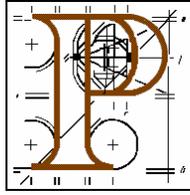


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

Limerick County

Planning Register Reference Number: 08/2161

An Bord Pleanála Reference Number: PL 13.235306

APPEAL by Mark O'Shea and others of Ballygibba North, Kilmallock, County Limerick against the decision made on the 20th day of October, 2009 by Limerick County Council to grant subject to conditions a permission to Dolores O'Shea care of Hutch Hollywood Consulting Engineers of The Railway Station, Attyflin, Patrickswell, County Limerick in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of one number two storey dwellinghouse, front boundary wall, front entrance and driveway, effluent treatment system and all ancillary works at Ballygibba North, Kilmallock, County Limerick.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. Having regard to the pattern of development in the immediate area and to the nature of the ground as observed on site and to the submissions made in the planning application and the appeal it is considered that the proposed development would lead to an excessive concentration of houses served by on-site systems for the treatment and disposal of domestic foul effluent. The proposed development would, therefore, be prejudicial to public health.
2. The site is located in a stronger rural area as set out in the Sustainable Rural Housing Guidelines issued by the Department of the Environment, Heritage and Local Government in April, 2005. The guidelines advise that housing development in such areas should be balanced between that in the villages and smaller towns and that located in the wider countryside and that particular problems can arise with pockets of significant housing activity in rural areas. Having regard to the number of existing and authorised houses in the immediate vicinity of the site, the proposed development would be part of such a pocket of intense housing activity and would seriously injure the rural character and amenities of the area. Having regard to the number of one-off houses in the wider area between Kilmallock and Bruree, it is considered that the proposed house would not contribute to an appropriate balance between development in the smaller towns and villages in the area and that in the countryside. The proposed development would be contrary to the provisions of the said guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2010.