



An
Coimisiún
Pleanála

Inspector's Report PL-501230-LK-26

Development	Retention of location of dwelling, extension, changes to fenestration, ridge height and non construction of 2 no. chimney's
Location	Singland , Dublin Road , Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2629
Applicant(s)	Neng Ming Xue & You Jie Lu
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Neng Ming Xue & You Jie Lu
Observer(s)	Donal Stundon Patrick and Melissa Mulqueen
Date of Site Inspection	16 th July 2026
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.135ha is located on the southern side of the Old Dublin Road, c. 2km east of Limerick city centre. It is bound to the north and northeast by dwellings which front onto the Old Dublin Road. Immediately to the north is a large detached two storey dwelling with its rear open space adjoining the northern boundary of the appeal site. No. 3 Maryville is located to the northeast and is an end of terrace single storey dwelling with an approx. 45m long rear garden, part of which adjoins the appeal sites southeastern boundary. An unused grassed area and the R445 road are located to the south. To the west there is a service station with forecourt area and access road.
- 1.2. The appeal site contains a partially constructed part single storey and part dormer dwelling with access from the old Dublin Road. Blockwork, widows and roof structures are in place. Site boundaries comprise block walls on the north, east and west boundaries. A temporary construction fence and overgrown vegetation define the southern boundary.

2.0 Proposed Development

- 2.1. Permission is sought for retention of the following:
- revised location of dwelling on site
 - single storey extension on the northeastern corner of the building to facilitate two bedrooms and a home office and extension of utility area to provide plant room on north elevation
 - changes to fenestration including:
 - o changes on the north elevation of the utility room/ wet room comprising relocation of fenestration and a door;
 - o change to dormer windows on the east and west elevations of the two storey section from flat roofed to pitched roof;
 - o changes to window head and cill height on the ground floor south elevation;
 - o additional window to an en-suite bathroom on the east elevation;

- additional rooflight on the south facing roof slope
- increase in ridge height of the east section of the house by 700mm to a total height of 8.3m over ffl and of the west section by 300mm to 6.3m over ffl;
- non-construction of 2 no. chimney's.

3.0 Planning Authority Decision

3.1. Decision

On 01st April 2026 Limerick City and County Council issued notification of a decision to refuse permission for one reason as follows:

The extent of unauthorised works has resulted in a built form materially different from that permitted under 19/466 and 21/114. The development as constructed gives rise to significant overlooking, overbearing impacts and loss of amenity for adjoining residents and is therefore contrary to the 'Existing Residential' zoning objective and Objective HO 03 of the Limerick Development Plan 2022-2028. The proposal would thus be contrary to the proper planning and sustainable Development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report can be summarised as follows:

- Minor amendments granted permission under ref. 21/114 were largely due to the change in site area from 0.15 hectares to 0.135 hectares, entailing the requirement to omit the carport to the north of the proposed dwelling. Ref. 21/114 remained consistent with the scale and principle for the original permission (ref. 19/466) for a three-bedroom dwelling.
- The current application repeats almost all the items refused under 25/12, with only minor additions. The core unauthorised changes regarding the relocation of the house, raised FFL, increased ridge/eaves height, enlarged and re-positioned windows, pitched dormers, and substantial ground-floor extension remain unaltered. None of the previously identified adverse impacts have been mitigated.

- The objection and photographic evidence highlight that the FFL is raised by at least 0.65 m and possibly closer to 0.8 m, based on visible block courses. The raised FFL is not referenced in the site notice, application form, drawings, or cover letter.
- Increased FFL height artificially elevates all windows, cills, and ridge/eaves levels relative to ground level. As the previous refusal noted, the dwelling's actual height above ground is therefore materially greater than the elevations suggest, contributing directly to dominance and visual intrusion, overlooking into adjoining amenity space, and loss of privacy. The applicant has not sought retention for the FFL change, despite it being a material deviation from ref. 19/466.
- Retention permission is sought for +700 mm height increase on the two-storey east section (7.6 m → 8.3 m over FFL), +300 mm increase on the west section (6.0 m → 6.3 m over FFL). Because the FFL is raised, the true height above ground is likely higher than estimated. This compounds the overbearing nature of the structure and remains fundamentally inconsistent with the massing permitted under ref. 19/466. The increase in size and shape from flat to pitched dormer windows, particularly the longer stairwell window on the east elevation, has added to the visual overdominance of the east section of the structure overlooking the adjoining property.
- The original permission provided for a 3-bedroom house. The current application for 6 bedrooms, combined with subdivision of living areas and potential attic accommodation suggests possibly 13 rooms, according to objectors, that can function as bedrooms.
- Due to the removal of living space other than the dining/kitchen area and multiple external doors, these features are indicative of over-intensification and potential use as a house of multiple occupation, contrary to zoning and residential amenity protection policies.
- While providing accommodation for extended family members is acknowledged, it does not justify a level of intensification that materially exceeds what is appropriate for the site; extended family living cannot warrant

