



## Inspector's Report

**PL-500913-LK-26**

<b>Development</b>	Demolition of bungalow and construction of dwelling together with associated site works.
<b>Location</b>	The Nook , Castleview Gardens, Clancy's strand Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2561281
<b>Applicant(s)</b>	Matthew & Kate Graham
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Matthew & Kate Graham
<b>Observer(s)</b>	Stephen O'Mahony Aidan Barry Maureen Galligan
<b>Date of Site Inspection</b>	1 <sup>st</sup> May 2026
<b>Inspector</b>	Suzanne Kehely

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## 1.0 Site Location and Description

- 1.1. The Nook is a detached single storey house (built c 1900) on its own grounds at the end of a gated private cul-de-sac to the southwest of Thomond Bridge which leads to St John Castle on the opposite side of the River Shannon in Limerick City. The house is in one of a number of a residential enclaves off Clancy's Strand at varying topographical levels. Access to Castlevue Gardens is off Castlevue Ave/Mass Lane alongside Saint Munchin's Church. It is a city centre residential area in the wider vicinity of the historic environs of the Castle but outside the designated ACA.
- 1.2. It is a scenic area owing to its eclectic array of historic dwellings, mature setting and topographical variance with the subject lands being quite elevated relative to separate developments to the southwest. The houses which vary extensively in style and alignment, are typically a mix of modest to moderate scaled domestic dwellings dating from at least the 19<sup>th</sup> century. The gated access from the public road is very narrow with limited provision for on-street car parking.
- 1.3. The existing house occupies a deep rectangular site of 0.070 hectares which adjoins multiple properties in different housing developments. Three bungalows in Priory Park, a cul-de-sac development of predominantly single storey dwellings, bound the site to the south and are notably on a lower ground level some 2-2.5m lower than the site. (See applicant's topographical survey.) A c.2m high stone wall bounds these sites. There are views of the roofs of these houses from the front steps of the dwelling. There are views of the subject roof gable from the end of Priory Park as it rises above no.7. The rear garden of 35 Belfield Gardens backs onto the rear western boundary at a similar level to the site. The stone wall continues along this boundary. The extensive rear garden of 8 Castlevue Gardens backs onto the northern side of the rear garden and St Anthony's Villa, with a detached granny flat along its rear boundary, adjoins the remaining side boundary to the north. The boundary wall to the north is of varying concrete materials and heights and obscured by hedging in parts. St Anthony's Villa is a large two storey house and its rear elevation faces the line of the façade of the dwelling and overlooks the front garden.
- 1.4. The existing house is positioned towards the back of site (c 27m from the gate) which provides for a generous driveway from the gate to a gravel area forming the immediate curtilage of the house whereas the rear garden is relatively shallow at c.

12m. The house is a double-fronted modestly scaled single storey villa style house with a short flight of steps up to the front door. The house has been extended to the rear and to the southern side up to the boundary and it incorporates front and rear facing windows. In terms of architectural details, the house has been modernised and weathered with pebble dashing and new door and windows in addition to internal insulation. (An engineer's report catalogues changes and conditions.) The side access to the garden is gated and the rear garden has a small shed along the southern boundary. Overhead power lines traverse the site and connect to surrounding houses. The front garden comprises an extensive lawn with a centre driveway providing a long vista to the house from Castleview Gardens.

- 1.4.1. In addition to my site inspection photographs, the applicant has submitted an aerial photograph of the site and there are also photomontages of private views submitted by the respective observing parties from Priory Park.

