



An
Bord
Pleanála

Inspector's Report ABP-321907-25

Development

Retention of the demolition of 2 existing two-storey townhouses and planning permission to construct a two-storey house in the place of the previously demolished houses and associated works.

Location

Main Street, Rathkeale, Co. Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2461177

Applicant

Breda O'Brien

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant

Breda O'Brien

Observers

None

Date of Site Inspection

8/4/2025

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The site of the subject appeal site is located on the Main Street in Rathkeale town centre. The site has a stated area of 0.015 hectares. The buildings previously on site had a floor area of 112sq m. The site has frontage of 7m onto the Main Street. There are a mix of two and three storey terraced buildings on the Main Street which accommodate retail, office and residential uses. There are a number of protected structures on the Main Street and the appeal site is within an Architectural Conservation Area.
- 1.2. The site adjoins a three-storey building containing a Eurospar supermarket to the west. The building is a Protected Structure. The adjoining building to the east is two-storey. There is on-street parking along the southern side of the Main Street in the vicinity of the site with double yellow lines along the northern side of the street.
- 1.3. The original two storey buildings on the site have been demolished. There is wooden construction hoarding erected to the front of the site. Two steel beams have been installed across the site between the two adjoining buildings providing structural support.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of the demolition of 2 no. existing two-storey townhouses and planning permission to construct a two-storey house in the place of the previously demolished houses and associated works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse to grant retention for the development of land, the demolition of 2 no. existing two storey town houses and planning permission to construct a proposed new two storey house in the place of the previously demolished houses and associated development works and to use all existing connections to all public services at Main Street, Rathkeale, Co. Limerick for the following reasons;

1. The proposed development would adversely affect the Rathkeale Architectural Conservation Area where it is the policy of the Planning Authority, as set out at Objective EH 053 and EH 054 of the Limerick Development Plan 2022-2024 and Objective HE 05 of the Rathkeale Local Area Plan 2023-2029, to ensure that the design of any development in the ACA should preserve and enhance the character and appearance of the ACA as a whole and ensure that all development proposals within an ACA be appropriate and contribute positively to the appearance and character of the streetscape. The demolition of two habitable houses would materially contravene the above-referenced objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The demolition of the two dwellings has not demonstrated sufficient regard to the integrity of the adjacent Protected Structure. Consequently, this development materially contravenes Objective EN O50 of the Limerick Development Plan, which seeks to safeguard Protected Structures from inappropriate development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded in the report of the Planning Officer that they concur with the report and recommendation to refuse permission in respect of Reg. Ref. 24/60688. They noted that no new information was submitted under the current application to justify the proposed demolition of the structures on site. They noted that the applicant had not complied with the Court Order, dated 24th August 2024 issued in relation to Enforcement proceedings under DC-308-24 on the site as a construction methodology for the reinstatement of the dwellings prepared by a Conservation Architect has not been received by the Planning Authority within 28 days of the date of the Order. It was stated that the applicant has had no regard for the integrity of the adjacent protected structure in terms of the unauthorised works carried out on the site. It was recommended that planning permission be refused on the grounds of

contravention of policies set out in the Limerick Development Plan 2022-2028 and the Rathkeale Local Area Plan 2023-2029 to protect the character of Architectural Conservation Areas and to preserve the built fabric where appropriate.

3.2.2. Other Technical Reports

3.2.3. Conservation Officer - report dated 28/8/24: Refusal recommended

3.2.4. Roads Department - report dated 18/9/24: No objections

3.2.5. Council Archaeologist - report dated 24/1/2025: No archaeological issues.

3.3. **Prescribed Bodies**

3.3.1. Irish Water - No objection subject to connection agreement.

3.4. **Third Party Observations**

3.4.1. The Planning Authority did not receive any submissions/observations in relation to the application.

4.0 **Planning History**

4.1.1. Reg. Ref. 24/60688 - Permission was refused for the demolition of 2 No. existing two-storey town houses and to construct a proposed new two-storey house in the place of the previously demolished houses, with the use of existing connections to all public services; along with all associated development works at the property.

Permission was refused for two reasons referring to the matter of the development having an adverse impact on the Rathkeale Architectural Conservation Area and that the proposal did not have sufficient regard to the integrity of the adjacent Protected Structure.

4.1.2. Reg. Ref. 19/141 - Permission was granted for alterations and extension to dwelling including all associated site works.