a scale, height, or internal subdivision that gives rise to over-intensification and consequent adverse impacts on neighbouring residential amenity.

3.2.2. Other Technical Reports

None on file.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

Two submissions received are summarised in the planning officer's report. The issues raised are similar to issues raised in the observations to the appeal.

4.0 Planning History

19466: Permission granted by LCCC for a dwelling house, garage, upgrade existing entrance, boundary walls, connection to public sewer and all associated site works.

21114: Permission granted by LCCC for changes to planning permission ref 19/466 to remove carport from house design, change site boundaries, relocate garage.

2512: Permission refused by LCCC on 12/03/2025 for retention of an extension and elevational & internal changes & increased ridge heights previously granted under planning ref. 19/466 and all associated site works. Refusal reason: Having regard to the proposed development to be retained and other unauthorised works not included in the development description, and its close proximity to the neighbouring house, it is considered the retention of this development, would have an adverse impact on the amenity space of the adjoining property from overlooking and would result in an unacceptable sense of overbearing on this property and the use of their amenity space. The extent of works on this site would seriously injure the established residential amenities of the adjoining property and would therefore, be contrary to the 'Existing Residential' land use zoning objective and objective HO 03 – Protection of Existing Residential Amenity of the Limerick Development Plan (2022-2028) and the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan Limerick Development Plan 2022-2028

5.1.1. The appeal site is zoned Existing Residential with the objective 'To provide for residential development, protect and improve existing residential amenity'. The purpose of this zoning objective states 'existing residential amenity will be protected while allowing appropriate infill development'.

5.1.2. The following sections of the Development Plan are considered relevant:

Section 11.4.2 outlines Residential Quality Standards - Houses wherein section 11.4.2.1 refers to Separation Distances between Residential Units and includes the following of relevance: As per NPF National Policy Objective NPO13, in the interest of residential amenity the following applies: An appropriate separation distance between directly opposing rear windows at first floor level in the case of detached, semi-detached and terraced units; Any residential development proposal exceeding three or more storeys shall demonstrate adequate separation distances having regard to occupier's amenity including privacy, sunlight and daylight. Each development proposal will be assessed on a case-by-case basis and should not be seen as a precedent for future development in the area; Minimum 3m separation distance to the side of dwellings for the full length of detached, semi-detached or end of terrace dwellings, equally divided between the two adjacent dwellings. Note: These separation distances may be deviated from in the case of infill and brownfield development offering opportunities for regeneration and bringing use to under-utilised lands. The developer shall submit a statement demonstrating design mitigation with respect to impact on residential amenity.

Section 11.4.4.1.2 relates to Rear/Side Extensions and includes the following:

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.

11.4.4.3 relates to Corner/Side Garden Sites and includes the following of relevance:

The sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built-up areas will be

considered in line with the following: Size, design, layout, relationship with existing dwelling and adjoining properties; Impact on the amenities of adjacent properties; Development Plan standards for existing and proposed dwellings;

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.

5.2. National Guidance

Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) includes the following relevant Specific Planning Policy Requirements (SPPR):

- SPPR 1 requires a separation distance of at least 16 metres between rear opposing windows above ground floor level. Separation distances below 16 metres may be considered where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- SPPR 2 sets out minimum private open space requirements for houses with a 4+bed house requiring a minimum of 50 sq.m.