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition of the existing dwelling (floor area not stated but I estimate it is in the order of 80 sq.m. at most as scaled from digital plans which exclude dimensions) and its replacement with a larger two storey dwelling of a stated area of 210.7sq.m. The main elements comprise:
- A dwelling of contemporary design with an 'L' footprint extending over 14m at its deepest and spanning 9.8m with a setback of less than 1m from the southern boundary. This maintains the setback of the original gable.
  - A dormer first floor level with an overall ridge height of 7.02m above ground level
- 2.2. An appended statement compares the proposal with the previously refused house.
- 2.3. The appeal submission appends a building condition report and also clarifies retention of boundary trees and hedges.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. By Order dated 6<sup>th</sup> February 2026 the planning authority issued notification of its decision to refuse permission for the following reasons as summarised:

- Design and scale at variance with general character of the area – proposed development would be unduly prominent and be an obtrusive feature in the landscape and therefore detract from the visual amenities of the area.
- Height and scale would injure residential amenity contrary to zoning and objective HO 03 regarding protection of existing residential amenity.
- Demolition has not been adequately justified which is contrary to section 11.2.1 and 11.7.1 and objective CAF05.
- Removal of trees and hedgerows contrary to Objective EH10 and impact on local ecology.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports: This report concludes that there is no material difference from the previously refused proposal. It notes the applicant's comparison of the proposal with that previously refused and notwithstanding the reduction in height by over 1m , lowering of finished floor levels such that the increase is 1.4m higher than existing dwelling and noting the repositioning of the dwelling 4m west of the previous layout, the PA remains of the view the reason for refusal in this regard has not been satisfactorily overcome. Notably, concerns relate to:

- There has been no justification for demolition.
- 1.4m increase in height would have negative impact on Priory Park.
- Not satisfied that an extension has been adequately explored as an alternative.
- The design is considered over complicated with incongruous/unwarranted elements e.g. multitude of roof designs and materials such as the stone façade on the southern side where it would not be visible is unnecessary and the chimney feature is not in keeping.
- Overshadowing of granny flat in St Athony's Villa to north.
- Overbearing impact on and overlooking of no 7 Priory Park to south.

3.2.2. Other Technical Reports

Engineering Report (4/2/26): No objection subject to condition regarding: general roads requirements and more specific requirements for Surface Water/SuDS Management, and Construction Management and Delivery Plan.

### 3.3. Prescribed Bodies

No submissions

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

Residents from three of the adjacent dwellings to the south submitted objections to the proposed development – the issues are summarised in the planning authority report and are also raised in the third-party observation on this appeal.

## 4.0 **History**

4.1. Planning Authority reference 2560622 refers to a recent refusal of permission for a larger two storey replacement dwelling on the subject site. The grounds for refusal were based on design and scale which would give rise to:

- undue prominence and obtrusiveness in the landscape and
- injury of residential amenity.

## 5.0 **Policy Context**

### 5.1. **Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 (CSGs)**

5.1.1. These guidelines include standards for achieving higher density housing in urban serviced areas. Section 3.3.6 provides for exceptions : In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter 3. The following specific objective for housing standards is of relevance:

- SPPR 1 - Separation Distance - ... When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There

shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy

## **5.2. Limerick City and County Development Plan 2022-2028, as varied**

5.2.1. The site is zoned 'City Centre' where it is an objective to protect, consolidate and facilitate development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities.

5.2.2. Chapter 11 includes development management standards. Specific policies and objectives most of which are referred to by the planning authority include:

- Objective HO3 it is objective of the Council to ensure a balance between the protection of existing residential amenities the established character of the area and the need to provide for sustainable new development.
- section 11.2.1 lists design criteria and notably states
  - retention and refurbishment of existing structures is favoured over demolition and new build
  - a range of contextual considerations in having regard to setting and surrounding character and impact on adjoining sites
- CAF 05 Energy Efficient in existing development: – it is an objective to support the retrofitting of existing building over their demolition and integration of renewable into existing building thereby ensuring a fabric first approach is taken.
- Objective INO21 construction a demolition: objective to require Construction Waste Demolition Plan and Refurbishment and Demolition Asbestos Plan Survey to be submitted as part of an application.
- Objective EH O10 Trees and hedgerows: It is objective to retain and protect amenity and biodiversity value of the city and county by preserving as far as is possible trees, woodlands and hedgerows.... And to require a tree survey in event of removal of mature trees and hedgerows.
- S6.3.5 refers to role of trees and hedgerows in the landscape and section 11.3.9 refers to seeking protecting of such as part of planning application.

