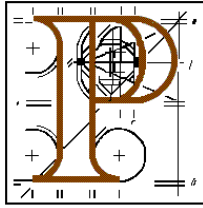


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Limerick City and County

Planning Register Reference Number: 17/457

An Bord Pleanála Reference Number: ABP-300195-17

APPEAL by James Flynn care of Seamus McElligott of 5 High Street, Caherconlish, County Limerick against the decision made on the 18th day of October, 2017 by Limerick City and County Council to refuse permission/outline permission to the said James Flynn.

PROPOSED DEVELOPMENT: Erection of a dwellinghouse, site entrance, access road, installation of wastewater treatment system including all associated site works at Roche's Road, Rathkeale, 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. The site of the proposed development is located on lands zoned 'Existing Residential' in the Rathkeale Local Area Plan 2012-2018 where it is the objective to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas. Having regard to the restricted nature of the proposed site, the siting of the proposed house immediately behind the established house on the plot and the rear of neighbouring houses immediately to the south, the inadequacy of separation distances between the proposed development and these adjoining properties, and the loss of privacy arising from overlooking, it is considered that the proposed development would result in overdevelopment of this plot, would seriously injure the residential amenities of adjoining properties, would provide a substandard form of accommodation for the occupiers of the proposed dwelling due to the siting of the proposed house on this restricted site, would contravene the zoning objective for the site, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development involves the subdivision of an existing house site. This subdivision would result in an inadequate site area being provided to cater satisfactorily for the safe and adequate disposal of septic tank effluent. Furthermore, the layout of the proposed waste water treatment system would be contrary to minimum separation distances between the proposed treatment plant and existing and proposed dwellings as set out in the Environmental Protection Agency's *Waste Water Treatment Manual: Treatment Systems for Small Communities, Business, Leisure Centres and Hotels*. The proposed development would, therefore, be prejudicial to public health.

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

Dated this day of 2018.