Adjacent Site to the east

4.1.3. Reg. Ref. 22/125 - Permission was granted for change of use from disused commercial property to residential and to make changes to the front façade of same

property along with alterations to the rear of same property including raising the roof level of existing rear extension to accommodate 2 no. bedrooms, bathrooms and en-suite with existing connections to all public services.

5.0 Policy Context

5.1. Limerick Development Plan 2022 – 2028

5.1.1. Chapter 6 refers to Environment, Heritage, Landscape and Green Infrastructure

5.1.2. Objective EH O50 – Work to Protected Structures - It is an objective of the Council to: (a) Protect structures included on the RPS from any works that would negatively impact their special character and appearance. (b) Ensure that any development proposals to Protected Structures, their curtilage and setting, shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Arts, Heritage and the Gaeltacht. (c) Ensure that all works are carried out under the supervision of a qualified professional with specialised conservation expertise. (d) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/ or its setting, is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout and materials. (e) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected. (f) Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials. (g) Support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc.) previously existed. (h) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure. (i) Protect the curtilage of Protected Structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds, that would adversely impact on the special character of the Protected Structure. (j) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage

features. (k) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development.

5.1.3. Objective EH O53 – Architectural Conservation Areas - It is an objective of the Council to: (a) Protect the character and special interest of an area, which has been designated as an Architectural Conservation Area (ACA) as set out in Volume 3. (b) Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character briefs for each area. (c) Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA, is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials. (d) Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner, rather than a replica of a historic building style. (e) Seek the retention of all features that contribute to the character of an ACA, including boundary walls, railings, soft landscaping, traditional paving and street furniture. (f) Seek to safeguard the Georgian heritage of Limerick.

5.1.4. Objective EH O54 – Shopfronts within an ACA - It is an objective of the Council to:

- (a) Ensure that all original and traditional shopfronts, which contribute positively to the appearance and character of a streetscape, within an ACA are retained and restored.
- (b) Ensure that new shopfronts are well-designed, through the sympathetic use of scale, proportion and materials.

5.2. Rathkeale Local Area Plan 2023 – 2029

5.2.1. The appeal site is zoned Town Centre as illustrated on the Rathkeale LAP 2023-2029 Zoning map.

5.2.2. The appeal site is located within the Architectural Conservation Area as illustrated on the Rathkeale LAP 2023-2029 Protected Structures Map.

5.2.3. The appeal site adjoins the Protected Structure no. 1565 as illustrated on the Rathkeale LAP 2023-2029 Protected Structures Map. It is described in the RPS as being an urban structure and commercial in nature.

5.2.4. Chapter 11 refers to Environment, Heritage and Blue Green Infrastructure

5.2.5. Objective HE 05: Ensure the design of any development in the Architectural Conservation Area, including any changes of use an existing building should preserve and/or enhance the character and appearance of the Architectural Conservation Area as a whole.

5.3. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

5.3.1. Chapter 3 refers to The Development Plan - Architectural Conservation Areas

5.3.2. Section 3.10.2 refers to Proposals for demolition - where it is proposed to demolish a structure that contributes to the character of an ACA or to demolish behind a retained façade, the onus should be on the applicant to make the case for demolition. The planning authority should consider the effect both on the character of the area and on any adjacent protected structures. When it is proposed to demolish an undistinguished building in an ACA, the proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area.

5.3.3. Section 3.10.3 - The applicant and the planning authority should consider the material effect that that proposed demolition may have on the character of the ACA:

(a) Does the structure (or part of the structure) to be demolished contribute to the character of the area?

(b) What effect would removal of the structure have on the setting of other structures in the area, the balance of an architectural composition or the setting of any adjacent protected structures?

(c) Would the character and special interest of the whole of the structure or of the ACA be diminished by the demolition of a part?

(d) Has the extent and potential impact of the proposed demolition been minimised?

- (e) Are there alternatives to demolition, even where the structure is in poor condition?
- (f) In the case of accidental damage, could demolition be avoided and the structure saved by carrying out repairs or providing temporary support or shelter to the fabric?
- (g) Is partial demolition justifiable in the interests of the retention of the remainder of the structure?
- (h) If the special interest of the structure lies in its largely unaltered state, could permission be given to demolish any part of it without damaging that special interest?
- (i) Has the incorporation of the structure (or part of the structure) into a new development on the site been given adequate consideration?
- (j) What are the merits of alternative proposals for the site, taking into consideration the development plan objective to conserve the character of the area?

