



An
Coimisiún
Pleanála

Inspector's Report PL-501129-LK-26

Development	Retention of 1 bed granny flat and all associated site works.
Location	24 Castlebrook Green , Castlebrook Manor, Castletroy Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2660034
Applicant(s)	Jagannadh Meda
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Jagannadh Meda
Observer(s)	None
Date of Site Inspection	17 th June 2026 and 1 st July 2026
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located within Castlebrook Manor, a residential development in Castletroy to the west of Limerick City Centre.
- 1.2. The site is occupied by a semi-detached two-storey house situated within the residential cul-de-sac of Castlebrook Green.

2.0 Proposed Development

- 2.1. The application comprises:
 - The retention of a 1 bed single storey flat roof granny flat to the rear garden, and all associated site works.
- 2.2. The granny flat is single storey flat roofed 2.99m high independent living unit constructed to the rear of an existing dwelling and has a floor area of c. 28m².

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to refuse permission for the following reasons as follows

1. *The development, by reason of its detached form, self-contained layout, absence of any internal connection to the main dwelling, and occupation by a non-dependent person, fails to comply with Objective HO O11 of the Limerick Development Plan 2022–2028, which requires dependent-relative accommodation to be physically attached to and internally connected with the principal dwelling and expressly presumes against detached independent living units within a residential curtilage. Accordingly, the development represents an unauthorised independent dwelling and would be contrary to the proper planning and sustainable development of the area.*
2. *The structure is positioned approximately 0.5 metres from the side and rear boundaries and has a height of approximately 2.9 metres, rising significantly above the boundary treatment. By virtue of its massing, height, proximity to boundaries, and detached siting, it appears overbearing and visually intrusive, resulting in material injury to the residential amenities of adjoining properties through overshadowing, visual dominance and loss of outlook, contrary to Objective HO O3 and the Existing Residential zoning objective of*

the Limerick Development Plan 2022-2028, which seek to protect and improve existing residential amenity.

3.2. Planning Authority Reports

Planning Reports

- The Planners report dated 9/3/2026 sets out that having regard to Existing Residential zoning objectives, Objective HO O11 on accommodation for dependent relatives, and Objective HO O3 on the protection of residential amenity, the principle of development is not acceptable.
- It is noted that while the rear garden retains approximately 65m² of usable private open space, the “granny flat” structure remains a detached, self-contained unit positioned to the rear of the site only 0.5 m from both the side and rear boundaries. The independent living unit rises to a height of 2.9 m, around a metre above the existing boundary wall, resulting in an overbearing and visually intrusive form that materially detracts from neighbouring residential amenity. The unit does not comply with the requirement that accommodation for dependent relatives be physically attached to and internally connected with the main dwelling and be capable of reintegration. Its independent occupation by a non-dependant cousin of the applicant cannot be supported in principle.

3.2.1. Other Technical Reports

None

3.3. Prescribed Bodies

Uisce Eireann – No objection.

3.4. Third Party Observations

None recorded

4.0 Planning History

Site

LCCC - DC-143-25 – Current – Warning Letter Served.

5.0 Policy Context

5.1 Development Plan

The relevant policy and objectives of the current development plan include the following:

Chapter 4 Housing

- **Section 4.2.5 Protecting Existing Residential Amenity**

Residential amenity is influenced by a range of factors, such as private outdoor amenity space, privacy and natural light. The relationship of buildings to each other and their individual design can have a significant impact on these factors and on residents' comfort. In older residential areas, infill development will be encouraged, while still protecting the existing residential amenity of these areas.

Objective HO O3 Protection of Existing Residential Amenity

It is an 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 4.2.13 Housing for Dependent Relatives**

The Council will encourage the provision of suitable housing for people with a sensory disability, mental health disability, physical disability and intellectual disability, in appropriate locations served by public transport, local community services and facilities. All development shall comply with Part M of the Building Regulations or any replacement hereafter.

Objective HO O11 Subdivision of Dwelling to Accommodate Dependent Relative

It is an objective of the Council to facilitate the provision of accommodation for older people and dependant relatives within the existing family home, subject to compliance with the following criteria:

- Accommodation by way of extension shall be attached to the main dwelling;
 - There shall be an internal connecting door with the main residence;
 - The extension shall be subservient to the main dwelling;
 - In a rural location any external door shall not be located on the front elevation;
 - On vacancy of the unit, the accommodation shall be integrated with the main dwelling.
- No such unit shall be used as rental accommodation. There will be a presumption

against proposals for detached independent units within the curtilage of a dwelling, regardless of urban or rural location. Proposals must accord with planning considerations such as residential amenity, environmental and public health standards and traffic safety.

