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## Planning and Development Acts 2000 to 2018

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 18/35**

**Appeal** by Dan O'Brien and others care of Gilleece McDonnell O'Shaughnessy Limited of Cyprus House, Cyprus Avenue, Dooradoyle Road, County Limerick and by Bridget Flynn care of John Barnett of Gortboy, Newcastle West, County Limerick against the decision made on the 14<sup>th</sup> day of March, 2018 by Limerick City and County Council to grant permission and to refuse outline permission to Bridget Flynn for development comprising permission for the renovation of existing building to dwellinghouse (former shop and residence) with all associated site work including the demolition of existing buildings. Outline permission for the construction of two-storey house, all at The Square, Rathkeale, County Limerick in accordance with the plans and particulars lodged with the said Council.

## Decision

**GRANT permission for the renovation of existing building to dwellinghouse (former shop and residence) with all associated site works including the demolition of existing buildings 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 outline permission for the construction of a two-storey house 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 poor physical condition of the existing structure and prominent location of the proposed site in The Square, the need for rejuvenation of this site, and the physical improvements arising from the proposed renovation of the existing structure, it is considered that this element of the proposed development, subject to compliance with the conditions set out below, would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety by reason of traffic hazard, and would otherwise be in accordance with the provisions of the current Rathkeale Local Area Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. This permission relates to the renovation of the existing building to a dwelling house only, and the demolition of the structures to the rear of the overall site. The remainder of the overall site, following the demolition of the existing structures to the rear, shall be used solely as a rear garden to serve the renovated building. A wall 1.8 metres in height shall be provided around this garden area, bounding the laneway, with only one vehicular access gate.

**Reason:** In the interest of clarity.

2. This element of the proposed 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.

3. The proposed external door on western elevation shall be replaced with a further window.

**Reason:** In the interest of pedestrian and traffic safety.

4. Details of the materials, colours and textures of all the external finishes to the proposed house 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. 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.

**Reason:** In the interest of public health.

6. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. 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.

## **Reasons and Considerations (2)**

It is considered that the proposed development of an additional house on this site would constitute overdevelopment of a restricted site, would be substandard in terms of residential amenity, and would seriously injure the amenity of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**