

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Limerick City and County

Planning Register Reference Number: 16/108

An Bord Pleanála Reference Number: PL 91.246561

APPEAL by Patrick Culligan care of Seamus McElligott of 5 High Street, Caherconlish, County Limerick against the decision made on the 11th day of April, 2016 by Limerick City and County Council to refuse permission.

PROPOSED DEVELOPMENT: Construction of a dwelling, connection to public services including all associated site development works at Lower Main Street, Rathkeale, County Limerick. The application is located within the curtilage of protected structure references M29a,M(12)RHK11 and M29a,M(13)RHK12.

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. The proposed development is in an area which is deemed to be at risk of flooding, by reference to the current Limerick County Development Plan 2010-2016 and the Rathkeale Local Area Plan 2012-2018 and the documentation on file. Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of satisfactory information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, a grant of permission would run contrary to the intentions of Objective IN 035 of the County Development Plan 2010 and the national guidelines in relation to The Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in November, 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed layout of development on site would not offer adequate private amenity open space to the occupants of the existing house on site or of the proposed dwelling, and would, therefore, seriously injure the residential amenities of the future residents and set a poor precedent in terms of creating a sustainable housing stock. Furthermore, the development as proposed would result in an excessive amount of paved surfacing that would detract from the visual amenity of this site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The development site is in a sensitive location due to its proximity to protected structures, riverside public amenities and its location within the town Architectural Conservation Area. In the absence of an appropriate conservation report to guide the nature and design of development proposed, the Board is not satisfied that the proposed development pays adequate attention to protection of the built heritage and character of the area, in accordance with the objectives of the Limerick County Development Plan 2010-2016 and the Rathkeale Local Area Plan 2012-2018.

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

Dated this day of 2016.