5.4. Natural Heritage Designations

- 5.4.1. Askeaton Fen Complex SAC (Site Code 002279) is located circa 4km to the north of the appeal site.
- 5.4.2. Lower River Shannon SAC (Site Code 002165) is located circa 10.5km to the north-east of the appeal site.
- 5.4.3. Stack's to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161) is located circa 10.2km to the west of the appeal site.

5.5. EIA Screening

- 5.5.1. See Forms 1 and 2 in Appendices 1 and 2 attached below. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Patterson Design on behalf of the applicant Breda O'Brien. The issues raised are as follows;

- The applicant considers that they have not been treated in a fair manner in respect to the assessment of the proposal on the basis that she completed the demolition work without receiving permission for the demolition.
- It is stated that this was an honest mistake on the part of the applicant as she had received planning permission under Reg. Ref. 19/141 for alterations and extension to dwelling including all associated site works, which she was under the impression included demolition. It is stated that the applicant was poorly advised by her previous agent.
- In relation to the current application, it is considered that it is visually suitable as a replacement for the buildings which were removed. The site is small, and it is stated that the applicant does not currently have a permanent residence. She wanted to replace the two existing dwellings with a single dwelling. It is considered that the design of the proposed dwelling is in keeping with the architecture and existing development within Rathkeale town centre. The photomontage of existing buildings submitted with the application is highlighted.
- It is considered that the best way to safeguard the neighbouring buildings from any environmental damage which may occur with the removal of the two existing buildings would be to replace them as quickly as possible with a new structure. It is considered that this would provide structural integrity within the street and in terms of the adjoining buildings.
- A design statement has been included with the appeal. It states the design has taken into account the historical architecture in the ACA in Rathkeale town centre. The architecture of dwellings throughout the ACA is predominately of Georgian influence. This includes the use of sliding sash style windows and entrance doors featuring 4-6 panels with top lights of

varying design. It is noted that many of the dwellings have additional details including plaster mouldings around windows and doors or limestone surrounds on windows and doors. There are also plaster and limestone quoins on both old and new dwellings through out the town.

- It is stated that the presence of dwellings within the town centre is common and that the site previously contained two dwellings. The applicant received permission on one of the two dwellings which had been demolished. After acquiring the second property she saw an opportunity to create a larger residence. Due to health issues the applicant had a specific requirement for a bedroom at ground floor and this was not possible to provide within the design under the previous permission on the individual house.
- It is stated that the proposed design has regard to the architecture in the town and that the design style proposed is traditional Georgian. The design includes sliding sash windows and a four panel entrance door with top light which is similar in style to other existing dwellings in Rathkeale ACA. Plaster bands are proposed to surround both the windows and door on the façade of the building to match the architectural style in the area.

6.2. Planning Authority Response

- None received

7.0 Assessment

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is as follows:

- Compliance with Development Plan policy and impact on the ACA

- 7.1. Compliance with Development Plan policy and impact on the ACA
- 7.1.1. The Planning Authority refused permission for the retention of the demolition of 2 no. existing two-storey townhouses and planning permission to construct a two-storey house in the place of the previously demolished houses and associated works for two reasons.
- 7.1.2. The first refusal reason refers to the matter of the proposed development having an adverse effect on the Rathkeale Architectural Conservation Area. Objective EH 053 and EH 054 of the Development Plan are referenced and it is set out in the refusal reason that the demolition of two habitable houses would materially contravene the objectives. Objective HE 05 of the Rathkeale Local Area Plan 2023-2029 is also referenced.
- 7.1.3. The report of the Conservation Officer provides a detailed description of the original buildings on the site stating that “it appears that the two properties were originally constructed as a single property of three-bays and two-storeys. The building appears to date from the early 19th Century. The building is a two-bay three-storey rendered terraced structure with pitched roofs. The height and proportions of the front façade and windows are in keeping with the historic architectural character of the streetscape and Main Street.” The report of the Conservation Officer highlighted that the historic photographs along Rathkeale Main Street illustrated the historical architectural character of the Main Street. The character is provided by the historic shopfronts, windows and eaves lines of the two buildings. The Conservation Officer considered that the vernacular character of the building contributed to the character of the ACA. They referred to the more recent photographic evidence from the late twentieth century and also recent Google Streetview imagery which illustrated that the subject section of the Main Street had largely remained intact and retained its historical and architectural character. The report of the Conservation Officer highlighted that the character and special interest of Rathkeale ACA is detailed in volume 3 of the Development Plan and that it refers to front facades featuring decorative details with buildings of varying heights of two to three storeys providing traditional building lines. They noted that while the subject buildings previously on the site had been modernised, specifically the loss of one shopfront and the replacement of the windows with uPVC windows. The report highlighted that there is a presumption against the demolition of buildings within an ACA where the buildings

