



An
Coimisiún
Pleanála

Inspector's Report ABP-322740-25

Development	Retention of additional hard standing to driveway and installation of pedestrian gate on side boundary wall
Location	124 Elm Park Avenue, Elm Park, Castletroy, County Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	25/60273
Applicant	Martin Killeen
Type of Application	Retention Permission
Planning Authority Decision	Refusal to Grant
Type of Appeal	First Party
Appellants	Martin Killeen
Observer(s)	None
Date of Site Inspection	7 th August 2025
Inspector	Gary Farrelly

1.0 Site Location and Description

The subject site has a stated area of 0.023 hectares and is located within the Elm Park housing estate in the urban townland of Castletroy, County Limerick. Elm Park is located to the south of the University of Limerick Campus and is accessed off Plassey Park Road. The site accommodates an existing semi-detached, two storey residential property and is located at the corner of Elm Park Avenue and Ash Close. An area of grassed open space is located along the northern boundary of the site.

2.0 Development

Retention permission is sought to retain an additional hard standing area to the front of the existing dwelling and to retain a pedestrian gate on the side boundary wall to the rear of the dwelling. The hardstanding area extends to an area of 35sqm.

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to refuse to grant retention permission by Order dated 23rd May 2025 for the following reasons.

Reasons for Refusal

- 1. The proposal, by means of the excessive amount of hardstanding in the front garden area and excessive width of the vehicular entrance, and in the absence of drainage proposals, would detract from the character and appearance of the character of the Elm Park Estate and suburban area. The proposal is visually obtrusive in the streetscape and it is considered to be contrary to section 11.8.5 Parking in Front Gardens of the Limerick Development Plan 2022-2028 and the proper planning and sustainable development of the area.*
- 2. The proposal, by means of the excessive width of the vehicular entrance and the ability of vehicles to access the driveway over the existing footpath would constitute a risk to traffic and pedestrian safety and result in a traffic hazard.*

3.2. Planning Authority Reports

Planning Report

The area planner (AP) report assessed the development against the criteria of Section 11.8.5 of the development plan. It considered that the 8.863metre wide development exceeded the width standards for driveways and was non-compliant with policy guidelines aimed at preserving the character and visual consistency of residential streets. Additionally, the AP report noted that the access to the driveway was now over the footpath area rather than the original dished entrance which poses a risk to pedestrian and traffic safety. The AP report noted the second aspect of the retention application, i.e. the installation of the pedestrian gate. The overall development was refused permission which was endorsed by the Senior Executive Planner.

Other Technical Reports (*listed within Appendix of planner's report*)

- Roads Department – This section noted that the entrance was widened without providing a suitably dished section of footpath. It was not in favour of the removal of all the permeable grass area with concrete as natural drainage was lost and all surface water was discharging to the public footpath and road. It was also not in favour of more than two parking spaces. Overall, it was not in agreement with the development.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Relevant Planning History

PA ref. 24/60093 (subject site)

Retention permission for the raising of a boundary wall, installation of a pedestrian gate on side boundary wall was granted by the PA subject to a condition for the removal of said pedestrian gate, in the interest of residential amenity.

PA ref. 25/60446 (No. 123 Elm Park)

Retention permission for additional hard standing to the driveway to create additional off street parking was refused by the PA for the same two reasons related to this appeal.

PA ref. 25/64 (No. 129 Elm Park)

Retention permission for concrete hardstanding driveway to front of the house including widening of access onto public road was refused by the PA for the same two reasons related to this appeal.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

The subject site is zoned 'Existing Residential' where the objective is to provide for residential development and protect and improve existing residential amenity.

