



An  
Bord  
Pleanála

## Inspector's Report ABP-311283-21

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<b>Development</b>	House
<b>Location</b>	Cois Abhann, Rhebogue, Limerick
<b>Planning Authority</b>	Limerick City & County Council
<b>Planning Authority Reg. Ref.</b>	21/887
<b>Applicant(s)</b>	McCarthy and Woulfe Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	McCarthy and Woulfe Limited
<b>Date of Site Inspection</b>	15 <sup>th</sup> November, 2021
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The 0.0165 hectare site is located on the west side of the cul-de-sac end of Cois Abhann north of the Rhebogue Road on the east side of Limerick City. Cois Abhann is a small residential estate of two-storey, semi-detached houses. The site comprises a grassed area abutting an existing two-storey, semi-detached house to the north (No. 8 Cois Abhann) and is north and east of residential properties fronting onto Rhebogue Road. The site is open on its east side onto the cul-de-sac and is otherwise enclosed by block walls along the remaining flank boundaries.

## **2.0 Proposed Development**

2.1. The proposed development would comprise the construction of a detached, two-storey, one bedroom, gable-fronted house with a stated floor area of 89.15 square metres. The house would be served by mains water supply and public foul sewer.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 12<sup>th</sup> August 2021, Limerick City & County Council decided to refuse permission for the proposed development for one reason relating to the site forming public open space and the injurious impact that would arise from the reduction of public open space.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted the site's zoning provisions and development plan provisions relating to infill housing. It was acknowledged that the site was a small green area within the Cois Abhann estate and submitted that there is a serious deficiency of useable open space within the estate. A refusal of permission was recommended.

### 3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

### 3.4. **Third Party Observations**

Objections to the proposal were received from Kieran Kennedy and others and Christopher Burbage relating to the loss of open space, loss of parking at the cul-de-sac end, construction impacts, and impact on light to No. 8 Cois Abhann.

## 4.0 **Planning History**

P.A. Ref. 98/398

This application related to the permission granted for the Cois Abhann estate.

## 5.0 **Policy Context**

### 5.1. **Limerick City Development Plan**

#### Zoning

The site is zoned '2A Residential' with the objective "To provide for residential development and associated uses."

#### Development Management

##### *Infill Housing*

In order to comply with general policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the Planning Authority will permit the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant Development Plan standards for residential development, however, in certain limited circumstances, the Planning Authority may relax the normal planning standards to allow development to take place.

In all cases where permitted, infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings;
- Comply with the appropriate minimum habitable room sizes; and
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

## 5.2. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. An EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The site is zoned residential and does not form part of the open space provision for the existing housing in this area. The estate was originally constructed under Planning Permission P98/398. A Location Map, Site Layout and Roads Layout drawings are attached.
- A very large amount of open space has been provided by the applicant under Planning Permissions P98/398 and subsequent Permissions P00/52 (PL.30.122995) and P00/111, together with a financial contribution towards open space by way of condition with Permission P98/398.
- A link road between Anglers Walk and Rhebogue Meadows was required under Permission P98/398. Limerick Corporation did not ensure the final section of the road on the Rhebogue Meadows site was completed to finish the link road as agreed. This, together with a Limerick Corporation residential site at the Anglers Walk end of the road was a major impediment to the realisation of a more useable amenity and to taking in charge. The construction of this link road was completed under Permissions P00/52 (PL 30.122995) and P00/111. The applicant is not responsible for anti-social

behaviour in the wider area. The planning authority has not been in contact since Cois Abhann was built.

- The proposed dwelling respects the characteristics of the adjacent houses and this type of infill is permitted under the City Development Plan.
- The access to the site is from a cul-de-sac which is not a parking area for visitors, vans or working vehicles.
- The site is the excess space remaining after the hammer-head turning area was built and the temporary access road was removed.
- There is a minimum of two car park spaces provided to each house in this estate under the original Permission P98/398.

## 6.2. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

## 7.0 Assessment

- 7.1. I first note the relatively limited information that is available on the file in relation to the development of the residential estate of Cois Abhann and Planning Permission P98/398 in particular. However, I acknowledge the appeal submission and this includes drawings from 1998 relating to the housing development at this location. The appellant refers to these drawings - a Location Map, Site Layout, and Roads Layout - as being from planning permission file P98/398. It is clear from the submitted Site Layout (Drawing No. 98-08-02A) that the appeal site is shown as "Grass" adjoining a proposed temporary site access road. It is also clear from the submitted Roads Layout (Drawing No. 98-08-03A) that the appeal site is shown as "Grass Margin" adjoining a proposed temporary site access road. I note that the drawings refer to the "Temporary Site Access" and indicate that when it is removed a hammer-head turning area and a 2.1 metre high wall would be developed to form a cul-de-sac end.
- 7.2. From the details provided by the appellant, it is evident that the site area was intended to form a grassed area that was open to the cul-de-sac end and publicly accessible. I submit that it is reasonable to ascertain that this is a green area or in

other words open space associated with the development of the residential scheme at this location. Thus, the planning authority's understanding of the site as being open space is considered reasonable.

- 7.3. I note the very limited developed and maintained public open space within the wider area of this site. The site could reasonably be viewed as performing a relevant role in the provision of amenity for the estate and to enhance the character of this estate. While limited in area, it can reasonably be utilised as functional recreational space by children, albeit that it is in a confined location with poor surveillance from neighbouring houses. In my opinion, the loss of the open space would be a material erosion of the basic amenity provisions for the residents of this estate, which would injure the residential and visual amenities of the area.
- 7.4. With regard to the development of a house of the scale and character proposed for the site, there would be no concerns about the potential adverse impact on the residential amenity of neighbouring properties arising from any overlooking, overshadowing or overbearing impact and there would not be any traffic concerns as the vehicular access would be on to a quiet cul-de-sac end where traffic volumes would be low.

#### *Appropriate Assessment*

The site of the proposed development is located within the urban area of Limerick City at a location which is separated from Lower River Shannon SAC (Site Code: 002165) by extensive buildings, infrastructure and other developments. Having regard to the nature, scale, and location of the proposed development, the serviced nature of the proposed development, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend that permission is refused in accordance with the following reason and considerations.

## 9.0 Reasons and Considerations

The site of the proposed development forms an area of designated public open space which is part of the development of the residential estate of Cois Abhann. It is considered that the proposed development, resulting in a significant reduction in the usable public open space serving the estate, would lead to a substandard form of development for the residents of the estate and would seriously injure the residential and visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore  
Senior Planning Inspector

18<sup>th</sup> November, 2021