



An
Bord
Pleanála

Board Order ABP-319441-24

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 23/60839

Appeal by Edward and Catherine McMahon of Ripley Villa, Clanmaurice Avenue, North Circular Road, Limerick against the decision made on the 14th day of March, 2024 by Limerick City and County Council to grant subject to conditions a permission to Brian and Clodagh Ahern care of Mike Lyons of 14 Bellewood, Ballyneety, County Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing single storey extension to the rear of existing house, construction of a new part two-storey part single storey extension to rear of house, alterations to front elevation consisting of replacement of the existing bay windows, from curved to square bay windows and replacement of the existing single storey roof over covered porch and bay windows together with all associated site works at Saint Martha's, Clanmaurice Avenue, North Circular Road, 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 Development Plan 2022-28, and the scale, nature and suburban context of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, and 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 received by the planning authority on the 20th day of February, 2024, 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 proposed development shall be amended as follows:

- (a) The first-floor window in the west elevation of the extension shall be omitted, and shall be replaced by a rooflight, located in the west facing the slope of the roof.
- (b) A boundary treatment of 2.0 metres in height shall be provided along the length of the western boundary.

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

Reason: In the interest of residential amenity, to avoid undue overlooking, and to ensure mutual privacy.

3. The external finishes of the proposed extension (including roof tiles/slates) shall match those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass shall not be permitted.

Reason: In the interest of residential amenity.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To prevent flooding and in the interest of sustainable drainage.

6. Prior to commencement of any construction works, the developer shall locate and protect any Uisce Éireann services within the site. There shall be no building over water mains, common pipes, or sewers, and, if located, the developer shall contact Uisce Éireann with a proposal for alterations at the developer's own expense.

Reason: To protect the assets of Uisce Éireann.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 and 1400 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 agreement has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

8. Prior to commencement of development, a Refurbishment Demolition Asbestos Survey (RDAS) shall be carried out in accordance with section 8 of the Health and Safety Authority, Asbestos Guidelines (Practical Guidelines on ACM Management and Abatement) and shall be submitted to and agreed in writing with the planning authority. Development shall not commence until the RDAS has been agreed in writing with the planning authority.

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

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a site specific Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

10. 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.



Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 16th day of September 2024