5.3. Natural Heritage Designations

The appeal site is located 600m south of the Lower River Shannon SAC (Site Code: 002165) and 2.8km east of the River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

6.0 EIA Screening

The proposed development 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.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal was submitted on behalf of the applicant in respect of the Planning Authority's notification of decision to refuse permission for the development. The following provides a summary of the grounds of appeal:

Overlooking

- Retention is sought for a change to dormer windows on the east and west elevations of the two-storey section from flat roofed to pitched roof. As the eill height remains unchanged there is no greater potential for overlooking the adjacent property than previously permitted. The increase in window height does not result in any additional overlooking.
- Retention is sought for an additional window to an en-suite bathroom on the east elevation which is comprised of opaque glass and an additional rooflight on the south facing roof slope of the west section of the house faces towards the new Dublin road which will not result in overlooking.
- Retention is sought for a single storey extension on the north eastern corner of the building to facilitate two further bedrooms and a home office connected to the main house and will provide accommodation to elderly parents. Windows and a door from this area face boundary walls and do not result in any overlooking of adjoining properties.
- Changes to fenestration on the north elevation comprise the relocation of fenestration and a door facing towards a high boundary wall to the north with no opportunity to overlook adjacent property.
- Sustainable Residential Development and Compact Settlements Guidelines SPPR 1 requires a 16m separation distance between rear opposing windows. No first floor windows face the property to the north.
- No opposing windows exist on the property to the east which is located over 33.5m away and is single storey. Any overlooking of this property will be to part of the rear garden which is 46m in length. Overlooking of this garden was accepted in the previous application and the position of the dormer windows

has not changed, the cill height remains the same. The increase in height of the window does not increase overlooking.

- The finished floor levels (ffl) are the same level as previously permitted. There is no evidence on file to substantiate claims that there has been an increase in floor height.
- The applicant has agreed to plant a row of pleached trees along the eastern boundary to reduce any overlooking of adjacent property, a condition can be attached in this regard.
- The proposal will not give rise to overlooking and will not give rise to any incremental impact on residential amenity beyond that already permitted.

Overbearing

- Retention is sought for an increase in ridge height of the east section of the bouse by 700mm to a total height of 8.3m above ffl and of the west section by 300mm to 6.3m over ffl which comprises a minor increase in the height of the dwelling. It is considered that this increase, relative to the previously permitted scheme, would be imperceptible, having regard to the separation distances and could not be considered overbearing.
- The proposal includes a minor increase in height of approx. 700mm to a limited portion of the dwelling. In the context of separation distances of between 21m to 33.5m to adjoining properties the development would not give rise to any undue visual dominance or oppressive effect.
- The scale of alteration is modest and barely perceptible at such distances and will not give rise to overbearing impacts or any material loss of residential amenity.
- The FFL has not increased and therefore an increased FFL does not form part of the application.
- The dwelling has a modest ridge level of under 8.3m typical of other houses in the vicinity and not out of context with the area. A contiguous elevation is attached showing the height of the dwelling consistent with other buildings in the area.

- The footprint of the house is moved further away from the party boundaries than previously permitted. The distance to the northern boundary remains the same as previously permitted at 3.5m. The distance to the east has increased from a permitted distance of 2.0m to 6.5m and complies with Section 11.4.2.1.

Impact on Residential Amenities

- As the proposal does not give rise to any overlooking or overbearing impact on adjoining properties or increase such impacts beyond that previously permitted, the proposal does not conflict with the zoning objective or Objective HO 03 and accordingly does not contravene the Development Plan.
- The proposal does not introduce any new windows or openings that would compromise privacy or materially alter the relationship between the subject dwelling and adjoining properties, and any visual change arising is minimal and would not be perceptible to a degree that would adversely affect residential amenity.

Other Issues

- The house will be the applicants permanent dwelling and occupied by a single family. The house is modest with a floorspace less than 244 sq.m. and contains 4 bedrooms downstairs and 2 upstairs.
- The proposal is not an intensification of use and has a plot ratio of 0.18 which indicates the site is underutilised and underdeveloped based on recommended densities for the area.
- Retention of non-construction of chimneys is required as no open fires or stoves are proposed.

7.2. Planning Authority Response

Submission received states no further comments to make.

7.3. Observations

Two observations have been received from Donal Stundon and from Patrick and Melissa Mulqueen. The observations can be summarised as follows:

- The house is bigger and higher than originally granted and towers over the house to the north.
- The development results in overlooking and overbearing.
- The chimney has been omitted to facilitate an extra bedroom and ensuite.
- The utility room is larger than shown on drawings.
- 4 additional bedrooms are included. There are concerns that the number of bedrooms is understated and no living room is proposed.
- Conditions of the permission have not been complied with and a warning letter has been sent from planning enforcement.
- The development will impact the value of the property to the north, there are concerns footfall will increase, and it has blocked sunlight and overshadowed the property to the north.
- The boundary wall has been built 1.5m into the property to the north.
- There are concerns relating to accuracy of site levels and FFL. The FFL is shown as +10.650, the real road level is +9 making the FFL 1.650 above road level. The house is raised much higher than permitted accentuates views into the property to the east.
- In permission 19/466 the road level at the entrance is shown as +9 but is shown in the current application as +10.
- 10 windows overlook the property to the east and the stairwell window is almost 3.2m from cill to lintel. Ground floor cills are almost level with the top of the boundary wall with the property to the east, overlooking will occur even while seated.
- The size and height of first floor windows has increased and raised significantly above the permitted height along with the eaves and ridge height resulting in loss of privacy.
- The scale, height and density of the house is intimidating.
- Photographs are attached to an observation detailing concerns raised.

8.0 Assessment

8.1. 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 inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Impacts on Residential Amenities
- Other Matters

8.2. I am satisfied that the proposed development is acceptable in principle, in accordance with the 'Existing Residential' zoning objective of the site.

8.3. Impacts on Residential Amenities

8.3.1. Under permission reference 19466 as amended by 21114, permission was granted for a part single storey and part dormer dwelling with three bedrooms and with a ridge height of 7.6m on the dormer element. In permission reference 21114, permitted distances from site boundaries include a rear single storey extension set back 1.5m from the northern site boundary and a setback of 2.5m from the eastern boundary and a finished floor level (FFL) of 10.00.

8.3.2. Retention permission is now sought for amendments as follows:

(1) revised location of dwelling on site

(2) single storey extension on the northeastern corner of the building to facilitate two bedrooms and a home office and extension of utility area to provide plant room on north elevation

(3) changes to fenestration including relocation of fenestration and a door on the north elevation; change to dormer windows on the east and west elevations of the two storey section from flat roofed to pitched roof; changes to window head and cill height on the ground floor south elevation; additional window to an en-suite bathroom on the east elevation; additional rooflight on the south facing roof slope.

(4) increase in ridge height of the east section of the house by 700mm to a total height of 8.3m over ffl and of the west section by 300mm to 6.3m over ffl;

(5) non-construction of 2 no. chimney's.

I note for the Commission that the drawings 'side elevation (west)' and 'side elevation (east)' appear to be mislabelled, with the west drawing relating to the east elevation and vice versa. I am satisfied that the drawings as submitted are adequate for the purposes of carrying out my assessment.

- 8.3.3. LCCC issued notification of decision to refuse permission for one reason which states that the development as constructed gives rise to significant overlooking, overbearing impacts and loss of amenity for adjoining residents and is therefore contrary to the 'Existing Residential' zoning objective and Objective HO 03 of the Development Plan.
- 8.3.4. I have had regard to the contents of the observations from neighbouring properties to the north and northeast. The concerns raised include loss of privacy/overlooking associated with window openings, increased height resulting in overbearing, overshadowing, inaccuracies in site levels and finished floor levels, and potential future use for multioccupancy.

Revised location of dwelling on site

- 8.3.5. Retention permission is sought for the relocation of the dwelling in a south westerly direction thereby increasing the distance from the existing dwellings to the north and northeast. The appeal outlines that the distance to the northern boundary remains the same as previously permitted at 3.5m and the distance to the east has increased from a permitted distance of 2.0m to 6.5m. I note the site layout plan relating to the permitted development ref 21114 indicates a distance of 2.5m from the eastern boundary and a distance of 1.5m from the single storey projection to the northern boundary.
- 8.3.6. I note that the amendments result in the dwelling being located further away from the adjoining residential properties than previously permitted and closer to the western and southern boundaries beyond which is a service station and public road.
- 8.3.7. Having regard to the information set out within the application and appeal, and having regard to the pattern of development surrounding the site I am satisfied that the revised location of the dwelling on site is acceptable and will not give rise to unacceptable overbearing or overlooking impacts.

Single storey extension

- 8.3.8. Permission is sought for an extension on the northeastern corner of the dwelling to facilitate two bedrooms, a home office and extension of utility area to provide plant room. This structure is single storey with a flat roof, a height of 3.6m and contains windows and doors facing east and north. The extension is set back 3.5m from the north elevation and 6.5m from the east elevation.
- 8.3.9. Having regard to the scale and design of this extension I am satisfied that it will not give rise to overlooking or overbearing impacts on neighbouring properties.

