



An
Bord
Pleanála

Board Order ABP-318973-24

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 23/284

Appeal by Rita O'Dowd of Woodpark House, Castleconnell, County Limerick against the decision made on the 11th day of January, 2024 by Limerick City and County Council to grant subject to conditions a permission to Vita Navicka and Vitalie Cabac care of Aidan O'Brien of Knockroe, Meelick, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of front boundary wall and entrance, boundary walls to both sides of property, partially built 48-square metre domestic garage, four-square metre porch to front of existing dwelling, elevational changes to the existing dwelling and demolition of boiler house and store. Permission is also being sought to complete the partially built garage, complete and alter the existing front boundary wall and entrance, replace existing septic tank and percolation area with new sewage treatment system and ancillary site works, all at Woodpark, Castleconnell, 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 provisions of the Limerick County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not seriously injure the existing visual or residential amenities of the area, would not be prejudicial to public health, and would not result in a traffic hazard. The proposed development and development proposed to be retained 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 5th day of September, 2023 and on the 13th day of December, 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 external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

3. The garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than for a purpose incidental to the enjoyment of the dwellinghouse.

Reason: In the interest of orderly development.

4. The front boundary wall and entrance shall comply with the requirements of the planning authority for such works. Prior to commencement of development, the developer shall submit such details to the planning authority for written agreement.

Reason: In the interest of traffic safety.

5. 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: To ensure adequate servicing of the development, and to prevent pollution.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to the existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

7. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed shall be installed unless otherwise agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and, thereafter, shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the commissioning of the treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0900 to 1300 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.



Liam Bergin

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

Dated this 24th day of September 2024