



An
Coimisiún
Pleanála

Inspector's Report

ABP 322681-25

Development

The construction of a two storey detached dwellinghouse, entrance from estate road granted under P.R. 19-689 and connection to services granted under P.R. 19-689.

Location

Barnakyle Gardens, Barnakyle,
Patrickswell, County Limerick.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2560232

Applicant(s)

DRM Construction Ltd.

Type of Application

Permission.

Planning Authority Decision

Refusal of permission.

Type of Appeal

First Party

Appellant

DRM Construction Ltd.

Observers

None.

Date of Site Inspection

30th July 2025.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The appeal site The site is located within the development boundary of the village of Patrickswell in County Limerick to the south of Main Street and north of the N20 Adare to Limerick National road. the site has frontage onto a public road which in turn has a junction with Main Street. The site is in relatively close proximity to the amenities of the village.
- 1.2. The appeal site itself is within a housing development granted planning permission under P.A. Ref. No. 19/689 and which is currently in an advanced stage of construction. To the north and east of the overall site are open lands and the lands to the north also has road frontage onto Main Street.
- 1.3. The development is proposed within a permitted development which provides for a service road off an existing public road. The appeal site is located at the northwestern corner of the overall development with a road on the site's southeastern and southwestern boundaries which facilitate access to adjoining lands to the north and east. The northern and eastern boundaries of the appeal site are defined by a 2 metre masonry wall which is plastered and capped. remaining boundaries adjoin open lands.
- 1.4. The site has a stated area of 0.03 hectares.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 21st March 2025 was for the construction of a two storey detached dwellinghouse, entrance from estate road granted under P.R. 19-689 and connection to services granted under P.R. 19-689.
- 2.2. The proposed dwelling is two storied of modern design and construction with provision for accommodation in the attic area. The height of the dwelling to the roof ridge is 9350mm above finished floor level. There are windows in all four elevations at first floor level with a high level window for the landing on the north west elevation and a high level window on the southeast elevation for a bedroom.

- 2.3. The site has access onto the internal estate road. Private open space is provided to the front and rear of the proposed dwelling with an access and driveway off the southwestern boundary and a rear garden depth of a stated 7.095 metres. the dwelling is proposed to be set back 1.025 metres from the site's northwestern boundary and 1.9 metres from the southeastern boundary.
- 2.4. It is proposed to connect to an existing public water main supply and public sewer in relation to foul and surface water drainage.
- 2.5. The gross floor space of proposed works is stated as 196.14m².
- 2.6. In a cover letter submitted with the application the site history is referred to and permission was granted for 8 no dwelling houses with one number dwelling to be omitted on a site, which is now the subject of the present application. Since the original application and subsequent grant of permission there have been new guidelines which allow for different approaches to encourage better use of appropriately zoned and services lands and that this application should be given favourable consideration having regard to the present guidelines; the dwelling location which will not impact on the overall master plan for the area and the chronic housing shortage that is relevant to all area in this country.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to refuse planning permission. One reason was stated which refers to;

The Planning Authority considers that the proposed dwelling would adversely impact the potential for coherent future development of the adjoining lands, which are zoned for residential development. The proposal is therefore considered contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The planning report dated the 14th May 2025 refers to the planning history of the site; submissions received and provisions of the statutory development plan. Following assessment the principle of the development was accepted but referring to the planning history the ninth dwelling corresponding to the current application site was omitted through planning condition due to concerns with the layout based on the potential the dwelling's siting would have on the future development of the site to the north and that the inclusion of a ninth dwelling in the location would be out of character with the overall dwellings and layout in the development and those concerns remain. Refusal was recommended.

3.3. Other internal submissions indicate no objections to the development.

3.4. External Submissions By Statutory Bodies.

- 3.4.1. Transport Infrastructure Ireland (TII) in a submission dated the 3rd April 2025 requested that the planning authority has regard to the provisions of official policy for proposals impact national roads to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".
- 3.4.2. Uisce Éireann in submission dated the 26th April 2025 indicate no objection subject to connection agreement for water supply and/or wastewater collection network.

4.0 Planning History

4.1.1. P.A. Ref. No. 19/689

Permission granted for the construction of 8 dwellings comprising of 6 no. two storey detached dwellings with attic accommodation and 2 no. semi –detached two storey dwellings including the provision of an access road, connection to services and associated site works.

