



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/127

APPEAL by Danny Sheridan care of Frank Ross of Blossom Hill, Kilcornan, County Limerick against the decision made on the 9th day of April, 2020 by Limerick City and County Council to refuse permission.

Proposed Development: Retention of extension to the existing house as constructed, and permission to complete the extension to the existing house, addition of a new window and new door to the front elevation of the existing house, addition of Velux roof light to the rear elevation of the existing house, modifications to the roof of the existing house and associated site works, all at Fairhill, Rathkeale, County Limerick.

Decision

REFUSE permission for the above proposed development in accordance with 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

Having regard to the Zoning Objective of the site and to Objective H4 of the Rathkeale Local Area Plan 2012 – 2018 (as extended), and to the restricted nature of the backland site, which is further constrained by extant permissions for dwelling houses to the immediate south-east and to the north of this site, the Board considered that the applicant has failed to demonstrate that the subject building is a dwellinghouse and, in these circumstances, its proposed alteration and extension for use as a dwellinghouse would constitute overdevelopment of the site. Consequently, the proposed dwellinghouse would seriously injure the anticipated amenities of the adjacent permitted dwellinghouse to the south-east, especially, due to overlooking, and an associated loss of privacy, and overbearing. Conversely, the proximity of this permitted dwellinghouse would militate against the establishment of a satisfactory standard of amenity to residents of the proposed dwellinghouse, due to reciprocal overlooking and overbearing, and, in addition, overshadowing. Furthermore, the proposed dwellinghouse would be served by insufficient private open space.

The proposed development and the development proposed for retention would, therefore, contravene the Zoning Objective for the site and Objective H4 of the Local Area Plan, both of which seek to protect residential amenity, and would be contrary to the proper planning and sustainable development of the area.

Terry Ó Niadh

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

Dated this day of 2020.