

An
Bord
Pleanála

Board Order
ABP-310474-21

Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/34

Appeal by Pat and Maria Mulvihill of 14 Limetree Avenue, Adare, County Limerick and by Rob Cussen and Joy Marshall of 10 Limetree Avenue, Adare, County Limerick against the decision made on the 18th day of May, 2021 by Limerick City and County Council to grant subject to conditions a permission to Michael Twomey Homes Limited care of Studio Move Architects of 20 Revington Park, North Circular Road, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new two-storey house on a vacant site with a glazed covered patio to one side, four number bedrooms, a repositioned site entrance and all associated site works of 15 Limetree Avenue, Adare, 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 the Limerick County Development Plan 2010-2016, as extended, the Adare Local Area Plan 2015-2021, and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would be appropriate from a land use perspective, would be capable of being accommodated within the existing streetscape, would not seriously injure the residential amenities of the area, and would, otherwise, 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 23rd day of April 2021, 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.

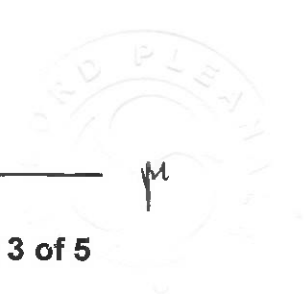
Reason: In the interest of clarity.

2. Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed upper floor windows on the eastern and western elevations shall be permanently glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.



4. The developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

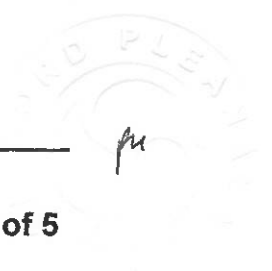
Reason: In the interest of public health.

5. 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 noise management measures, control of surface water, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0700 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.



7. 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 13th day of DECEMBER 2021.