of sufficient legal interest.

- 4.2. 07/770150: Aine McMullen granted conditional permission to construct a new front driveway to include new double entrance, front vehicle gates and single entrance pedestrian gate and concrete driveway to accommodate off street parking.

5.0 Policy Context

5.1. Development Plan

Limerick Development Plan 2022-2028

Zoning: Existing Residential

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

Purpose: This zone is intended primarily for established housing areas. Existing residential amenity will be protected while allowing appropriate infill development. The quality of the zone will be enhanced with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area, such as schools, crèches, doctor's surgeries, playing fields etc.

Objective HO 03 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.

11.4.4.1.2 Rear/Side Extensions

Ground floor rear/side extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. First floor rear/side extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions, the following will be considered:

- Degree of overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries;

- Size and usability of the remaining rear private open space;
- Degree of setback from mutual side boundaries. No part of the extension shall encroach or overhang adjoining third party properties.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/ wall removal required to facilitate the proposed development. In addition, a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties.

This requirement should be ascertained at preplanning stage.)

5.2. Natural Heritage Designations

Site is 1.4km from Lower Shannon SAC (site ID 002165)

Site is 1.4km from River Shannon and River Fergus Estuaries SPA (site ID 004077)

6.0 EIA Screening

- 6.1. 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

7.0 The Appeal

7.1. Grounds of Appeal

Response to refusal reason 2: alleged encroachment/legal interest

- Planning authority assertion that extension encroaches onto rear laneway is not supported with any evidence
- Submission by owner of No 82 does not allege encroachment, his concern is the long-established right of way serving his property
- Therefore, the alleged encroachment issue is not supported by any affected landowner and is not a valid reason for refusal under Section 34

- Refutes assertion of owner of No 82 that structure extends beyond the boundary and states that laneway is not perfectly aligned and is staggered in nature.

Response to Reason for refusal 1: residential amenity, overbearing, daylight and sunlight

- Extension is modest, single storey (3.45m high reducing to 2.75m), domestic in scale and does not cause undue overshadowing, loss of light or overbearing impact
- Orientation of rear garden of No 80 and existing vegetation in the garden and adjacent garden to west, are the primary source of long-standing shade to rear garden and fenestration, particularly with low winter sun.
- During summer, when the sun is higher, shadow cast by single storey structure of this scale is limited
- At normal eye level, structure presents as a standard rear addition consistent with pattern of development in similar terraces (Figure 6 accompanying appeal), while third party image in submission was taken from ground level exaggerates perceived height.
- Side boundary wall varies in height from 2m towards rear boundary to 1.4m nearer the door to dwelling, which prior to extension being constructed, did not provide privacy. Low wall also allows extension to be more visible than if wall was higher for full length
- Extension of this scale would normally be exempt, permission required due to remaining private open space being less than 25sqm and window being within 1m of common boundary
- Extension is otherwise consistent with the Regulations, inclusive of height parameter of 4m for a pitched roof, and no offset stipulations from boundaries, and this challenges assertion structure is inherently overbearing or disproportionate
- High level opaque window, positioned above kitchen cabinets, does not give rise to overlooking; suggestion of perceived overlooking is not a material planning ground
- Planning Authority's assessment overstates impact of extension and does not reflect physical context of site.

Policy context

- The development aligns with Objective HO 03 and is in keeping with established character of similar terraces; Limerick CDP also recognises that rear extensions are an appropriate way to improve older housing stock
- Aligns with national compact growth policy, which supports intensification of existing housing and better use of serviced urban land.

