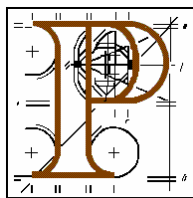


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Limerick County

**Planning Register Reference Number: 10/1227**

An Bord Pleanála Reference Number: PL 13.239923

**APPEAL** by Teresa Nash care of Gilleece McDonnell O'Shaughnessy Limited of Cyprus House, Cyprus Avenue, Dooradoyle Road, County Limerick against the decision made on the 14<sup>th</sup> day of November, 2011 by Limerick County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention and completion of dwelling as per previous permission, planning register reference number 03/2431 to include the modification of the existing roof to facilitate an existing chimney on a neighbouring dwelling together with making good the wall and roof intersection between the dwelling and the neighbouring dwelling at Churchtown, Newcastle West, County Limerick.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the planning history of the site, the provisions of the Limerick County Development Plan 2010-2015, the Newcastle West Local Area Plan, 2008 and the established character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed retention and completion of development would not seriously injure the amenities of the adjoining residential property or of property in the vicinity of the site, would not seriously injure the visual amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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 recommencement of development and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The front roof plane and roof profile shall be retained as constructed (and shall not be amended in accordance with the revisions shown in the plans and particulars lodged with the planning application on the 16<sup>th</sup> day of December, 2010) save as modified in order to comply with the requirements of condition number 3 below.

**Reason:** In the interest of visual amenity and in the interest of clarity.

3. The proposed development shall be amended as follows:
  - (a) No part of the roof of the dwelling to be retained and completed shall oversail or otherwise physically impinge upon the adjoining property to the north, without the prior written consent of the owner of such adjoining property.
  - (b) The first floor patio doors and balcony on the rear elevation shall be omitted and shall be replaced by a window of style and dimensions to match that of the window at first floor level on the southern end of the rear elevation.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to recommencement of development.

**Reason:** In the interests of visual and residential amenity.

4. The house to be retained and completed shall be occupied as a single dwelling unit only.

**Reason:** In the interest of clarity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the recommencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

---

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

**Dated this            day of            2012.**