



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/689.

Appeal by Noel Keary care of Brian O'Donoghue Architects of 12 Thornfield, Monaleen, Limerick against the decision made on the 28th day of February, 2019 by Limerick City and County Council to refuse permission for the proposed development.

Proposed Development: Retention of change of use from garage to assisted living accommodation and construction of ramp access and internal alterations including altering the bathroom to be wheelchair accessible and retention of connection to the existing foul sewer at 69 Monaleen Heights, Castletroy, 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 relevant provisions of the Limerick County Development Plan 2010 – 2016 and the scale and amended design of the development proposed for retention to link it to the main residential structure on the site, it is considered that, subject to compliance with the conditions set out below, the development to be retained would be acceptable in the context of the amenities of the adjoining properties, as well as the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would not seriously injure the amenities of the existing property or of the wider area and could be satisfactorily integrated into the main dwellinghouse on the site, and still facilitate appropriate access to private amenity space to the rear of the main dwelling.

Conditions

1. The development proposed for retention shall be completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 22nd day of March, 2019, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed assisted living accommodation shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: To protect the amenities of property in the vicinity and to comply with the objectives of the current development plan for the area.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of protecting the residential amenity of occupants of the existing dwelling.

4. Water supply and drainage arrangements, including the attenuation and 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Dave Walsh

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

Dated this day of 2019.