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**Planning and Development Acts 2000 to 2018**

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

**Planning Register Reference Number: 18/150**

**APPEAL** by James Gammell care of Seamus McElligott, Planning and Design Consultancy of 5 High Street, Caherconlish, County Limerick against the decision made on the 13<sup>th</sup> day of April, 2018 by Limerick City and County Council to refuse outline permission.

**Proposed Development** Construction of three number dwellings, provision of separate plot entrances onto Deel Court Estate Road, connection to public services including all associated site works adjacent to Deel Court, Rathkeale, County Limerick.

**Decision**

**REFUSE** outline permission for the above proposed development in accordance with 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**

It is an objective of the planning authority, as set out in the current Rathkeale Local Area Plan, to consider on their merits proposals for residential development of rear plots where they can be adequately accessed, and where they would not affect existing or proposed private amenities, storage or parking requirements.

Having regard to:

- the restricted nature of the proposed site and its location immediately behind an existing dwelling and abutting the rear garden of a neighbouring dwelling,
- the inadequacy of separation distances between the proposed development and the adjoining neighbouring property,
- the adverse impact on established residential amenity arising from overlooking, overshadowing, and overbearing impact, and loss of private amenity space, and
- the inadequate provision of private amenity space to serve the needs of occupants of the proposed housing units,

it is considered that the proposed development would result in a gross overdevelopment of this plot, would seriously injure the residential amenities of adjoining properties, would depreciate the value of properties in the vicinity, would provide a substandard form of accommodation for the occupiers of the proposed dwellings, and would, thereby, contravene the objective of the current Rathkeale Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2018.**