



---

**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: 19/17**

**APPEAL** by Seamus Harrold care of Morgan McDonogh Architectural and Planning Consultants of The Hollow, The Bog Road, Kildimo, County Limerick against the decision made on the 7<sup>th</sup> day of March, 2019 by Limerick City and County Council to refuse permission.

**Proposed Development:** Single-storey dwellinghouse, entrance, connection to main sewer, resurfacing of access road and associated site works at Dungeeha, Gortboy, Newcastlewest, County Limerick.

**Decision**

**REFUSE** 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**

1. The site of the proposed development is located within an Area of Strong Agricultural Base, in close proximity to the town boundary for Newcastle West, as defined in the Limerick County Development Plan, 2010-2016 where housing is restricted to persons demonstrating a local rural housing need. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a house at this location. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the documentation submitted with the application and appeal including details of the applicant's residence and the nature of his employment, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. The proposed development, in the absence of any identified locally based need for the house, would represent piecemeal development and erosion of the town boundary, and would contribute to encroachment of random rural development in the area, which would militate against the preservation of the rural environment. The proposed development would, therefore, materially contravene the rural settlement objectives

of the Limerick County Development Plan, 2010-2016, would be contrary to the over-arching national policy on single housing in the countryside and would be contrary to the proper planning and sustainable development of the area.

2. The road onto which access is proposed is seriously substandard in terms of surfacing and alignment. The Board is not satisfied, on the basis of the information provided with the application and appeal, that the structural integrity of the road and bridges over the River Daar is adequate to accommodate the additional vehicular traffic and turning movements that would be generated by the proposed development and that adequate sightlines at the junction with the public road can be achieved. It is considered that the proposed development would endanger public safety and would give rise to a traffic hazard, and would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. Having regard to the location of the site in an area which is prone to flooding and in the absence of a Site Specific Flood Risk Assessment, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and appeal, that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be prejudicial to public safety, would contravene Objective IN O36 of the Limerick County Development Plan and would be contrary to the proper planning and sustainable development of the area.

4. Having regard to the topography of the site, the elevated positioning of the development together with the extensive driveway and platform, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominent locations in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

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

**Dated this            day of            2019**