Changes to fenestration

- 8.3.10. In relation to the proposed relocation of a window and door on the north elevation and changes to window head and cill height on the ground floor south elevation which reduces the overall height of this window, I note that these windows serve ground floor rooms and the north elevation faces a block wall which separates the appeal site from neighbouring properties. As such, I do not consider these elements have the potential to give rise to overlooking or other residential amenity impacts.
- 8.3.11. In relation to changes to dormer windows on the east and west elevations of the two storey section from flat roofed to pitched roof dormers and an increase in height of windows, I do not consider this design change has the potential to result in additional overlooking impacts beyond those already permitted. I also note that the east elevation, whilst facing the rear open space of the dwelling at No. 3 Maryville, is located further from the eastern boundary than previously permitted as a result of the revised location of the dwelling on site.
- 8.3.12. Whilst I note the proposal has potential to give rise to overlooking to the rear garden of no. 3 Maryville, I do not consider the extent of overlooking is unacceptable and I am satisfied that there is no direct overlooking of rear opposing windows and the proposal complies with separation distances set out in SPPR 1 of Compact Settlements Guidelines.
- 8.3.13. I note that there is a variety of dwelling designs in the area along with commercial development and I am satisfied that the proposed amendments to fenestration can be adequately integrated into the site.

- 8.3.14. In relation to an additional window to an en-suite bathroom on the east elevation, I note that this window serves an ensuite bathroom. The appeal states that this window is proposed to be of opaque glass, however this is not indicated on the drawings submitted. I do not consider this window has the potential to give rise to unacceptable overlooking of neighbouring properties. However, if the Commission decides to grant permission I consider it appropriate to attach a condition requiring this window contain opaque glass.
- 8.3.15. In relation to an additional rooflight on the south facing roof slope. I note this will serve a ground floor living area below and does not overlook any neighbouring residential properties. I am satisfied that this window will not give rise to overlooking.
- 8.3.16. Having regard to the location of the appeal house, the south and west of which overlooks a public road and service station, with no windows on the first floor northern elevation facing the dwelling to the north, and with the east elevation located in excess of 40m from the rear of No 3 Maryville and not facing any rear opposing first floor windows, and to the similarity in scale of the windows relative to that permitted under the permission reference 21114, I am satisfied that the amendments for which retention permission is sought do not give rise to additional excessive overlooking of adjacent properties.

Increase in ridge height

- 8.3.17. Retention permission is sought for an increase in height of the east two storey section of the house by 700mm to a total height of 8.3m over finished floor level (ffl) and of the west single storey section by 300mm to 6.3m over ffl.
- 8.3.18. Having reviewed the drawings submitted and viewed the dwelling on site, in my opinion the increase in ridge height does not give rise to any overriding concerns in terms of its design, dimensions and bulk relative to the overall development, the size of the site and the pattern of development surrounding the site. Whilst the height has increased by 700mm, I note that there is a mix of building heights in the vicinity. I do not consider the dwelling to be retained is noticeably larger than other development in the area. Whilst visible from the surrounding streets, it does not, in my opinion, result in overbearing impacts or impacts on the visual amenities of the area. While I acknowledge that the structure would be visible from adjoining properties, I do not consider that it constitutes an overbearing form of development.

- 8.3.19. In relation to concerns regarding overlooking, I note that the increase in height will result in an increase in the position of first floor windows. However, I do not consider the extent of increase of the previously permitted windows will give rise to additional overlooking beyond that previously permitted.
- 8.3.20. In relation to concerns regarding overshadowing and loss of sunlight, I note that no assessment of daylight and sunlight was submitted with the application and this was not raised by the PA. Having regard to the height of the structure and distance from neighbouring properties I do not envisage there to be significant overshadowing or loss of daylight.
- 8.3.21. Observers raise concerns that the FFL has been raised and the Planning Officer's report states that the FFL is raised by between 0.65 m and 0.8 m. and that the applicant has not sought retention for the FFL change.
- 8.3.22. The appeal states that FFL is the same as previously permitted and that there is no evidence on file to substantiate claims that there has been an increase in floor height.
- 8.3.23. I note the drawings submitted with the application and appeal indicate site levels in the vicinity of the dwelling under construction are between +09.75 and +10.25 and +10 on the public road to the north of the site. FFL is indicated as 10.650. The site layout plan relating to permission ref 21114 does not indicate site levels and shows a proposed FFL of 10.00. The site layout plan relating to ref 19466 indicates a level of +9.00 on the public road to the north of the site and a proposed FFL of 10.00.

