



Planning and Development Act 2000, as amended

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 25/60971

APPEAL by Tony McGrath against the decision made on the 19th day of November 2025, by Limerick City and County Council to grant, subject to conditions, a permission to Maurice O'Carroll in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Retention permission to retain the existing building on site as constructed to include for the following changes to this building: (a) partial demolition, (b) alteration to the roof, (c) alteration to the existing windows and doors, and (d) use of this building as a domestic garage. Planning permission is also being sought for the following: (a) demolish remainder of existing derelict house on site, (b) construction of a replacement dwelling house, (c) block up existing vehicular access, (d) construction of a new vehicular entrance (e) installation of a new proprietary domestic waste water treatment system with polishing filter, together with (f) all associated site works, all at Cloghatacka, Rivermount, Clarina, 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 nature and scale of the proposed development, including the proposed garage, the pattern of development in the vicinity and the relevant policies of the Limerick Development Plan 2022 - 2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of compliance with Objective HO O22 of the Development Plan, whereby the existing derelict dwelling will be demolished and replaced by the proposed dwelling. Furthermore, subject to compliance with the conditions set out below, it is considered that the proposed development would not adversely impact on neighbouring property by reasons of overlooking or overshadowing, would not pose an unacceptable risk to traffic safety, would not adversely impact the visual or rural amenities of the area, and would be acceptable in terms of wastewater treatment and disposal. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding (by majority decision 2:1) not to accept the Inspector's recommendation to refuse permission, the Commission accepted the evidence on file relating to an established and continued residential occupation of the site emanating from the derelict dwelling on the site. Taking this continued residential occupation into account and also noting that the condition of the subject derelict dwelling is beyond being made structurally sound, the Commission considered that the provisions of Objective HO O22 for a replacement dwelling could be relied upon in this particular instance and that therefore, the provisions of Objective HO O20 did not apply. The Commission concurred with the Inspector's assessment and conclusions with regards to: the design acceptance of the replacement dwelling; the vehicular access proposed; the suitability of the on-site wastewater treatment proposals, and the acceptability of the domestic garage at the western side of the site.

Conditions

1. The development 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. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

3. (i) All works to the existing building/proposed garage shall be carried out in full prior to works commencing on the replacement dwelling. This garage shall be used for domestic purposes incidental to the enjoyment of the replacement dwelling on the site, it shall not be used for human habitation. The external finishes, including the roof finish, to this garage shall be consistent with the finishes of the replacement dwelling on the site. All finishes to the garage and replacement dwelling shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (ii) The demolition of the derelict dwelling on the site shall be completed prior to works commencing on the proposed replacement dwelling.

Reason: In the interests of clarity and visual amenity, to protect neighbouring residential amenity and to accord with Objective HO O22 of the Limerick Development Plan 2022 - 2028.

4. Detailed design proposals for the new vehicular entrance to the site including sightlines and drainage, the setting back of the roadside boundary of the site and the treatment of the area between the road edge and the new roadside boundary shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Within three months of the commissioning of the new vehicular entrance, the existing vehicular entrance shall be removed.

Reason: In the interest of traffic safety.

5. 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: In the interests of public health and surface water management.

6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)” - Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)” - Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution

7. 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 Coimisiún 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.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 11th day of June 2026.