contribute to the historical character of the ACA in accordance with the provisions of Objective EH 053 of the Limerick Development Plan 2022-2028. The report noted the provisions of Section 82(2) of the Planning and Development Act 2000 (as amended) which refers to development in Architectural Conservation Areas, which states, “ In considering an application for permission for development in relation to land situated in an architectural conservation area, a planning authority, or the Board on appeal, shall take into account the material effect (if any) that the proposed development would be likely to have on the character of the architectural conservation area.” The report also noted the guidance provided in the Architectural Heritage Protection Guidelines for Planning Authorities (2011) which advises that for cases where the demolition of a structure within an ACA is proposed which would materially affect the character of the ACA that the onus is on the applicant to make the case for the demolition. Section 3.10.3 advises that the applicant and planning authority should consider the material effect of the proposed demolition may have on the character of the ACA in terms of ten questions/criteria.

- 7.1.4. In terms of the proposed retention of the demolition of the two dwellings the explanation provided in the appeal is that the applicant was under the impression that the permission granted under Reg. Ref. 19/141 for alterations and extensions to dwelling including all associated site works to the dwelling previously located on the eastern side of the site also included demolition. It is stated that appeal that the applicant was poorly advised on the matter. It is detailed in the appeal that following the applicant acquiring the adjoining house that they had the opportunity to create a larger residence with a bedroom at ground floor level.
- 7.1.5. In relation to the criteria set out in section 3.10.3 of the Architectural Heritage Protection Guidelines regarding the demolition of the two dwellings the information provided by the applicant in the application and appeal do not address this. The report of the Conservation Officer accessed the proposal in terms of the criteria/questions in section 3.10.3 of the Architectural Heritage Protection Guidelines.
- 7.1.6. Regarding whether the structures to be demolished contribute to the character of the area, they determined that they do having regard to the vernacular character of the two properties including the surviving shopfront which adds to the historical architectural character of the Main Street. In relation to the effect the removal of the

structures would have on the setting of other structures in the area, including Protected Structures they determined that the two dwellings were of historic and vernacular architectural interest and that their demolition has been detrimental to the character and setting of the adjoining Protected Structure.

- 7.1.7. Regarding the matter of whether the character of the ACA would be diminished by the subject demolition they considered that the demolition of the two dwellings has resulted in a loss of historic fabric which has detracted from the historic architectural character of the ACA. In relation to the matter of whether the extent and potential impact of the proposed demolition has been minimised, the report of the Conservation Officer noted that the applicant did not provide justification for the demolition and that a heritage impact assessment had not been provided.
- 7.1.8. Regarding the issue of whether an alternative to the demolition had been explored the report of the Conservation Officer noted that the applicant did not provide any evidence to indicate that they had considered the retention of the buildings and it was highlighted in the report that the condition of the buildings was good prior to their demolition and therefore there was no discernible reason why the dwellings could not have been retained.
- 7.1.9. In relation to the matter of whether the special interest of the structures lies largely in their unaltered state, the report of the Conservation Officer noted that the matter could not be assessed as the structures were demolished and that no photographic record of the interiors and rear of the buildings was provided. In relation to the issue of whether the incorporation of the structures or part of the structures into a new development on the site had been given adequate consideration, the Conservation Officer noted that the applicant did not appear to have given the matter any consideration. Regarding the examination of the merits of alternative proposals for the site, taking into consideration the development plan objective to conserve the character of the area, the report of the Conservation Officer highlighted that the retention and reuse of the dwellings is the preferred option for the site having regard to its location within Rathkeale ACA and that the preservation of the buildings would have protected the historic architectural character of the buildings and the character of the ACA.