7.2. **Planning Authority Response**

- None

7.3. **Observations**

- No valid observations received

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including the appeal documentation, the report of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues to be considered in this appeal are as set out below:

- Principle of development
- Residential amenity,
- Legal interest

8.2. **Principle of Development**

8.2.1. The site is zoned 'Existing Residential' in the Limerick Development Plan 2022-2028. The zoning focuses on established residential areas and aims to provide for residential development, and protect and improve existing residential amenity. The principle of a house extension in the area is therefore acceptable, subject to other considerations, including protection of existing residential amenity. Extension of

existing dwellings also meets national compact development objectives set out in the National Planning Framework

8.3. Residential Amenity

- 8.3.1. Limerick Development Plan Objective HO 03 Protection of Existing Residential Amenity seeks 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. It is reasonable to facilitate dwellings, including terraced dwellings on small plots such as the subject dwelling, built in the 1950s or 1960s, to be remodelled and extended to provide for the needs of occupants today. However, such extensions need to be designed to provide a reasonable level of protection for amenities of adjacent dwellings.
- 8.3.2. The 18.8sqm extension to be retained runs the full length of the rear garden, and the mono-pitched roof is 3.45m high along the northern boundary with the neighbouring dwelling, No. 82 Greenfields, and reduces to 2.75m on the elevation facing the applicant's garden. A short section with a lower roof extends over the store, adjoining the laneway. The remainder of the rear garden, 16sqm in area, is paved with concrete. As is stated by the applicant, the extension does not constitute exempted development and therefore the appeal falls to be assessed in the normal way.
- 8.3.3. The issue of overshadowing of the neighbouring garden of No 82 has been raised as a concern. Based on orientation of the terrace, the shadow impact of the extension is most likely to be greatest during winter months from midday to mid-afternoon. The appellant submitted a screenshot showing winter (November) shadow in the neighbouring garden prior to the construction of the extension and states that overshadowing of the garden is largely caused by vegetation on or close to the rear southwest facing boundary, and is not disimproved by extension. (A second screenshot in January is too dark to be legible). However, the shadow shown in the screenshot appears to be mainly as a result of the existing wall and former outbuildings on the site of No 81 and appears to represent shadow in early to mid-afternoon, based on the direction of shadow.
- 8.3.4. The 3.75m high extension is significantly higher than the pre-existing side boundary wall (which is stated to vary from 2m to 1.4m in height). Therefore, the shadow effect of the new extension midday to mid-afternoon will be significantly greater than

previously, and may cover most of the rear garden. I believe it would reduce daylight and sunlight in the garden and ground floor rooms for that part of the day and therefore result in deterioration in residential amenity for the occupants of the dwelling, particularly in winter. Shadow in late afternoon/evening would be unchanged by the development, but the overall overshadowing of the garden would have disimproved.

- 8.3.5. In my opinion, the height and form of the extension, in particular the mono-pitched roof and resultant high side wall, will be visually dominant and will have an overbearing impact on the neighbouring dwelling and garden at No. 82. An alternative design could have lessened the impact, while still meeting the needs of the occupants. I believe the extension design is not typical of other extensions in the area, which in general are smaller and/or have pitched or other roof designs, which have less impact on the neighbouring property.
- 8.3.6. I accept that the high-level window in the side elevation does not result in direct overlooking of the neighbouring property at No 82, although it may have a perceived impact from the point of view of neighbouring occupants. It is not clear from its position size and orientation that it adds greatly to natural light in the extension.
- 8.3.7. I consider the extension does not result in significant overshadowing or appear unduly overbearing on the other neighbouring property, at No. 80 Greenfields, due to that properties position south of the extension and its distance from it.
- 8.3.8. The total area to the rear of the subject dwelling (No.81) is approximately 40sqm, with 16sqm remaining as private open space following completion of the extension. This is well below the requirement for a new build three bed dwelling in the Limerick Development Plan (60sqm) and below the Sustainable Residential Development and Compact Settlement Guidelines SPPR 2 requirement (40sqm, although some flexibility is allowed subject to overall design quality and where public open space is available nearby). However, regard must be had to the existing context and in my view achieving 20sqm of private open space or 50% of the total rear area could be considered reasonable. The 16sqm provided is less than that, and is by no means ideal to serve as an amenity for the occupants.
- 8.3.9. Overall, I am not satisfied that the extension to be retained would not have an unduly negative impact on the residential amenity of the neighbouring property at No 82 Greenfields, and I consider it to be contrary to Limerick Development Plan Objective

HO 03 and Section 11.4.4.1.2, which addresses rear and side extensions. I am also concerned that it would create a precedent for other similar undesirable development in the area.