The applicants have not sought permission for a change in FFL or revised site levels, however, they have sought permission for revised height above FFL. Having reviewed the drawings and documents on file and having inspected the site I am satisfied that the dwelling for which retention permission is sought does not give rise to overbearing or overlooking as a result of the increased height and I consider the proposal before me is acceptable. If an increase in floor level does arise and the development is not in compliance with the grant of retention permission, I consider matters relating to enforcement are a matter for the PA.

Non-construction of 2 no. chimney's.

- 8.3.24. Two no. chimneys originally permitted are proposed to be omitted as they are no longer required.
- 8.3.25. I note concerns raised by an observer that the omission of the living room chimney's is required to facilitate division of the living room and increase in number of bedrooms and a photograph of the dwelling under construction with an internal dividing wall in the location of the living room. I note that the applicant has sought permission for a living room at this location and that any subdivision of this room or noncompliance with the plans as submitted is a matter for the planning authority.
- 8.3.26. I do not consider the omission of the chimneys gives rise to residential amenity impacts on neighbouring properties and I am satisfied that retention of this element is acceptable.

Conclusion

- 8.3.27. In conclusion, having regard to the above and the existing site characteristics, I do not consider that the existing dwelling to be retained represents a scale or form of development which forms a dominant feature in the area or detrimentally impacts on the residential amenity of adjoining residential properties. I consider the development for which retention permission is sought complies with the provisions of Section 11.4, the 'Existing Residential' zoning objective and Objective HO O3 of the Limerick Development Plan and recommend that permission is granted to retain the alterations.

8.4. Other Matters

- 8.4.1. In relation to concerns raised by observers and the PA regarding the future use for multiple occupancy, the application and appeal documentation are clear in that the building is not for multiple occupancy. I am satisfied that the use of the building can be addressed by means of condition.
- 8.4.2. The site area measures 0.135ha and the dwelling for which retention permission is sought measures 244 sq.m. An area of private open space measuring approx. 130 sq.m. is located to the east along with additional open space to the south. I consider the proposal is acceptable with regard to the Development Plan and Compact Settlements requirements relating to open space and room sizes. Having regard to

the size of the site and floor area proposed, I do not consider the proposal results in overdevelopment of the site.

- 8.4.3. In relation to concerns that the utility room and living room have not been constructed as per plans, in the event of non-compliance with retention permission this is a matter for the planning authority.

9.0 **AA Screening**

9.1. **Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive.**

I have considered case PL-501230-LK-26 in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an established residential area and comprises the retention of modifications to a dwelling and all associated site works. The closest European Sites are the Lower River Shannon SAC (Site Code: 002165) located c.600 m north of the site and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) located c. 2.8km west of the site.

Having considered the nature, scale and location of the proposed development 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:

- The scale and nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- Having regard to the screening determination of the PA.

I conclude, on the basis of objective information, that the development to be retained 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. An assessment of the proposed development to be retained has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that permission be granted to retain the development subject to conditions.

12.0 Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028 and to the nature and scale of the development proposed for retention on residential zoned land, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention does not form a dominant feature in the area or seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the provisions of Section 11.4, Objective HO O3 and the 'Existing Residential' zoning

objective of the Limerick Development Plan and the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, and by the further plans and particulars received by An Coimisún Pleanála on the 27th of April 2026, 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 within 3 months of the issue of this decision and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission reference 19466, as amended by permission reference 21114 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s)

3. The proposed development shall be amended as follows:

Pleached trees shall be planted along the southeast site boundary as indicated on the site layout plan received by An Coimisún Pleanála on the 27th of April 2026. Details shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development and which shall include the following:

- (a) A plan to scale of not less than 1:500 showing the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.
- (b) A timescale for implementation.
- (c) 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. All bathroom and ensuite windows shall be fitted and permanently maintained with obscure glass.

Reason: in the interest of residential amenity.

- 5. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity

- 6. 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 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

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.”

Bernadette Quinn
Planning Inspector

18th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501230-LK-26
Proposed Development Summary	Retention of location of dwelling, extension, changes to fenestration, ridge height and non construction of 2 no. chimney's.
Development Address	Singland , Dublin Road , 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.	State the Class here
☒ 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	State the Class and state the relevant threshold
☐ 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)	State the Class and state the relevant threshold
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 ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____ Date: _____