



An
Bord
Pleanála

Board Order ABP-321600-25

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 23/60956

Appeal by David Morrissey of Templeglantine East, County Limerick and by William Sheehan care of Brendan Nolan Consulting Engineering Limited of 28 Church Street, Listowel, County Kerry against the decision made on the 18th day of December, 2024 by Limerick City and County Council to grant permission, subject to conditions, to Sam Foley care of Seamus McElligott Planning and Design Consultancy of Lombardstown, Caherconlish, County Limerick for the proposed development.

Proposed Development: Construction of nine number 'own door' apartment/dwelling units. The proposal will provide for a mix of one and two bedroom starter family and elderly friendly dwellings. Permission is also sought to construct new site entrance and boundary walls, connect to existing public services including all associated site development works at Templeglentan East, Templeglantine Village, County Limerick.

Decision

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

Reasons and Considerations

1. Having regard to the provisions of section 11.4 Residential Development – Quality Standards of the Limerick Development Plan 2022-2028 and the Sustainable Urban Housing: Design standards for new apartments Guidelines for Planning Authorities (2022) the Board are not satisfied that the information provided, which did not include a daylight/sunlight assessment in response to the letter issued by the Board under section 132 of the Planning and Development Act 2000 (as amended), adequately addressed the concerns in relation to the provision of access to appropriate levels of natural/daylight in all habitable rooms within dwelling number 6 and that the proposed development would result in an unsatisfactory standard of residential amenity for future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to section 11.3.6 Open Space Requirements of the Limerick Development Plan 2022-2028, the Board were not satisfied that the justification provided by the applicant for the lack of public open space was adequate in the absence of any details relating to consent from, or engagement with, the owner of the adjacent open space (Limerick County Council). It is considered that the proposed development would seriously injure the residential amenity of future residents by reason of the lack of public open space. 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 agreed with the Inspector that the provision of an appropriate residential development of seven units on the site which is in an area that has a L5 settlement designation in the development plan is acceptable, however, the Board were not satisfied that it had been demonstrated that the design and layout of dwelling number 6 would provide appropriate levels of natural/daylight as required in the development plan and that this could not be resolved by the imposition of a condition. Regarding the provision of public open space, while the Board accepted that there was adjoining open space to the east, the Board did not agree with the Inspector that this could be addressed by way of condition in the absence of evidence of consent or engagement with Limerick County Council or that privately owned and public open space in the surrounding area would address the open space requirements for residential developments in the development plan.



Marie O'Connor

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 13 day of June 2025