5.0 Policy and Context

5.1. **Development Plan**

- 5.1.1. The statutory development plan is the Limerick Development Plan 2022-2028.

- 5.1.2. Patrickswell is a Level 4 Large Village (>500 population) in the settlement hierarchy. Given the location of the village in the Limerick Shannon Metropolitan Area (in Limerick), a growth target of 36% has been incorporated into the Core Strategy.
- Development
- 5.1.3. Objective CGR O15 Requirements for Developments within Level 4 Settlements It is an objective of the Council within these settlements to facilitate development, subject to compliance to ensure that the scale of new housing developments both individually and cumulatively shall be in proportion to the pattern and grain of existing development.
- 5.1.4. Policy CS P2 Compact Growth It is a policy of the Council to support the compact growth of Limerick City Metropolitan Area, towns and villages by prioritising housing and employment development in locations within and contiguous to existing City and town footprints where it can be served by public transport and walking and cycling networks, to ensure that development proceeds sustainably and at an appropriate scale, density and sequence, in line with the Core Strategy.
- 5.1.5. Objective CGR O3 Urban Lands and Compact Growth It is an objective of the Council to: a) Deliver 50% of new homes within the existing built-up footprint of Limerick City and Suburbs (in Limerick), Mungret and Annacotty.
- 5.1.6. Chapter 11 of the plan outlines Development Management Standards in relation to standards for individual developments including housing.
- 5.1.7. Patrickswell Local Area Plan, 2024-2030:

In relation to zoning the site is zoned new residential phase 1 and has the following Objective as set out in the LAP: 3 Objective: To provide for new residential development in tandem with the provision of social and physical infrastructure.

The purpose of this zone is intended primarily for new high quality housing development. The quality and mix of residential areas and the servicing of lands will be a priority to support balanced communities. New housing and infill developments should include a mix of housing types, sizes and tenures, to cater for all members of society. Design should be complimentary to the surroundings and should not adversely impact the amenity of adjoining residents; ensure all new residential layouts will prioritise walking and cycling and are fully permeable for pedestrians and

cyclists to access a range of local services and enable the efficient provision of public transport services; ensure new residential development provides high quality public open space and play lots proportional to the number of residential units, having cognisance to accessibility, safety, permeability and public realm.

In relation to density Objective DS O3 - Density and New Residential Developments indicates that it is an objective of the Council to: Ensure that all residential development complies with the minimum residential density requirements, as set out in Table 3.4 and encourage a range of densities on New Residential and other suitably zoned lands in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages (2009), and any subsequent documents. A statement demonstrating an appropriate mix of units for new residential schemes shall be submitted as a requirement with all residential planning applications.

5.2. National Guidance.

- 5.2.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 outlines guidance and standards to be applied in relation to the provision of residential development on a wide range of criteria.
- 5.2.2. Design Manual for Quality Housing 2022 provides guidance in relation housing in the context of meeting modern requiring and the principle of sustainable development while acknowledging that it is understood that each scheme will have its own site-specific influences and particular requirements.

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA and a significant distance of the subject site from any designated site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report. 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. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.2. The appellants grounds of appeal in summary refers to;

- The proposal increase the density of the estate previously granted planning permission to a level more appropriate to government guidance set out in Compact Residential Development 2024.
- The refusal is not tenable as adequate provision is made for access to adjoining lands and in no way interferes with the development of those lands.
- Reference is made to the site history and the reason for the removal of the dwelling on the current appeal site is neither clear or cogent.
- Planning policy at national and local level in relation to density has evolved since the previous decision and if permission was granted for the current proposal the overall density of the housing development would be 25 units per hectare which is below the recommended density of 30-40+units per hectare for small towns and villages set out in paragraph 6.9 of the guidance in Sustainable Residential Urban Development in Urban Areas 2009 and 2024 guidance in which indicates density should not generally fall below 20 units per hectares in villages below 1,500 in population.
- The site is adjacent to the centre of the village where higher densities prevail.
- Reference is made to the provisions of the County Development Plan and proposals for the growth of the village which is located in the Limerick City Metropolitan Area with a regular bus connection.
- There is no basis to come to the conclusion that an additional house would impede in any way the development of adjacent lands and it is not reasonable

to delay development of a dwelling to facilitate something that may not happen for many years.

