



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/156

Appeal by James Boswell care of Seamus McElligott of 5 High Street, Caherconlish, County Limerick against the decision made on the 18th day of April, 2018 by Limerick City and County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to front elevation of existing dwelling and the construction of new site boundary wall and gateway all at Gate Lodge, Orchard Avenue, Enniscoush, Rathkeale, County Limerick.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 2 and the reason therefor, so that it shall be as follows for the reason set out.

Reasons and Considerations

Having regard to the planning history of the housing estate within which the subject site is located, and in particular to the terms of condition number 15 attached to the permission granted under planning register reference number 99/1826 and of condition number 13 attached to the permission granted under planning register reference number 03/950, both of which prohibit the construction of front boundary walls or fences to individual residential properties within the estate at Orchard Avenue in order that the estate remains an open plan development, and having regard to the existing pattern of development in the estate, which remains an open plan development, it is considered that the proposed front boundary wall and gateway would contravene materially these conditions, would represent an obtrusive feature that would be out of character with the open plan nature of the estate, and would, if granted, set an undesirable precedent for development of a similar nature within the existing estate, thereby negating the overall scheme of development for this estate. The imposition of condition number 2, which did not permit the construction of the proposed boundary wall and gate is, therefore, warranted and is in the interest of the proper planning and sustainable development of the area.

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.

Philip Jones

Member of An Bord Pleanála

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

Dated this day of 2018.