



An
Bord
Pleanála

**Board Order
PL 91.248852**

Planning and Development Acts 2000 to 2017

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 17/368

Appeal by Seamus Hayes care of Adam Kearney Associates of Mill Road, Corbally, Limerick against the decision made on the 19th day of June, 2017 by Limerick City and County Council for permission for development comprising construction of four number detached dormer dwellings, access road and footway, connection to mains foul and surface water networks and all associated site works at Rathmale, Mungret, County Limerick in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to condition permission for construction of one number detached dormer dwelling on site number 1, connection to mains foul and surface water networks and all associated site works and to refuse permission for construction of three number detached dormer dwellings, access road and footway, connection to mains foul and surface water networks and all associated site works).

Decision

GRANT permission for the said construction of one number detached dormer dwelling on site number 1, connection to mains foul and surface water networks and all associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the said construction of three number detached dormer dwellings, access road and footway, connection to mains foul and surface networks and all associated site works based on the reasons and considerations marked (2) under.

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 area, the zoning objective for the site in the Southern Environs Local Area Plan 2011-2017 and the positioning of the development on the site allowing for access to lands to the rear, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for House Number 1, the Board considered the proposed development to be acceptable in the context of other development in the vicinity and in the interest of orderly development given its position on the site allowing access to lands to the rear.

Conditions

1. The development shall be carried out 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The house shall be positioned on the site as shown on the drawings submitted. Details of proposed boundary treatment, landscaping, footpath along road frontage and site access arrangement for the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, leaving provision for future access to the site to the rear.

Reason: In the interest of orderly development.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. 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, as amended. The contribution shall be paid prior to the commencement 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