Chapter 11 Development Management Standards

- **Section 11.4.4.1.2 Rear / Side Extensions**

Ground floor rear/side extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

First floor rear/side extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions, the following will be considered:

- Degree of overshadowing, overbearing and overlooking, along with proximity, height and length along mutual boundaries;
- Size and usability of the remaining rear private open space;
- Degree of setback from mutual side boundaries. No part of the extension shall encroach or overhang adjoining third party properties.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/ wall removal required to facilitate the proposed development. In addition, a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at preplanning stage.

Chapter 12 Land Use Zoning Strategy

Land Use Zoning

The appeal site is zoned 'Existing Residential'.

Objective: To provide for residential development, protect and improve existing residential amenity.

Purpose: This zone is intended primarily for established housing areas. Existing residential amenities will be protected while allowing appropriate infill development. The quality of the zone will be enhanced with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area, such as schools, creches, doctors surgeries, playing fields etc.

5.3 National Guidance

The National Planning Framework

The National Planning Framework 2025 sets out that the ‘major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages.’

Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

Housing for All – A New Housing Plan for Ireland to 2030, 2021.

The government’s housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland’s housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

Section 28 Ministerial Guidelines

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

5.4 Natural Heritage Designations

The site is not located within any designated site. The nearest designated site is SAC: 002165 - Lower River Shannon SAC which lies approx. 1.5 km to the north and east of the appeal site.

6.0 EIA Screening

The proposed development and 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. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

Misapplication of Objective HO 011 -Dependency and the Housing Crisis

- The appeal argues that the interpretation of 'dependant relative' must reflect national policy. The adult child occupying the structure is financially dependent on the appellants unable to access independent accommodation due to prohibitive cost of housing.
- The Governments Housing for All (2021) strategy acknowledges that a significant cohort of adult are unable to access independent housing. Housing for All and the NPF explicitly support the retention and delivery of additional housing units within existing residential curtilages. The refusal is contrary to the intent of national policy. (reference in appeal to objective 3b of the NPF would appear to be incorrect as NPO 3 relates to population, NPO 7 of the updated NPF 2025 relates to development in existing footprints.)
- The appeal argues that the structure is not independent by virtue of the fact that the granny flat is connected to the main dwelling via shared utility services creating an objective functional dependency between the structure and the main house.
- Reference made to a precedent case in Cork – CCC 23/6211.
- The Compact Settlement Guidelines state that development standards for housing shall allow for greater flexibility and innovation and support the delivery of a greater

range of housing options. The appeal submits that a small ancillary residential unit within an established suburban curtilage in a fully serviced settlement with no subdivision, no separate title and no independent sale or letting proposed is the type of flexible housing option the 2024 Guidelines and designed to facilitate.

- It is further argued that the Compact Settlement Guidelines emphasis the efficient use of existing housing stock.
- The rigid, blanket applications of HO O11 is not consistent with the Guidelines 2024.

Residential amenity impact is not material and has not been demonstrated

- The scale and massing at less than 40m² and 2.9m in height is typical of single storey flat roofed rear garden structures in residential estates and not unreasonable or overbearing.
- The 0.5m from adjoining boundary does not if itself constitute a material injury to residential amenity
- Comparable argument made to exempted development thresholds under Class 1 of Schedule 2 as it relates to 40m² exempted development domestic extensions.
- The absence of third party objections is noted.
- It is set out that An Coimisiún Pleanála regular raise no concerns as regards modest rear garden structures.
- Ireland is in the midst of a housing crisis and An Coimisiún Pleanála is in a position to give appropriate weight to national policy where a local authority has applied local development plan policy in a manner that is inconsistent with national policy.
- Reference is made to the Planning and Development Act 2024 and future proposal to exempt detached habitable accommodation in the curtilage of a primary dwelling. It is argued that it would be wholly disproportionate to refuse retention of a sub 40m² when such a development may be exempted development within months.
- Referring to Objective HO O11 and the internal connectivity of ancillary accommodation over detached units, the appeal noting material contravention concerns in this regard refers to the provisions of Section 37 of the Planning Act 2000 (as amended) (while reference is made to the Planning and Development Act 2024 Section 110 (3) is not yet enacted).