## **5.3. Natural Heritage Designations**

Lower Shannon SAC is c. 150m from the site boundary.

## 6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. 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. In refuting the **design and scale** basis for refusal, the appellant describes the context and, in this way, justifies the proposal. It is explained that:

- The redevelopment is consistent with the zoning.
- Neither the site nor dwelling are prominent design elements in the streetscape.
- The streetscape character is varied and reflects an eclectic mix of styles and in this context the proposed house would not be incongruous. There is no clearly identified landscape feature in terms of visual uniqueness or streetscape character which support the planning authority reason 1 for refusal. Notably, it is not a Protected Structure or within an ACA and it is tucked away out of sight from the public realm.
- The design which incorporates a dormer level with recessed windows limits the overall scale and height. This is changed from the previous refused two storey dwelling. The design has been carefully considered to respond to surroundings and is one and a half storey with an overall height of 7.02m above ground level and would only increase the height by 1.4m in height as compared to what exists. This is accommodated by lowering the existing ground level by 400mm. Using EOIA methodology the impact would be neutral to imperceptible and would not detract from visual amenities.

- The relocation of the existing house footprint to a less easterly location minimises impacts.

7.2.1. In refutation of the reason based on **impact residential amenity** it is argued that:

- Overall, the scale, siting, design and orientation of the pd the established receiving environment and the varied but harmonious juxtaposition of adjacent dwelling I it would not materially injure residential amenity. The appeal site maintains a generally harmonious relationship with adjoining properties notwithstanding differences in proximity, orientation ground level and localised design.
- The large site and its relative seclusion provide for a larger house that is harmonious – it is not reasonable to retain footprint
- The design has been carefully considered with the layout and design minimising interface such as limiting windows in side elevations. The relationship with properties does not result in undue overbearing impact, loss of privacy or unacceptable overshadowing relative to the current dwelling.
  - The positioning of the bulk of the house to the north maximises separation and perception of visual dominance for Priory Park houses.
  - Absence of direct overlooking and controlled visual relationship safeguards amenities. E.g. there are no upper floor windows in the southern elevation.
  - The design has considered 6,7,8 Prior Park, Belfield Gardens and St. Anthony's Villa to the northeast. The only impact would be visual effect, but the functionality of the rear amenity space would remain with a low to negligible impact.
  - No 6 would not be impacted relative to existing relationship
  - The amenity of No7 is described as constrained due boundary wall height and shallow garden depth and a moderately higher house will not introduce an unfamiliar relationship. No directly opposing windows so there be no undue impact.
  - No 8 has a different relationship in that its rear garden is oriented to the west and has limited visual and functional relationship with proposed house site.

- In view of the separation distance to the west, there is no potential for injury to residential amenity (15m set back at upper floor level. It is proposed to retain boundary vegetation.

Comparative illustrations of existing and proposed dwellings are provided in outline form.

7.2.2. In refutation of reason 3 based on **justification for demolition** the appellant refers to the absence of prohibition on demolition and explains how a 'fabric first' approach was taken and that following a survey there is reasonable justification for re-development. The proposal constitutes a sustainable use of serviced land. A building condition report, prepared by consulting engineers, is appended. This highlights numerous structural deficiencies of the building in addition to disrepair and layout issues. The walls are of random rubble stone and without damp proofing and there are structural and building deficiencies which cannot be overcome to comply with standards regarding insulation, airtightness, moisture resistance and radon. The condition does not reasonably support retrofitting.

7.2.3. In refutation of reason 4 based on **loss of trees and hedgerow**, it is submitted that this could have been addressed by condition of permission as it is explained that the applicant can retain existing trees and hedgerows without impacting construction and is agreeable to this. The redevelopment is not therefore dependent upon their removal. Compliance with objective EH010: Trees and Hedgerows, can be achieved

### 7.3. **Planning Authority Response**

- No further comments

### 7.4. **Observations**

7.4.1. There are three separate observing parties to the grounds of appeal. They are from neighbouring residents of Priory Park to the south on lower lying ground and they all support the decision to refuse permission. The following is a summary of the issues raised:

- Priory Park is a development over 2m lower in ground level and the existing dwelling in the subject site is already perched at a height but as the c.120-year-old property is single storey, no conflict has arisen.

