



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 19/613

Appeal by Danny Flynn care of Seamus McElligott of 5 High Street, Caherconlish, County Limerick against the decision made on the 9th day of August, 2019 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 and extension to existing dwelling, at 40 Abbey Court, 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 REMOVE condition number 2 and the reason therefor.

Reasons and Considerations

Having regard to the established pattern of development on the site, and in particular the form and siting of the existing gable of the house abutting the road frontage to the north, the Board considered that condition number 2 of the planning authority's decision would not be warranted as it would create an undesirable gap comprising leftover space of no functional value between the northern gable and the public footpath and would unnecessarily and significantly reduce the habitable space of a proposed bedroom in the new extension.

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.

Paul Hyde

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

Dated this day of 2019.