- Even with the addition of the existing house under appeal there is adequate provision of open space.
- A masterplan prepared for the previous planning application indicate a provision for access of additional lands and this is submitted with the grounds of appeal.
- The window on the gable window at first floor level and which is at high level is not necessary and can be removed by condition.

7.3. Planning Authority Response

The planning authority in a response indicate no further comment outside of the assessment of the development is outlined on reports relating to the development.

8.0 Assessment

- 8.1.1. The main issues in this appeal are principle of the development and the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The proposal as submitted is for the construction of a two storey detached dwellinghouse, entrance from estate road granted under P.R. 19-689 and connection to services granted under P.R. 19-689. In the previous permission a dwelling on the site currently under consideration was omitted by condition

8.2. The principle of the development

- 8.2.1. In relation to the principle of development the appeal site is located within an area zoned as new residential phase 1 as set out in the current Patrickswell Local Area Plan, within a residential development currently under construction and that access and services are available from that development. The proposal for a dwelling is considered therefore consistent with the zoning objective; is therefore considered acceptable in principle subject to compliance with consideration of other provisions of the CDP and LAP and that the proposal requires to be considered in the context of

the provisions of the development plan and its impact on residential amenities of property in the vicinity.

8.3. Grounds of appeal

- 8.3.1. The Planning Authority in refusing the proposed development consider that the proposed dwelling would adversely impact the potential for coherent future development of the adjoining lands, which are zoned for residential development raising concerns with the layout based on the dwellings' siting and the potential that it would have on the future development of the site to the north. Concern was also expressed that the inclusion of a ninth dwelling in the location would be out of character with the overall dwellings and layout in the development.

The appellants in the grounds primarily indicate that the proposal would increase the density of the estate previously granted planning permission to a level more appropriate to government guidance set out in Compact Residential Development 2024 and if permission was granted for the current proposal the overall density of the housing development would be 25 units per hectare which is below the recommended density of 30-40+units per hectare for small towns and villages set out in paragraph 6.9 of the guidance in Sustainable Residential Urban Development in Urban Areas 2009 and 2024 guidance. The site is adjacent to the centre of the village where higher densities prevail.

- 8.3.2. It is contended that the reason for refusal is not tenable as adequate provision is made for access to adjoining lands and in no way interferes with the development of those lands; reference is made to the site history and the reason for the removal of the dwelling on the current appeal site is neither clear or cogent. There is no basis to come to the conclusion that an additional house would impede in any way the development of adjacent lands and it is not reasonable to delay development of a dwelling to facilitate something that may not happen for many years. It is also indicated that even with the addition of the existing house under appeal there is adequate provision of open space.
- 8.3.3. If there are issues in relation to impacting the amenities of adjoining lands the window on the gable window at first floor level and which is at high level is not necessary and can be removed by condition.

8.4. Density

- 8.4.1. Specifically in relation to density an additional dwelling on the overall site would not result in excessive density on a serviced site within a village and would accord with the comply with national guidance as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 and previous guidance.

8.5. Siting and Design

- 8.5.1. In relation to overall siting and design issues, the dwelling would be at variance with the dwelling units as currently permitted which face northwards onto the service road and the current proposal would face westwards. Noting the planning authority's concerns that in the location would be out of character with the overall dwellings and layout in the development I do not consider that this would be the case. Siting and design is largely determined by the configuration of the overall site and a dwelling on the proposed site would not adversely impact on the overall layout and would also provide for a level of variation in the overall layout.

The design of the dwelling complements the existing dwelling units which comprise 6 detached and 2 semi-detached units of a similar design and finish and in acceptable in relation to design and height.

The proposed unit provides for satisfactory on-site parking and private amenity open space.

8.6. Impact on the potential of the development of adjoining lands

- 8.6.1. The Planning Authority in refusing the proposed development specifically consider that the proposed dwelling would adversely impact the potential for coherent future development of the adjoining lands and in particular refer the potential that it would have on the future development of the site to the north.
- 8.6.2. In this regard I would note that the layout provides for potential access to lands to the east and north and the proposal as submitted does not militate or prevent access to these lands. I would also note that the lands to the north also have frontage onto a public road which potentially can be used as a means of access.
- 8.6.3. There would I consider be no clear basis to conclude that an additional house in the location proposed would impede in any way or would adversely impact the potential for coherent future development of the adjoining lands. Any development of these

lands would identify any constraints arising from existing and permitted development in any layout prepared and if access to adjacent lands is from the existing permitted housing development there are no constraints in relation to this.