- The west facing upper floor windows of the family room and bedroom would cause overlooking to the west and south (Priory Park) and cause loss of privacy to rear of no. 8
- The proposed house would be overbearing and visually obtrusive due to the increase in height by 1.4m
- A single storey house would be more harmonious and protect amenities.
- The repositioning forward, as compared to the existing house, in addition to the height and massing increase will have an overbearing impact on the aspect of no.7 by introducing a dominant structure, thereby creating a sense of enclosure to the south.
- Loss of privacy and sky views would give rise to a loss of amenity in the dwelling and garden at no.6
- Each submission is appended with a superimposed image of the proposed dwelling as viewed from the respective adjacent properties to the south,

## 7.5. Further Responses

None

## 8.0 Assessment

### 8.1. The Issues

8.1.1. This appeal relates to a first party appeal against a decision to refuse permission for a replacement dwelling in a mature residential area within Limerick City Centre near Thomond Bridge. The decision to refuse is supported by three neighbouring resident parties in Priory Park to the south. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site and environs, and having regard to the relevant local and national policies and statutory guidance, I consider that the substantive issues in this appeal to be considered are:

- Principle of a Replacement Dwelling
- Design and Scale

- Residential amenity
- Loss of Trees

## 8.2. Principle of a Replacement Dwelling

- 8.2.1. The third reason for refusal is based on the principle of demolition as it is considered by the planning authority that it has not been adequately justified which is contrary to sections 11.2.1 and 11.7.1 and objective CAF05 of the Limerick City and County Development Plan 2022-2028 which promotes a 'fabric first' approach.
- 8.2.2. I note section 11.2.1 sets out design criteria for residential development which states that retention and refurbishment of existing structures is favoured over demolition and new build where 'practical and reasonable' and this is reiterated in the aims of the development plan for the built environment in the context of Climate Action policy wherein it states such an approach is encouraged 'where possible.' (Section 11.7.1.) Accordingly, while objective CAF 05 supports retrofitting over demolition, the approach in the development plan is that this is predicated by the practicalities of this. The appellant has submitted a consulting engineers report setting out the condition of the principal structural elements such as the roof, walls and floors in addition to confirming evidence of pulling away of the extension. It also identifies later alterations over the years including addition of asbestos ceiling tiles. This report I note is based on a visual inspection but notably identifies cracks, collapsed floors and evidence of rot, damp and mould. The report concludes that the house is very poorly laid out with sole bathroom accommodation off the living area and much evidence of a state of poor condition of all major elements and overall concludes it is not fit for purpose. I accept a reasonable case has been made in demonstrating how the condition, layout and size of the house provide a poor standard of accommodation. It is clearly a modest two-bedroom house of less than 80 sq.m. which would need considerable intervention with both the building fabric and layout to provide a four-bed family dwelling. Retaining the structure is likely to amount to a considerable level of rebuild in addition to an extension. I also note that if the existing elevated ground level was to be maintained, a two-storey extension to the rear would be higher than that currently proposed and if a single storey were only added to the rear to provide a four-bedroom house, the rear garden would be considerably reduced with windows potentially closer to boundaries than currently proposed. The

site size lends itself to a large family home. As an aside I would also comment that the Compact Settlement Guidelines advocate increasing density in serviced sites particularly in the larger city areas such as Limerick – although in this case the access appears to constrain the opportunity for any significant densification. In this context, the principle of a two storey four bed family home in place of very modest two bed dwelling is not unreasonable.

8.2.3. The other aspect to demolition is the loss of an established vernacular dwelling which I note from the observing parties is stated to be over 125 years old. The building is neither a Protected Structure nor in a designated Architectural Conservation Area and I note the development plan policy only refers to vernacular heritage in rural house design, - ‘where existing vernacular structures exist on site, consideration should be given to their re-use, adaptation and extension, in preference to a completely new build house.’ However, the other reasons for refusal refer to the unique character of the area and I consider the historic character is a factor in considering the principle of demolition and replacement and is worthy of comment in this part of the assessment.

