



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 19/828

Appeal by Adrian Greaney of 59 Lansdowne Park, Ennis Road, Limerick against the decision made on the 23rd day of August, 2019 by Limerick City and County Council to grant subject to conditions a permission to John Kennedy care of Morgan McDonogh of The Bog Road, Kildimo, County Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: Alterations to design granted planning permission under planning reference number 16/1075 and An Bord Pleanála reference PL 91.248405 for the following: removal of single storey extensions to side and rear, construction of two-storey extension to side of dwelling, construction of single storey extension to rear of existing dwelling and associated site works, all at 52 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 Limerick City Development Plan 2010 – 2016 and to the planning history of the site, the Board considers that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the residential zoning of the site and the relevant Development Plan policies for domestic extensions. It is considered that, subject to the specification of obscure glazing to high level windows and the lowering of the rear extension to achieve a common floor level with that of the existing dwelling house, the proposed extensions would be compatible with the visual and 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 3rd day of April, 2020, 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 proposed rear extension shall be lowered in height to achieve a common floor level with that of the ground floor level to the existing dwelling house.
 - (b) The high-level windows in the eastern elevation of the proposed single storey rear extension shall be glazed with obscure glass and thereafter, such glazing shall be retained in-situ for the duration of this extension on the site.

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 interests of visual and residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

4. The proposed extensions shall be constructed in a position whereby a passageway with a minimum width of 781 millimetres is consistently available along their combined eastern elevations.

Reason: In order to ensure the maintenance of external access between the front and rear of the extended dwelling house.

5. Details of the materials, colours and textures of all the external finishes to the proposed extensions 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. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

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 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.

8. The existing dwelling and proposed extensions shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extensions, in the interest of residential amenity.

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 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.

Paul Hyde

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

Dated this day of 2020.