- 7.1.10. The provisions of Objective EH O53 of the Development Plan seeks to protect the character and special interest of an area, which has been designated as an Architectural Conservation Area and to ensure that all development proposals within an ACA be appropriate to the character of the area and seeks the retention of all features that contribute to the character of an ACA. Having regard to the examination of the criteria/questions set out in in section 3.10.3 of the Architectural Heritage Protection Guidelines carried out by the Conservation Officer which I would fully concur with, I am not satisfied that the applicant has provide adequate justification for the demolition of the two dwellings which form part of Rathkeale ACA. The demolition of the subject dwellings has resulted in a loss of the historic fabric which has resulted in the effective loss of character within Rathkeale ACA.
- 7.1.11. The provisions of Objective EH O54 of the Development Plan seeks to seek to ensure that original and traditional shopfronts which contribute positively to the appearance and character of a streetscape within an ACA are retained and restored. In the case of the current proposal, previously the dwelling on the western side of the site had a surviving shopfront which added to the historical architectural character of the Main Street. With the demolition of the building this architectural character has been lost.
- 7.1.12. The provisions of Objective HE O5 of the Rathkeale Local Area Plan seeks to ensure that the design of any development in the Architectural Conservation Area, including any changes of use an existing building should preserve and/or enhance the character and appearance of the Architectural Conservation Area as a whole. Having regard to the assessment set out above, I would conclude that the proposal is contrary to this objective of the Rathkeale Local Area Plan.
- 7.1.13. The first party appeal includes a design statement which states that the design of the proposed dwelling has a traditional Georgian design style which has taken into account the historical architecture in the Rathkeale ACA. It is detailed in the statement that design includes sliding sash windows, a four panel entrance door with top light which is similar in style to other existing dwellings in Rathkeale ACA and that plaster bands are proposed to surround both the windows and door on the façade of the building to match the architectural style in the area. While, I would note that the proposed design of the dwelling incorporates architectural design features which are present within existing surrounding buildings along the Main Street and

within the ACA, I would highlight that the demolition of the dwellings has resulted in the loss of an existing traditional shopfront and also the traditional architectural features of both buildings. Furthermore, I would highlight that the report of the Planning Officer refers to Enforcement proceedings DC-308-24 which relate to the site and the Court Order dated the 29th of August 2024 which required the provision of construction methodology for the reinstatement of the dwellings prepared by a Conservation Architect to be submitted to the Planning Authority within 28 days of the date of the Order. The report of the Planning Officer noted that a construction methodology for the reinstatement of the dwellings had not been submitted. Therefore, I would highlight the current proposal does not seek to reinstate the dwellings or indeed reinstate the façades of the buildings including the shopfront design which is in keeping with the vernacular architecture of the ACA and which contributes to the overall character of the ACA.

7.1.14. In conclusion, I consider that the proposed development would adversely affect the Rathkeale Architectural Conservation Area and that the demolition of the two dwellings located on Rathkeale Main Street has resulted in a loss of the historic fabric and the effective loss of character occurring within Rathkeale ACA.

Furthermore, I consider that the proposed development would contravene Objective EH O53 and Objective EH 054 of the Limerick Development Plan 2022-2028 and Objective HE O5 of the Rathkeale Local Area Plan 2023-2029, which seeks to ensure that the design of any development in the Architectural Conservation Area should preserve and enhance the character and appearance of the ACA as a whole and ensure that all development within an ACA be appropriate and contribute positively to the appearance and character of the streetscape.

7.1.15. The second reason for refusal refers to the demolition of the two dwellings on the site. It is set out in the refusal reason that it had not been demonstrated that sufficient regard had been taken to the integrity of the adjacent Protected Structure with the demolition of the two dwellings. Therefore, the Planning Authority concluded that the development materially contravenes Objective EN O50 of the Limerick Development Plan, which seeks to safeguard Protected Structures from inappropriate development. Objective EN O50 refers to work to Protected Structures it states, "It is an objective of the Council to: (a) Protect structures included on the

RPS from any works that would negatively impact their special character and appearance.”

- 7.1.16. In relation to the issue of the demonstration that sufficient regard had been taken to the integrity of the adjacent Protected Structure with the demolition of the two dwellings, I would note that the first party appeal did not directly address the matter.
- 7.1.17. The appeal site adjoins the Protected Structure no. 1565 as indicated on the Rathkeale LAP 2023-2029 Protected Structures Map. It is described in the RPS as being an urban structure and commercial in nature. The building is three storey and is currently occupied by a Eurospar supermarket and it adjoins the site to the western side. The appeal referred the replacement of the demolished buildings and stated that they considered that the best way to safeguard the neighbouring buildings from any environmental damage which may occur with the removal of the two existing buildings would be to replace them as quickly as possible with a new structure. It was further stated that the replacement with the new building would provide structural integrity within the street and in terms of the adjoining buildings.
- 7.1.18. The report of the Conservation Officer highlighted that demolition adjacent to a Protected Structure requires careful consideration and mitigation works to ensure that no damage is caused to the Protected Structure. The report raised concern that the demolition of the two dwellings appears to have been carried out without regard to the Protected Structure status of the adjoining building to the west.
- 7.1.19. Accordingly, based on the documentation submitted on file and submitted with the first party appeal, I would concur with the assessment of the Planning Authority that the applicant has not demonstrated sufficient regard to the integrity of the adjacent Protected Structure in terms of the demolition carried out. On that basis, I would conclude that the proposal would be contrary to Objective EN O50 of the Limerick Development Plan 2022-2028, because the applicant has not demonstrated that the demolition works which have occurred on site have not resulted in a negative impact on Protected Structure no. 1565.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.

