

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/1228

Appeal by Olive Cowpar care of BPS Planning and Development Consultants Limited of Ballinatone, Greenan, Wicklow against the decision made on the 9th day of March, 2022 by Limerick City and County Council to grant subject to conditions a permission to Garrett and Teresa Hartney of Rosario, North Circular Road, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission to construct a single storey extension to rear of existing dwelling and a single storey home office to rear of existing house and all associated site works at "Rosario", North Circular Road, Limerick.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to: -

- (a) the provisions of the Limerick City and County Development Plan 2022-2028,
- (b) the development proposed in an area zoned “Existing Residential” with the objective to ‘provide for residential development, protect and improve existing residential amenity’,
- (c) the development management standards in the Development Plan in relation to Residential Development - Design, Principles and Standards, and
- (d) part of the proposed development site along its southern boundary located within the Lower River Shannon Special Area of Conservation (Site Code: 002165) and Objective EH O1 of the Limerick City and County Development Plan ensuring that projects/plans will not be permitted unless they comply with Article 6 of the Habitats Directive,

it is considered that the design, layout and scale of the development proposed did not have sufficient regard to the setting of the site in terms of site elevations and the impact of the proposed development on levels of privacy and amenity, including consideration of overlooking, of adjoining sites. Having regard to the proximity of the Lower River Shannon Special Area of Conservation (Site Code: 002165) and to the works proposed, the Board also considered that sufficient details regarding site access and construction methodologies are relevant to the reasoned consideration of likelihood of significant effects on the European Site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board were not satisfied that the development proposed would not unduly impact surrounding properties or adjacent European Sites.

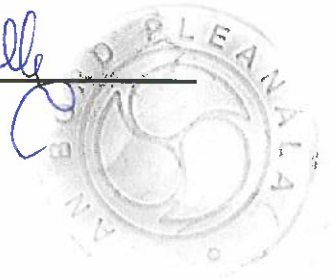
Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *7th* day of *July*, 2023.