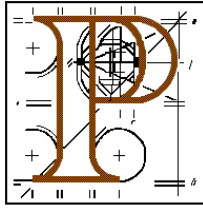


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Limerick City and County Council**

**Planning Register Reference Number: 17/935**

An Bord Pleanála Reference Number: ABP-300599-18

**Appeal** by Margaret Boswell care of Seamus McElligott of 5 High Street, Caherconlish, County Limerick against the decision made on the 30<sup>th</sup> day of November, 2017 by Limerick City and County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of dwelling, site entrance, connect to public services, including all associated site works at Enniscouch, 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. Having regard to the location and configuration of the site and its relationship to other 'Established Residential' zoned lands in the immediate vicinity, it is considered that the proposed development, by reason of its layout and design, and in the absence of an approved layout for the overall lands owned by the applicant, would constitute haphazard and piecemeal development, which would prejudice the orderly development of adjoining zoned lands in the vicinity and would, therefore, contravene materially the zoning objective for the area which seeks to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas. Furthermore, it is considered that, by reason of the positioning of windows on the rear elevation of the proposed dwelling at ground and first floor levels, immediately proximate to the rear site boundary, the proposed development would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the desktop Archaeological Assessment report submitted with the application, and in the absence of licensed archaeological testing of the subject site to establish the presence, or absence, of archaeologically significant deposits, the Board cannot be satisfied that the proposed development would not be injurious to the Recorded Monument L1029-031. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this                    day of                    2018**