



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 17/920

Appeal by Shane and Maeve Newman of 92 Lansdowne Park, Ennis Road, Limerick and by Greg and Margaret Griffin of 94 Lansdowne Park, Ennis Road, Limerick against the decision made on the 26th day of July, 2018 by Limerick City and County Council to grant subject to conditions a permission to Louise O'Grady care of Noel Kerley Architects of 6 The Crescent, O'Connell Street, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of garage and the construction of a two storey dwellinghouse, boundary walls with new site entrance, piers and gates, connection to council sewer and all ancillary site works at 93 Lansdowne Park, Ennis Road, Limerick.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars 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 provisions of the Limerick City Development Plan 2010-2016 (as extended), to the design, scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the visual or residential amenities of the area. 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 plans and particulars submitted on the 22nd day of February 2018, and the 4th day of July, 2018, 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. The proposed development shall be amended as follows:
 - (a) the stairwell window on the eastern elevation shall be fitted with obscured glazing,
 - (b) the south-facing window to Bedroom number 3 on the southern elevation shall be omitted. This window may be replaced by a suitably designed small-scale window on the north-facing elevation of the projection to this bedroom, and
 - (c) the western section of the new boundary wall separating the site from the existing dwelling at number 93 Lansdowne Park shall be relocated and realigned further to the north such that it is orientated closer to an east-west axis and so that the passage to the side of number 93 Lansdowne Park is increased to a minimum of 2.5 metres in width.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the architectural heritage and visual amenities of the area.

3. The existing roadside boundary and hedgerow shall be retained, save at the entrance. Screen walls shall be provided along the northern and eastern boundaries, which shall be two metres in height above ground level. Details of the layout, materials and external finishes of the proposed boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwellinghouse (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding townscape and in the interest of visual 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working and noise management measures.

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

8. 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.

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 the 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.

Maria FitzGerald

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

Dated this day of 2019.