8.2.4. The applicant refers to a lack of defined character or architectural reference whereas in fact there is a number of structures in the vicinity that are included in the National Inventory of Architectural Heritage, such as ‘the Retreat’ along the approach road and a dwelling north of St Anthony’s Villa dating from 1850s, both on Castleview Gardens. (These are highlighted in my site inspection photographs/context maps for general context.) Slightly further, there is an ‘intact’ terraced Victorian house Castleview Avenue and St Munchin’s Church also included in the NIAH - the Church marking the entrance to the enclave off Clancy’s Strand. Some of these are Protected Structures. Accordingly, while I accept there is no ordered streetscape, there is a historic character in this enclave. I note that the road, other extant properties and the subject plot (but not the house) are shown in the 1897-1913 ordnance survey map which supports the dating of the house to not being prior to 1887. I consider a key element of the house character is in the site layout which features a grand scaled formal entrance driveway – its symmetry reflecting the symmetry of the double bay frontage and its setback of some 23m. The villa style (by virtue of the elevated ground floor level) also contributes to its relatively imposing vista on approaching the gate. While I consider the principle of demolition may be

justified and replacement with a single and larger family is acceptable having regard to the building condition and constraints within the property and to the rear and also having regard to the city centre zoning for site and environs, I consider the design, scale and layout of a replacement dwelling should defer to elements of the historic character.

### **8.3. Design, Height and Scale**

- 8.3.1. The primary reason for refusal is based on the visually incongruous design and scale of the replacement dwelling in that the planning authority considers it at variance with the general character of the area, and the proposed development would therefore be unduly prominent and an obtrusive feature in the landscape thereby detracting from the visual amenities of the area.
- 8.3.2. The appellant argues that there is no clearly identified landscape feature in terms of visual uniqueness or streetscape character to support this reasoning and describes the character as being derived from the eclectic mix that has evolved over the centuries and decades. I consider this to be a fair description in that there is no ordered streetscape, building type, height or setback and the context therefore allows some latitude for a unique design. With respect to height and two storey scale, I note in particular, the adjacent two storey properties and some with higher floor to ceiling heights along Castlevue Gardens and notably the larger scale of the adjacent two-storey St Anthony's Villa. While I note the lower roof height of the single storey dwellings in Priory Park to the south, I also note the adjacent two storey dwellings on higher ground to the west and in this context, two storeys is not out of character for the environs of that development.
- 8.3.3. It is also a fair point by the appellant that the site is considerably set back from the public road at the gated entrance to Castlevue Gardens at the junction of Mass Lane Castlevue Avenue. The house for example is not visible from that entrance gate. Views are confined to the localised views primarily from private residences along and from the gated access roadway and from rear gardens of surrounding houses. The retention of a proportionally generous setback of over 20m and hedging further limits the immediate streetscape impact and also maintains the avenue approach to the house from the gate. There are limited views of the existing southern gable end from the end of the cul-de-sac in Priory Park given this road alignment and westerly

orientation. Notwithstanding, the proposal, with a gabled profile and retention of the original setback, albeit stepped forward, and boundary treatment will be relatively imperceptible given the setback from the road, intervening houses, gardens, mature boundary and planting and treeline backdrop. The stepping forward to the east is also likely to marginally alters and limits the angle of visibility from the public road in Priory Park given its alignment.

