

An
Bord
Pleanála

Board Order
ABP-316337-23

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 23/98

Appeal by Bridget Flynn care of Maurice Meskell of Coolcappa, Ardagh, County Limerick against the decision made on the 12th day of April, 2023 by Limerick City and County Council to refuse permission for the proposed development.

Proposed Development: Retention for the amendments made to the height of the eaves at each side elevation and rear elevation and all associated site works at The Square, Rathkeale, 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 policies and objectives of the Rathkeale Local Area Plan 2023-2029 and the limited scale and nature of works to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not be overbearing or detract from the residential amenity of the area or of surrounding properties or depreciate the value of properties in the vicinity. The development proposed to be retained 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 Inspector's concerns in section 6.3.14 of the Inspector's report with regard to the absence of a construction management plan and the reference to the Conservation Officer's concerns regarding the structural stability of the works. The Board determined that these concerns could be addressed by condition, requiring the submission of a construction management plan.

The Board agreed with the Inspector that, as set out in section 6.3.9 of the Inspector's report, the works proposed to be retained are not considered to be overbearing, are in proportion to the pattern and grain of existing development and would not depreciate the value of properties in the area. The Board also agreed with the Inspector, as set out in section 6.3.12 of the Inspector's report, that the works to be retained are not considered significant and that it would be unreasonable to conclude that the works would damage the aesthetic of the Architectural Conservation Area in this context.

Conditions

1. The development proposed for retention shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

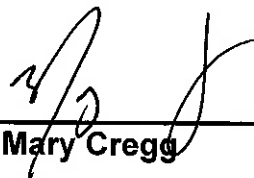
Reason: In the interest of clarity.

2. The eaves of the building shall be flush with the eaves of adjoining properties, so that the soffits do not overhang adjoining properties. Rainwater goods (gutter and down pipes) shall be aluminium and black in colour.

Reason: In the interests of residential and visual amenity.

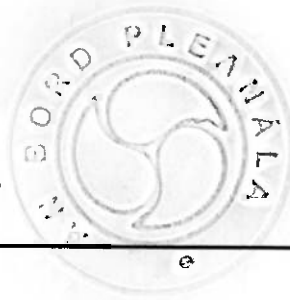
3. Within three months of the date of this Order, a comprehensive Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide details of construction practice for the development, including hours of working, noise management measures, off-site disposal of construction/demolition waste, and a structural analysis and methodology of construction.

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



Mary Cregg

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



Dated this 22nd day of April 2024.