

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Limerick City and County Council

Planning Register Reference Number: 17/27

An Bord Pleanála Reference Number: ABP-300839-18

APPEAL by Jerry and Jimmy Gammell care of Seamus McElligott Planning and Design Consultancy of 5 High Street, Caherconlish, County Limerick against the decision made on the 10th day of January, 2018 by Limerick City and County Council to refuse permission.

PROPOSED DEVELOPMENT: Construction of two number dwellings, separate plot entrances, connection to services and associated site works at Monks Hill, Rathkeale, County Limerick.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, based on the reasons and considerations under and subject to the conditions 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 'Existing Residential' zoning objective for the area as set out in the Rathkeale Local Area Plan 2012-2018, to the pattern of development and planning history in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further particulars submitted on the 12th day of December 2017, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Full details of the proposed soak pits shall be submitted to and agreed in writing with the planning authority prior to commencement of development. No surface water shall discharge onto adjoining properties or the public road.

Reason: In the interest of public health.

4.
 - (a) Screen walls shall be provided along the side boundaries of the two dwellings (western boundary of House Number 1 and eastern boundary of House Number 2 as delineated on the site layout plan received by the planning authority on the 17th day of January 2017) to screen rear gardens from public view. Such walls shall be two metres in height above ground level. The said walls shall step down in height to the front garden area. No vehicular or pedestrian access shall be permitted in the side boundary walls.
 - (b) The screen walls to the side elevations shall be constructed in stone to match the stone used in the dwellings or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on the side facing public areas.
 - (c) Boundary walls to the front garden areas and along the front (southern) boundary shall be to a height matching the front boundary walls to the dwellings to the north of the site shall be constructed. They shall be suitably capped and finished in a material that matches the external finish of the dwellings.
 - (d) The rear gardens shall be bounded with two metre high concrete block walls, suitably capped and rendered, on both sides.

Plans and details of all boundary treatments shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

5. (a) The first-floor window in the eastern (side) elevation serving bedroom number 3 in House Number 2 as delineated on Drawing Number 2016.17.203 received by the planning authority on the 17th day of January 2017 shall be replaced with a high-level window at least 1.6 metres from the floor level.
- (b) The windows on the northern elevations at first floor level shall be glazed with obscure glass.

Revised plans with the alterations shown thereon shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of protecting the amenities of adjoining property.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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 adjoining property in the vicinity.

9. 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 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.

Terry Ó Niadh

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

Dated this day of 2018.