- 8.3.4. In terms of the overall height, the increase is I consider quite modest in that it is proposed to increase the overall height by 1.4m while still achieving a 2-storey house in place of single storey house. As I have stated, I do not consider a two-storey house in a city centre context to be unduly incongruous in the immediate environs. The proposed design has availed of the opportunity to lower the ground level by c. 400mm, and this provides for an increase at first floor level with minimal height increase and intrusion. The 'L' plan also helps to reduce the bulk of the roof and limit ridge height while also retaining a pitched roof profile in keeping with the roofscape generally.
- 8.3.5. I accept that there will be localised private views from surrounding development and some aspects such as upper-level facade could be simplified to avoid an undue visual jarring at this local high point. I refer for example to the triple dormer window in the facade and what is possible an unnecessary projecting void at first level. The omission of this centre dormer would be less obtrusive and more in keeping with original double bay character - a replacement of this dormer by a small obscure-glazed window porthole in the main façade below the main eaves could still provide for landing light. Similarly in the rear elevation, the triangular gable glazing up to the roof apex and out to the eaves could be replaced with a pair of standard windows to minimise glare and possible light emitting. These are relatively minor alterations that would not alter the floor plan, but would I consider help assimilate the roof level into the environs in a manner that would, I consider, reasonably address the design concerns of the planning authority.
- 8.3.6. Accordingly, given the site context in a mature and developed city centre residential area on a private lane that is well set back from both the public and private streets, that is not in an ACA and noting the character of the Castleview Garden derived from a variety of predominantly two storey dwellings of varying styles and also noting the

wider surrounding environs, I consider the proposed height and contemporary design are cognisant of the context and can be absorbed in the area without any undue incongruity and injury to visual amenities, subject to minor alterations which can be addressed by condition in the event of a grant of permission.

#### **8.4. Impact on Residential Amenity**

- 8.4.1. The main issue of contention for the residents of Priory Park is the relative increase in height and massing relative to their respective bungalows to the south which are on markedly lower ground. The submitted topographical survey with the application drawings indicates the relative levels which show a ground level variance in the order of 2-2.4m. The increased height of 1.4m behind a high boundary wall as viewed from rear rooms and gardens of Priory Park is of concern as it believed it would be excessively overbearing. The disamenity is considered by the residents to be compounded by the introduction of a first-floor level with windows and therefore presenting a new source of adverse overlooking. The repositioning of the house a few metres forward is also considered by the observing parties to significantly depart from the existing relationship with the immediately adjacent bungalows backing onto the south side.
- 8.4.2. In terms of height, I consider that the increase by 1.4m above what presently exists to be very moderate. While the new house will be forward (c.4m east) of the existing building line thereby introducing a new massing than presently exists relative to no7 Priory Park, its set back from the southern boundary wall by about 850mm coupled with the fact that the proposed gable depth remains subordinate relative to the width of the party boundary as it extends along the rear of boundary of no.7. This boundary I estimate to be approx. 20m in width. I consider some planting along the stone wall to be retained would satisfactorily ameliorate the change in visual impact. Accordingly, I do not consider that a one and a half storey structure directly to the north of no.7 would have a serious adverse overbearing impact on that property.
- 8.4.3. With respect to no 8 Priory Park, the bulk of the proposed house along the boundary will be comparatively reduced as the kitchen extension abutting the boundary is to be demolished and to remain as a garden area and the replacement house where it is proximate to the southern boundary is to be set further away from No.8. In the case

of no.6, no structures are proposed along the boundary, and the open space from the front garden will be retained.

8.4.4. In term of overshadowing, as all adjacent houses along Priory Park are due south of the site and having regard to the proposed site layout as compared to the existing one, there will no significant loss of sunlight or daylight. In terms of the impact on the 'granny flat' to the north, I note that this is ancillary to the principal residence which will not be impacted. The proposed dwelling aligns approximately with the 'granny flat' and would therefore have minimal impact on the intervening garden space between the main house and the flat which abuts the original rear boundary of St Anthony's Villa where it joins the side of a rear garden (no.8). I do not consider overshadowing of St Anthony's Villa to be a significant issue. There will be some overshadowing to the north of the rear garden of no.8 Castlevew Gardens, but this is at the end of a very deep rear garden and will have minimal impact of the amenities of that dwelling. As the house with a maximum ridge height of just over 7m and with a set back at least 8m at its closest to the east of the rear garden boundary of no 35 Bellfield Gardens, it will only cast minimal overshadowing in the morning time when the sun is low. However, the mature boundary treatment would mitigate this overshadowing such that it would imperceptible.