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Objective HO O11- Subdivision of Dwelling to Accommodate Dependent Relative.
- Objective HO O3 - Protection of Existing Residential Amenity.

8.2. Objective HO O11- Subdivision of Dwelling to Accommodate Dependent Relative

8.2.1. Refusal reason no. 1 of the PA decision states that:

*The development, by reason of its detached form, self-contained layout, absence of any internal connection to the main dwelling, and occupation by a non-dependent person, **fails to comply with Objective HO O11** of the Limerick Development Plan 2022–2028, which requires dependent-relative accommodation to be physically attached to and internally connected with the principal dwelling and expressly presumes against detached independent living units within a residential curtilage. Accordingly, the development represents an unauthorised independent dwelling and would be contrary to the proper planning and sustainable development of the area.*

8.2.2. Objective HO O11- *Subdivision of Dwelling to Accommodate Dependent Relative* states that it is an objective of the Council to facilitate the provision of accommodation for older people and dependant relatives within the existing family home, subject to compliance with the following criteria:

- Accommodation by way of extension shall be attached to the main dwelling;
- There shall be an internal connecting door with the main residence;
- The extension shall be subservient to the main dwelling;
- In a rural location any external door shall not be located on the front elevation;

- On vacancy of the unit, the accommodation shall be integrated with the main dwelling. No such unit shall be used as rental accommodation. There will be a presumption against proposals for detached independent units within the curtilage of a dwelling, regardless of urban or rural location. Proposals must accord with planning considerations such as residential amenity, environmental and public health standards and traffic safety.

- 8.2.3. The Commission will note that the structure to be retained is an independent living unit located in the rear garden of the appellants property and not physically connected to the main house and is in use by the appellants adult child who given the current housing crisis is unable to access independent housing. Contrary to the appellants argument that the independent unit shares connection to the same services as the house and is therefore 'integrated' with the main dwelling, this is in my opinion more a default of the tight urban grain rather than a conscious design consideration to ensure the structure is not independent of the main house and therefore a moot point.
- 8.2.4. It is the appellants contention that Housing for All – A New Housing Plan for Ireland to 2030, 2021, the government's housing plan to 2030, the NPF and the Compact Settlement Guidelines 2024 all support the retention and delivery of additional housing units and that the refusal is contrary to the intent of national policy including NPO 7 of the updated NPF 2025 as relates to development in existing footprints. Similarly, it is argued that Compact Settlement Guidelines 2004 provide for greater housing flexibility, efficiency and innovation and support the delivery of a 'greater range of housing options' such as that to be retained.
- 8.2.5. The appeal is selective in the text extracted from these documents and it is of note that Housing for All, the NPF nor the Compact Settlement Guidelines define a 'dependent relative' and while I accept that these documents support the delivery of housing, this is in broad policy terms and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements and does not distil down to the level of rear gardens. In any case as the Commission is aware in accordance with the hierarchy of planning documents, the Limerick Development Plan 2022-2028 sets out specific objectives relating to development in the County, in this case Objective HO O11 and Objective HO O11 sets out that the 'objective of the Council to facilitate the provision of accommodation for older people and dependant relatives within the existing family home' and not detached

independent units. Therefore, I am satisfied that the relevant objective is the Objective HO O11- *Subdivision of Dwelling to Accommodate Dependent Relative* and in broad planning terms consistent with national policy this provides an alternative housing option for a cohort of individuals.

8.2.6. Without conceding that the proposal does not adhere to Objective HO O11, the appellant also argues that the Commission may consider the development acceptable having regard to the provisions of Housing for All, the NPF and the Compact Settlement Guidelines and utilise the provisions of Section 37 of the Planning Act 2000 (as amended). In the context of the current application, I do not consider Housing for All, the NPF nor the Compact Settlement Guidelines so prescriptive so as to justify the grant of permission under the specific circumstances set out in Section 37(2)(b) of the Planning and Development Act 2000, as amended.