Section 11.8.5 Parking in Front Gardens

The cumulative effect of removal of front garden walls and railings damages the character and appearance of suburban streets and roads. Consequently, proposals for off street parking need to be balanced against loss of amenity. The removal of front garden walls and railings will not generally be permitted where they have a negative impact on the character of streetscapes (e.g. in Architectural Conservation Areas, Street Improvement Areas and other areas of architectural and historic character). Where the re-development of a drive-way is permitted the following shall apply:

- Not have outward opening gates;
- Have a vehicular entrance not wider than 3m;
- Have a vehicle entrance not wider than 50% of the width of the front boundary;
- Have an area of hardstanding (parking space of 2.5m x 5m)
- Suitably landscape the balance of the space taking into account the existing context;
- Dish and strengthen the footpath and relocate any services at the applicant's expense;

- The hardstand/paving areas shall comprise a permeable (or porous) surface which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, unless the rainwater is directed to a lawn or border to drain naturally.

5.2. Natural Heritage Designations

The site is not located within any designated site. The nearest designated site is the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165) which is located approximately 630 metres north of the site.

5.3. Environmental Impact Assessment (EIA) Screening

The development to be retained is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. I refer the Commission to Appendix 1 in this regard.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal was lodged to the Commission on 11th June 2025. The issues raised are summarised as follows:

- There are issues with the amount of cars parked on the estate roadways which cause congestion and obstacles. The provision of parking within the site will represent a gain to the locality. There are numerous houses within the estate that have increased parking to the front of the houses.
- The pedestrian side gate is used for direct access to the rear of the house and provides ease of access to bins. This was previously refused as part of a previous retention application. The gate does not detract from the area.

6.2. Planning Authority Response

The PA did not issue a response to the grounds of appeal.

7.0 Assessment

7.1. Having examined the application details and all other documentation 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 and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Retention of additional hardstanding
- Retention of pedestrian gate

Retention of additional hardstanding

7.2. I note the reasoning provided by the applicant for this aspect of the development is to take on-street parking from the roadway which is contributing to congestion and obstacles within the estate. I note that the PA had a number of concerns with the development such as the excessive width of the entrance, the excessive amount of hardstanding to the front and the absence of information regarding drainage proposals.

Traffic Safety

7.3. The Commission should note that Section 11.8.5 (Parking in Front Gardens) of the Limerick Development Plan 2022-2028 (LDP) specifies that the width of the vehicular entrance must not exceed 3 metres and must not be greater than 50% of the front boundary. Having inspected the site I observed the entrance to cover the entire length of the front boundary which I have measured as approximately 8.25 metres. I consider that this clearly contravenes the entrance requirements as set out in Section 11.8.5 of the LDP. Furthermore, the footpath is not dished at this location and cars are required to traverse a verge for access and egress. This, together with the excessive entrance width, represents a traffic hazard to pedestrians using the footpath. Therefore, I consider that the PA's refusal should be upheld in this regard.

Visual Amenity

- 7.4. I also observed that the hardstanding area to the front of the property covers the entire area to the front of the dwelling. I note that prior to the development the driveway accommodated space for 1 no. car parking space and the front of the property consisted of a grass lawn (*Google Street View, March 2022*).
- 7.5. It is my view that the entire removal of the soft landscaping area to the front of the property and replacement with a hardstanding surface has resulted in a adverse impact on the visual amenity and character of the estate. Therefore, I consider that the PA's refusal should be upheld in this regard.

Surface Water

- 7.6. The Commission should note that Section 11.8.5 of the LDP specifies that hardstand areas shall comprise a permeable (or porous) surface which allows water to drain through, unless the rainwater is directed to a lawn or border to drain naturally. I note that the applicant has ticked on the submitted application form that surface water treatment is via a surface water public sewer/drain, however, the submitted drawings do not illustrate surface water treatment. On my site inspection I observed the finish of the hardstanding area to consist of concrete. I note the concerns of the Roads Section of the PA regarding the loss of all of the grass permeable area and surface water discharging to the public footpath and roadway.
- 7.7. It is my view that the replacement of a permeable grass area to the front of the property with a non-permeable concrete surface does not allow for natural drainage which is contrary to Section 11.8.5 of the LDP. Therefore, I consider that the PA's refusal should be upheld in this regard.