8.4.5. In terms of overlooking, I note the proposed windows are oriented in such a manner that there are no directly opposing first floor windows with any of the surrounding dwellings with the exception of the dwelling to the west. However, in addition to mature boundary screening, the first-floor windows are set back in excess of 12 m and this is within acceptable limits in the context of standards for privacy as set out in the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (CSGs) and notably, SPPR2 which advises a minimum distance of 16m for directly opposing first floor windows which may be reduced if other privacy measures are integrated into the design. The absence of proposed south facing windows at first floor level along the southern boundary in the direction of the lower lying houses takes account of this juxtaposition. The other windows are at oblique angles with these and the other surrounding properties and therefore do not breach these minimum standards for opposing windows in new housing. Accordingly, I consider the proposed window arrangements, given the surrounding context, comfortably complies with the current CSGs. In view of the foregoing, I consider the

amenities of the surrounding of dwellings are being reasonably maintained and that a reasonable balance has been achieved between the protection of existing residential amenities the established character of the area. I therefore do not consider impact on residential amenity or conflict with objective H03 in achieving such balance constitute reasonable grounds for refusal.

## 8.5. **Loss of trees**

8.5.1. Reason 4 was based on loss of trees and hedges and being contrary to Objective EH 010 Trees and hedgerows regarding the retention of such where possible in the interest of amenity and biodiversity. As the applicant proposes to retain the boundary planting and clarifies that the loss of such is not required to build the house, there is no substantive issue of contention in this regard. Of note, I also note from my site inspection that the trees in the skyline north of the site as viewed from Priory Park are not in the subject site and are not impacted by the proposed development. I therefore do not consider there any basis to uphold reason 4. I do however consider a landscaping plan which addresses retention measures and tree planting to be a reasonable requirement by way of condition of a permission, in order to protect both the local ecology and in the interest of residential and visual amenity.

## 8.6. **Other Matters**

8.6.1. In the event of permission, in addition to conditions that I have recommended relating to design and landscaping and also to issues in PA engineer's report, I would recommend that the standard condition for underground cabling of services be subject to agreement with the planning authority. This is in view of the connections with surrounding properties and possible restrictions in this regard beyond the applicant's control.

## 9.0 **AA Screening**

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

9.2. The proposed site is not located within a designated site, Lower Shannon SAC (site code: 002165) is located approximately 200m east of the subject site with intervening built up serviced lands. It is outside the flood risk zone.

- 9.3. The proposed development is for a replacement dwelling in an urban serviced site, and the overall development is modest in scale. While the issue of loss of garden trees and shrubs along part of the boundary has been raised this has been addressed by retaining such features.
- 9.4. 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 any effect on a European Site. The reason for this conclusion is as follows:
- Scale and size of the proposed development within an existing developed serviced residential site and setting.
  - Distance and segregation from the nearest European site,
  - Connection to public water, public sewer and public drain.

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. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

- 10.1. The proposed development comprises of permission for 1no. residential units with connections to public wastewater and water and surface water. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.2. 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 water bodies either qualitatively or quantitatively.
- 10.3. The reason for this conclusion is as follows.
- Scale and size of the proposed development within an existing residential city centre location.

- Distance to the nearest waterbody at 150 metres east of the subject site.
- Connection to public water and public wastewater.

Taking into account WFD screening report, I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

I recommend that permission be granted, based on the following reasons and considerations and subject to conditions as set out below.

## 12.0 Reasons and Considerations

Having regard to the provisions of the Limerick City and County Development Plan 2022 2028, the pattern of development in the immediate and wider environs of the site, the size and secluded location of the site within a built up urban area and its setback from the public street, and the nature, scale, height and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously detract for the character of the area or injure the residential amenities of the adjacent properties. Furthermore, it is considered that having regard to the, building condition, size and layout and site configuration that the demolition of the existing dwelling to provide for the proposed dwelling is reasonably justified. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of

August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed house fenestration and design shall be amended as follows:

(a) The first floor void space over the entrance door shall be omitted whereby the lower eaves of the main roof shall be continued between the remaining dormer windows on each side. A port hole, not exceeding 1m in width, below the eaves may be incorporated for landing light. The amended porch shall be provided with either a single sloped roof to harmonise with the main roof or flat roof.

