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**Planning and Development Acts 2000 to 2021**

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

**Planning Register Reference Number: 21/241**

**Appeal** by Iseult Murphy, Thatch House, Main Street, Adare, County Limerick against the decision made on the 22<sup>nd</sup> day of June, 2021 by Limerick City and County Council to grant subject to conditions a permission to Tony and Victoria Treacy care of James Corbett Architects of 11 The Crescent, Limerick, County Limerick in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a two-storey dwelling house, the construction of a new single-storey garage, site landscaping and ancillary site works, all at Main Street, 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.**

## Reasons and Considerations

Having regard to the location of the proposed development in Adare village centre, to the pattern of development in the area and to the current provisions of the Limerick Development Plan 2022 - 2028 and the Adare Local Area Plan, as extended, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the Architectural Conservation Area, the setting of the adjoining Protected Structure or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development 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 noted the adjacent property to the west of the appeal site is indicated within the blue line and is, therefore, within the control of the applicant, and had regard to the documentation submitted on the 26<sup>th</sup> day of May, 2021, in response to the further information request from the planning authority, the planning history of the adjacent site where the car parking had been limited to three spaces, and concurred with the view of the planning authority that the proposed development would not interfere with the car parking layout. Furthermore, it is considered, given the current layout of the adjacent property, that the layout and configuration of the proposed development would not have a negative implication for parking, circulation space or open amenity space within the adjacent site. 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 26<sup>th</sup> day of May, 2021 and by the further plans and particulars received by An Bord Pleanála on the 13<sup>th</sup> day of August, 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. The external finishes of the proposed house shall consist mainly of plaster/dash. The stone to be used shall be natural stone only, local to the area, and shall be limited to the areas shown on the plans lodged with the application. A sample of the stone 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. Samples of slates, ridge tiles, renders, window cills, windows and external doors, other external design elements and rainwater goods shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

**Reason:** In order to safeguard the architectural heritage and in the interest of the proper planning and sustainable development of the area.

4. The finished floor level of the proposed house shall not exceed the existing ground level by more than 200 millimetres at any given point within the footprint of the house, without the prior written agreement of the planning authority.

**Reason:** In the interests of visual amenity and integrating the development into the landscape.

5. All mitigation measures outlined in the Architectural Heritage Impact Assessment Report submitted on the 26<sup>th</sup> day of May, 2021 shall be adhered to.

**Reason:** In order to safeguard the architectural heritage and in the interest of the proper planning and sustainable development of the area.

6. Ground disturbance/vibration monitoring shall be undertaken in order to eliminate any threats to protected structures, buildings of traditional construction and historic features, within a 200-metre radius of the development site.

**Reason:** In order to safeguard the architectural heritage and in the interests of the proper planning and sustainable development of the area.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

8. 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.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

10. (1) The garage shall only be used for storage purposes and purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial or habitable purposes.
- (2) The external finishes of the proposed garage, including roof tiles/slates, shall be the same as the dwelling in terms of colour and texture.

**Reason:** In the interests of visual and residential amenity and the orderly development of the area.

11. The existing planting along all site boundaries shall be retained and shall be reinforced by additional planting to match existing. This shall include additional native species to re-enforce the boundary hedgerows and some semi-mature native tree species along the boundaries of the site.

**Reason:** In the interests of biodiversity and visual amenity.

12. 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

13. 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.

  
Michelle Fagan

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



Dated this 16<sup>th</sup> day of December 2022.