8.2.7. Furthermore, with respect to reference made to the Planning and Development Act 2024 and future proposal to exempt detached habitable accommodation in the curtilage of a primary dwelling. I acknowledge that the Government is proposing amendments to the Exempted Development Regulations to provide for the addition of detached habitable accommodation linked to the services of the principal house – between 32sqm and 45sqm in floor area. However, this exemption is currently not in place and therefore cannot be considered in the assessment of this application. The Commission is not in a position to pre-empt the criteria of future exempted development regulations and cannot consider an grant of planning permission in this basis.

8.2.8. Therefore, having regard to the above the retention of the detached independent living unit in the rear garden of the appellants property is contrary to criteria set out under Objective HO O11- *Subdivision of Dwelling to Accommodate Dependent Relative*. Permission should be refused for this reason.

8.3. **Objective HO O3 - Protection of Existing Residential Amenity.**

8.3.1. The PA's second reason for reason for refusal states:

The structure is positioned approximately 0.5 metres from the side and rear boundaries and has a height of approximately 2.9 metres, rising significantly above the boundary treatment. By virtue of its massing, height, proximity to boundaries, and detached siting, it appears overbearing and visually intrusive, resulting in material injury to the residential amenities of adjoining properties through overshadowing, visual dominance and loss of

outlook, contrary to Objective HO O3 and the Existing Residential zoning objective of the Limerick Development Plan 2022-2028, which seek to protect and improve existing residential amenity.

- 8.3.2. The appellant argues that the scale and massing at less than 40m² and 2.9m in height is typical of single storey flat roofed rear garden structures in residential estates and not unreasonable or overbearing. It is further argued that the 0.5m from adjoining boundary does not if itself constitute a material injury to residential amenity and in the development is comparable to exempted development thresholds under Class 1 of Schedule 2 as it relates to 40m² exempted development domestic extensions.
- 8.3.3. The structure at a maximum height of 2.99m in height is not excessive in my opinion, and I note that there are two windows in the front elevation addressing the rear elevation of the appellants property and a small bathroom window on the western elevation facing the sharded boundary wall but below the height of the wall. Therefore, there is no overlooking of adjoining properties and by virtue of the 2.99m height and orientation there is no overshadowing of adjoining properties nor does the height represent any overbearing impact or negative impact on outlook having regard to the adjoining pattern of development including other rear garden sheds and site orientation facing north with the adjoining property to the south facing west.
- 8.3.4. Furthermore, I agree with the appellant that the development is typical of the scale of many rear garden sheds and as such does not represent a negative visual intrusion at this location. In addition, the positioning 0.5m from side and rear boundaries albeit minimal allows for maintenance access within the site boundaries and as such the development does not encroach or overhang third party propriety which further reduces impacts on third parties and their residential amenities.
- 8.3.5. Having regard to the above and contrary to the PA, I am satisfied that the development is consistent with Objective HO O3 *Protection of Existing Residential Amenity* and the 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. The Commission will note that there was no third party objection to the retention application.

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 closest Natura 2000 sites is SAC: 002165 - Lower River Shannon SAC which lies approx. 1.5 km to the north and east of the appeal site. The proposed development comprises the retention of a 1-bedroom granny flat.

9.2.1. No nature conservation concerns were raised in the planning application/appeal. 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.

9.2.2. The reason for this conclusion is as follows insert as relevant:

- Nature of works e.g. small scale and residential nature of the development.
- Location-distance from nearest European site and lack of connections.
- Taking into account screening determination by the PA.

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

10.1.1. I have assessed the proposed dwelling and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek 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. 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. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development.
- Location-distance from nearest water bodies and lack of direct hydrological connections.

10.1.2. 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

It is recommended that the proposed development is refused for the reason and considerations as set out below.

1. The development, by reason of its detached form, self-contained layout and absence of any internal connection to the main dwelling fails to comply with Objective HO O11 of the Limerick Development Plan 2022–2028, which requires dependent-relative accommodation to be physically attached to and internally connected with the principal dwelling and expressly presumes against detached independent living units within a residential curtilage. Accordingly, the development represents an unauthorised independent dwelling and would be contrary to the proper planning and sustainable development of the area.

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

Irené McCormack
Senior Planning Inspector

2nd July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501129-LK-26
Proposed Development Summary	Retention of 1 bed granny flat and all associated site works
Development Address	24 Castlebrook Green , Castlebrook Manor , Castletroy Limerick.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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 ☐	
No ☒	