



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/447

Appeal by Dermot Kilbane of Tullyvrane, Gardenhill, Castleconnell, County Limerick against the decision made on the 5th day of September, 2018 by Limerick City and County Council to grant subject to conditions a permission to Martin Berkery care of Baxter Design of 43 Aylesbury Lodge, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing dwelling and the construction of a new storey and a half type dwelling, effluent treatment system, revised site entrance and associated site works at Gardenhill, Castleconnell, County 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 nature, scale and design of the proposed development and the provisions of the current Limerick County Development Plan for replacement of traditional rural dwellings as set out in Objective RS O5, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. 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 to the planning authority on the 9th day of August, 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:-

The French doors and first floor balcony feature on the southern elevation of the proposed dwelling serving the master bedroom shall be omitted and shall be replaced with a window opening.

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 visual amenity and to protect the residential amenities of adjoining property.

3. The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interests of pedestrian and traffic safety and of visual amenity.

4. (a) The roof colour of the proposed house, and of the garage shall be blue-black or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

(b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

5. The proposed garage shall be used only for storage purposes incidental to the enjoyment of the main dwelling hereby permitted, and shall not be used for any commercial, habitable or agricultural purposes.

Reason: In the interest of orderly development.

6. All service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of safety and to prevent pollution.

8. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the percolation area is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

9. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include a double row of trees along all site boundaries.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

10. 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.

11. 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.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.