



An  
Bord  
Pleanála

**Board Order**  
**ABP-317779-23**

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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: 23/207**

**Appeal** by Pat O'Connor and Nicola Cummins care of KM Solicitors LLP of 31 Fitzwilliam Square South, Dublin against the decision made on the 19<sup>th</sup> day of July, 2023 by Limerick City and County Council in relation to the application by Yvonne O'Donoghue care of Michael Begley Planning Services of Clonlara, County Clare for retention of as constructed garage, relocated domestic wastewater treatment system and permission to construct new roadside boundary fence, revised set-back position of entrance piers, splays, automated entrance gate, pedestrian gate and all associated site works, all at Caher Road, Islandduane, Mungret, County Limerick (which decision was to grant permission subject to conditions in accordance with plans and particulars lodged with the said Council).

## Decision

**GRANT permission for retention of the relocated domestic wastewater treatment system and permission to construct new roadside boundary fence, revised set-back position of entrance piers, splays, automated entrance gate, pedestrian gate and all associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of the as constructed garage for the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

Having regard to the nature of the proposed development and development proposed to be retained, and the planning history relating to the site, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would be acceptable in terms of traffic safety and public health, would not have an adverse impact on the amenities of adjoining property, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 22<sup>nd</sup> day of June, 2023, the 27<sup>th</sup> day of June, 2023 and the 30<sup>th</sup> day of June, 2023, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed entrance configuration shall be amended as follows:
  - (a) The piers at the pedestrian gate shall be setback a minimum distance of five metres from the near edge of the adjoining carriageway.
  - (b) The face of the existing western boundary with the adjoining dwelling shall be setback a minimum of five metres from the near edge of the adjoining carriageway.
  - (c) No physical obstruction shall be retained or erected within five metres from the near edge of the adjoining carriageway.

Revised drawings, incorporating these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public and traffic safety.

3. This permission is subject to the governing permission, planning register reference number 16/717, except where departure from the terms of that permission is authorised by this permission.

**Reason:** In the interest of clarity and orderly development.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

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

5. The 3.0-metre grassed area and 1.0-metre gravel area adjoining the front boundary of the site shall be maintained by the landowner. Details in this regard shall be agreed with the planning authority prior to commencement of development.

**Reason:** In the interest of public and traffic safety and orderly development.

## **Reasons and Considerations (2)**

Having regard to the excessive scale, bulk and floorspace of the domestic garage proposed for retention, the Board considered that the development proposed to be retained would seriously injure the visual and residential amenities of the area and would set an undesirable precedent for similar type developments which would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the domestic garage proposed to be retained, the Board did not agree that the garage did not impact on the visual and residential amenities of adjoining property and property in the area.



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**Stewart Logan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

Dated this *19<sup>th</sup>* day of *March* 2024.