(b) The triangular window in the rear elevation shall be replaced with rectangular window or pair of annular windows

(c) The chimney in the rear elevation shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. The site boundaries shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) Existing trees, hedgerows/shrubs, stone walls, specifying which are proposed for retention as features of the site landscaping.

(ii) The measures to be put in place for the protection of these landscape

features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species where feasible

(iv) Details of screen planting which shall not include cupressocyparis x leylandii

(b) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, or dark grey in colour only.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site, unless otherwise agreed in writing with the planning authority

**Reason:** In the interest of visual amenity.

6. Drainage arrangements, including disposal of surface water, shall comply with the requirements, in writing where necessary, of the Planning Authority for such works and services. In this regard a Surface Water and SuDs Management Plan shall be submitted for the written of the planning authority prior to commencement of development and shall provide for following:

(a ) Raised SuDs planters

(b) All surface water from the development shall be disposed of appropriately. No such surface water shall discharge to adjoining properties or onto the public road.

(c) All surface water run-off from the public road which flows onto the site shall continue to be accommodated within the site unless alternative arrangements acceptable to the planning authority are carried out.

(d) Permeable paving to all hard surface areas.

**Reason:** In the interest of public health and to prevent flooding.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

**Reason:** In the interest of public health

8. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management including specific measures for asbestos removal handling and disposal, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

9. A detailed Construction and Delivery Management Plan and a Site-Specific Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plans shall include details of arrangements including advance warning to road users for timings for demolition and construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and deliveries to the site

**Reason:** In the interest of traffic safety and convenience.

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. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, and between the hours of 0800 to 1400 on a Saturday 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.
  
12. No dust, mud or debris from the site shall be carried onto or deposited on the private or public road/footpath. Roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.  
**Reason:** To protect the amenities of the area and in the interests of road safety.
  
13. 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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Suzanne Kehely  
Senior Planning Inspector

9<sup>th</sup> June 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	<b>PL-500913-LK-26</b>
<b>Proposed Development Summary</b>	Demolition of bungalow and construction of dwelling together with associated site works.
<b>Development Address</b>	The Nook, Castlevew Gardens, Clancy's Strand, Limerick City
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	

<input type="checkbox"/> 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. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>Schedule 5, Part 2, Class 10b(i)</b> <b>Construction of more than 500 dwelling units.</b>  <b>The proposal consists of 1 no. residential units on a site size of 0.070 hectares.</b>
<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2 EIA Preliminary Examination

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Demolition of bungalow and construction of dwelling together with associated site works.
<b>Development Address</b>	The Nook, Castleview Gardens, Clancy's Strand, Limerick City
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></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 proposed development consists of demolition of modest scale dwelling of c 80sq.m. and construction of larger replacement two storey dwelling of 241sq.m. partially overlapping the existing footprint and all associated site works. The development consists of typical construction and related activities and site works. The proposed works do not result in the production of significant waste, emissions or pollutants. Surface water will be discharged to a public drain. Wastewater will be discharged to public sewer. Public water mains are available. The It does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. 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.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in</p>	<p>The proposed site is a developed domestic site located in the built-up environs of a city centre residential area. It is with 200m of the River Shannon Lower River Shannon SAC Site Code</p>

<p>particular existing and approved land use, abundance/capacity of natural resources, 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).</p>	<p>002165. It is on elevated ground and not within a flood risk area. While there are a number of NIAH properties within 200m, the site is not in any protection zone for the purposes of archaeology or architectural preservation. I have concluded through AA screening that the proposed development would not likely have a significant effect on any European site.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The size of the development is not exceptional in the context of a mature urban environment and in what it is seeking to replace. 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.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)