8.4. Legal interest/encroachment on laneway

- 8.4.1. The second local authority reason for refusal of the retention permission states that as the retention permission is “for a structure already constructed on land outside the applicant’s proven ownership, the Planning Authority is not satisfied that the applicant has the necessary legal interest in the land to which the application relates. In the absence of such evidence, the incorporation of the laneway within the application boundary is considered unacceptable”.
- 8.4.2. The previous application for retention of the extension, which was refused permission (Ref 25302), included the full laneway to the rear of the site within the ‘red line’ site boundary. This has been amended in the current application and the rear ‘red line’ site boundary is defined by the rear wall of the extension and the rear fence and gate. Refusal reason No 2 refers to the “incorporation of the laneway into the site”. While this appears to have been the case with the previous application which showed the entire laneway adjoining the site as part of the site, it is not the case in this application.
- 8.4.3. The applicant refutes the suggestion made in the submission on the application by the occupant of No 82 that the extension extends beyond the site boundary, and points out that that the laneway is not perfectly aligned. The owner of No 80 in his submission on the application references his longstanding right of way on the laneway but does not suggest the extension encroaches on the laneway.
- 8.4.4. I can confirm from the site inspection that the rear (northern) corner of the extension extends slightly (approximately 160mm) beyond the line of the fence of the adjoining property, No 82. However, based on the material on the file and the site inspection there is a lack of evidence to establish whether the current rear boundary encroaches beyond the previous boundary line of the site. Land Direct does not provide detail at a scale to be conclusive as to the line of the legal boundary in this case.
- 8.4.5. From the site inspection I note that the occupant of No 80 continues to have unimpeded access to his rear garden along the laneway/right of way and he does not

suggest there is encroachment on it, nor is any other party claiming encroachment on their land.

- 8.4.6. In conclusion, as there is no conflicting evidence on the file with regard to the question of title, I believe that a refusal reason based on insufficient legal interest is not warranted in this case. The provisions of S.34(13) of the Planning and Development Act 2000 (as amended) however, remain applicable.

9.0 **AA Screening**

- 9.1. I have considered the development in the light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is 1.4km from Lower Shannon SAC (site ID 002165) and 1.4km from River Shannon and River Fergus Estuaries SPA (site ID 004077). The development comprises retention of rear extension and associated site works.
- 9.2. No nature conservation issues were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it would not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of the works i.e. small scale and nature of the development
 - Location and distance from nearest European Site and lack of connections
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on a European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

- 10.1. The subject site is located at 81 Greenfields, Rossbrien, Limerick and the nearest waterbody is the Lower River Shannon. The development comprises retention of rear extension and associated site works. No water deterioration concerns were raised in the planning appeal.

10.2. 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 and groundwater water bodies 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 water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- The small scale of the development
- The distance from nearest water bodies and lack of hydrological connections

10.4. 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

11.0 Recommendation

11.1. Refusal of permission for retention is recommended for the reason below.

12.0 Reasons and Considerations

Having regard to the pattern of development in the area and the design and scale of development to be retained, it is considered that the development by reason of its scale, length, height, and overbearing nature, would seriously injure the residential amenities of the adjoining property by reason of visual obtrusion and overshadowing and would be out of keeping with Objective HO 03 of the Limerick Development Plan 2022-2028. It would, therefore, be contrary to the proper planning and 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Ann Bogan
Planning Inspector

20/04/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500691-LK-26
Proposed Development Summary	Retention of single storey extension to rear of dwelling and associated site works
Development Address	81 Greenfields, Rossbrien, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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	

<p>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?</p>	
<p><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.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>
<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: Ann Bogan Date: 20/04/2026