Precedent

- 7.8. I note that the applicant has stated that there are numerous houses within the estate that have increased parking to the front of the houses. The Commission should note that the planning authority has refused permission for similar type developments within the estate under application refs. 25/64 and 25/60446.

Retention of Pedestrian Gate

- 7.9. The Commission should note that this aspect of the development was also refused, however, there appears to be no assessment regarding this development and the PA's reasons for refusal do not refer to this aspect of the development.
- 7.10. I note that the pedestrian side gate represents the creation of a new access point which directly opens out to an area of grassed open space. The applicant has stated that the purpose of the gate is to provide access to the rear of the house and predominantly for the removal of refuse bins. I also note that the applicant previously sought retention permission for this under application PA ref. 24/60093 where it was conditioned out in the interest of residential amenity.
- 7.11. Having reviewed the submitted documentation, I note that the red line boundary illustrated on both the site location map and site layout plan does not extend to the area of open space. Additionally, the area is not included within the blueline ownership boundary. Therefore, on the basis of the information submitted, it is my view that the applicant has not demonstrated any sufficient legal interest or legal consent to provide access from his property onto lands not in his ownership. In the absence of this legal interest or consent, it is my recommendation that permission should be refused.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 630 metres from the Lower River Shannon SAC (Site Code 002165). No nature conservation concerns were raised by the PA as part of the application.
- 8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have had any effect on a European site. The reason for this conclusion is as follows:
- To the location of the development within a built-up urban area and to the built-up nature of the surrounding area.
 - To the distance from the nearest European sites regarding any other potential ecological pathways and intervening lands.
 - Taking into account the screening determination by the PA.

- 8.3. I conclude, on the basis of objective information, that the development to be retained would not have likely resulted in a significant effect on any European site, either alone or in-combination with other plans or projects. Likely significant effects are excluded and, therefore, AA under Section 177V of the Planning and Development Act 2000, as amended, is not required.

9.0 Water Framework Directive (WFD) Screening

- 9.1. No water deterioration concerns were raised by the planning authority or submissions. I have assessed the project and have considered the objectives set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater waterbodies either qualitatively or quantitatively. The reason for this conclusion is due to the location and distance of the site to the nearest waterbody and lack of hydrological connections and to the nature of the development.
- 9.2. I conclude that on the basis of objective information, that the development would not have resulted in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

My recommendation to the Commission is that permission should be **Refused** for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. Having regard to the width of the vehicular entrance exceeding the maximum permissible width of 3 metres and 50% of the width of the front boundary, as set out in Section 11.8.5 (Parking in Front Gardens) of the Limerick Development Plan 2022-2028, to the nature of the hardstanding area comprising of a non-porous concrete finish which does not allow for natural drainage, and to the extent of the hardstanding area covering the entire area to the front of the property, it is considered that the development to be retained would be contrary to the standards set out in Section 11.8.5 of the Limerick Development Plan 2022-2028, would seriously injure the visual amenities of the area, would endanger public safety by reason of a traffic hazard and would set an undesirable precedent for favourable consideration of similar development proposals. The development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the pedestrian gate on the side boundary wall directly opening onto an area of open space, on the basis of the information submitted, it is considered that the applicant has not demonstrated sufficient legal interest or legal consent for the creation of this access point onto an area of open space. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Declaration

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.

Gary Farrelly
Planning Inspector

28th August 2025

Appendix 1: EIA Pre-Screening

An Coimisiún Pleanála Case Reference		ABP-322740-25	
Proposed Development Summary		Retention of hardstanding and pedestrian gate	
Development Address		124 Elm Park Avenue, Elm Park, Castletroy, County 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 X Proceed to Q2.
			No 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			Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			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			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No		Screening determination remains as above (Q1 to Q4)	
Yes		Screening Determination required	