8.6.4. In relation to impacting future residential amenities the layout provides to windows on both of the gable elevations at first floor level. The windows on the southeast gable elevation does not present any issues of overlooking as they face into the public realm of the internal road and the front elevations of permitted dwellings. In relation to the windows on the northwest elevation one window is a bathroom window which would have frosted glazing and the other is a high level landing window which should be conditioned to have frosted glazing to avoid any potential direct overlooking of lands to the north. It is noted that there is a 2 metre high wall along the northeast boundary which would address any potential overlooking from windows at ground floor level.

8.6.5. The northwest elevation is 1025mm from the northwest boundary. The concern would be the proximity to this boundary would impact on the development potential of the adjoining lands. As already stated, I do not consider that this would necessarily constrain development and any layout on the adjacent lands would design a layout which would take into account a dwelling at this location.

Given the urban setting of the development, I consider that on balance the impact would be acceptable. I also consider that the development would not give rise to any significant level of overbearance.

9.0 AA Screening

9.1. I have considered the proposal for the construction of a two storey house, connection to existing services and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on an established residential site and within an established residential area.

9.2. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 development, the distance to designated sites and the absence of pathway to these sites.

- 9.3. I conclude that 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

- 10.1. I recommend that permission be granted.

11.0 Reasons and Considerations

- 11.1. Having regard to the nature of the proposed development, the proposed residential use on the site; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the policies of the Limerick Development Plan 2022-2028 and the Patrickswell Local Area Plan 2024-2030, as well as national guidance including Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024; it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 21 st day of March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be
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	the subject of written agreement and shall be implemented in accordance with the agreed particulars. Reason: In the interest of clarity
2.	The glazing on the windows at first floor on the northwest side elevation shall incorporate frosted or obscure glazing Reason: In the interest of protecting the residential amenities of adjoining residential properties.
3.	Details in relation to the design and construction of the proposed entrance to the site shall comply with the detailed requirements of the planning authority for such works and services. Any damage to the footpath and restoration works in relation to the grass verge shall be at the applicants' expense Reason: In the interest of traffic safety and visual amenity
4.	Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and to ensure a proper standard of development.
5.	The developer shall enter into water and wastewater connection agreements with Uisce Éireann. Reason: In the interest of public health
6.	External finishes in relation to the proposed development shall be submitted to and agreed with the planning authority prior to the commencement works on the site. Reason: In the interest of visual and residential amenity.
7.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

	Reason: In the interests of visual and residential amenity.
8.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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
9.	(a)The applicant shall submit for the agreement of the Planning Authority a numbering scheme to serve the proposed development. (b) The planning authority will approve the naming of residential developments in order to avoid confusion with similar names in the locality and other locations. Reason: In the interests of orderly street naming and numbering; to enhance urban legibility and to retain local place name associations
10.	Prior to commencement of development, a 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling
11.	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.
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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.

Derek Daly
Planning Inspector

25th August 2025

Form 1 - EIA Pre-Screening

Case Reference	322681-25
Proposed Development Summary	The construction of a two storey detached dwellinghouse, entrance from estate road granted under P.R. 19-689 and connection to services granted under P.R. 19-689.
Development Address	Barnakyle Gardens, Barnakyle, Patrickswell, County Limerick.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ X Yes , it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ X Yes , it is a Class specified in Part 1 .	
☐ No,	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
x No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
Yes , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes ☐	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 25th August 2025

Form 2 - EIA Preliminary Examination

Case Reference	AP322682-25
Proposed Development Summary	The construction of a two storey detached dwellinghouse, entrance from estate road granted under P.R. 19-689 and connection to services granted under P.R. 19-689.
Development Address	Barnakyle Gardens, Barnakyle, Patrickswell, County Limerick.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (	<i>The development has a modest footprint, providing for a dwelling of a modest scale in a residential development which has a grant of planning permission. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</i>
Location of development (	<i>The development is situated in an urban area within an established residential estate and an approved land use in which existing services are available. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan</i>
Types and characteristics of potential impacts	<i>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, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i>
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
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.	No
There is a real likelihood of significant effects on the environment.	No

Inspector: Derek Daly Date: 25th August 2025