- 8.1.2. The subject site is located approx. 4km, at the closest point from Askeaton Fen Complex SAC (Site Code 002279) to the north. Lower River Shannon SAC (Site Code 002165) is located circa 10.5km to the north-east of the appeal site. Stack's to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161) is located circa 10.2km to the west of the appeal site.
- 8.1.3. The proposed development comprises the retention of the demolition of 2 no. existing two-storey houses and planning permission to construct a two-storey house in place of the previously demolished houses and associated works, all on a 0.015-hectare site, located on serviced lands within the Rathkeale development boundary.
- 8.1.4. No nature conservation concerns were raised in the planning appeal.
- 8.1.5. No streams/watercourses are identified on site.
- 8.1.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The nature of the works proposed which are located on serviced lands
 - The distance to the nearest European sites, and the absence of any hydrological or other pathways
 - Taking into account the screening report by the Planning Authority
- 8.1.7. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.1.8. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

9.0 Recommendation

- 9.1.1. I recommend that permission be refused for the following reasons and considerations.

10.0 Reasons and Considerations

1. The proposed development would adversely affect the Rathkeale Architectural Conservation Area, the demolition of the two dwellings located on Rathkeale Main Street has resulted in a loss of the historic fabric and the effective loss of character within Rathkeale ACA. Furthermore the proposed development would contravene Objective EH O53 and Objective EH 054 of the Limerick Development Plan 2022-2028 and Objective HE O5 of the Rathkeale Local Area Plan 2023-2029, which seeks to ensure that the design of any development in the Architectural Conservation Area should preserve and enhance the character and appearance of the ACA as a whole and ensure that all development within an ACA be appropriate and contribute positively to the appearance and character of the streetscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposal to retain the demolition of the two dwellings previously on site and the location of Protected Structure no. 1565 adjacent to the site, and on the basis of the documentation submitted on file the applicant has not demonstrated sufficient regard to the integrity of the adjacent Protected Structure. Accordingly, the proposal would contravene Objective EN O50 of the Limerick Development Plan 2022-2028, which seeks to safeguard Protected Structures from inappropriate development and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Siobhan Carroll
Planning Inspector

9th of May 2025

Form 1

EIA Pre-Screening

An Bord Pleanála			
Case Reference	ABP 321907-25		
Proposed Development Summary	Retention of the demolition of 2 existing two-storey houses and Planning Permission to construct a two-storey house in place of the previously demolished houses and associated works.		
Development Address	Main Street, Rathkeale, Co. Limerick.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes ✓	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Part 2, Class 10(b)(i) construction of more than 500 dwellings	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		The proposed development does not equal or exceed the 500 dwelling threshold,	EIA Mandatory EIAR required

No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	The proposed development is below the 500 dwelling threshold. The proposed development is for 1 dwelling unit.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 321907-25
Proposed Development Summary	Retention of the demolition of 2 existing two-storey houses and Planning Permission to construct a two-storey house in place of the previously demolished houses and associated works.
Development Address	Main Street, Rathkeale, Co. Limerick.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The nature and size of the development comprising the retention of the demolition of two-existing two storey houses and permission to construct 1 no. dwelling is not exceptional in the context of the existing urban environment. The proposed development will not result in the production of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type (residential), does not pose a risk of major accident and/or disaster.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources,</p>	<p>The site is located within the town of Rathkeale and is zoned Town Centre. The site is situated in an urban area and is removed from sensitive natural habitats, designated sites and landscapes of identified</p>

absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	significance in the County Development Plan. The proposal entails the retention of the demolition of 2 no. dwellings located within Rathkeale ACA and the site adjoins to Protected Structure, R.P.S Reg No. 1565	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, there is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	

There is a real likelihood of significant effects on the environment.	EIAR required.	
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Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)