



An
Coimisiún
Pleanála

Inspector's Report

PL-501556-LK-26

Development	Retention of changes to windows and doors and deck to rear of property Construction of new escape stairs, glazed privacy screens and new window.
Location	Main Street, Ballylanders, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2660374
Applicant(s)	Paric & Simon O'Donnell
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Paric & Simon O'Donnell
Observer(s)	None
Date of Site Inspection	8 th September 2026

Inspector

Carol Smyth

1.0 Site Location and Description

- 1.1. The subject site is located within the administrative boundary of Limerick City and County Council.
- 1.2. The subject site is located on the western side of Main Street, Ballylanders and comprises a two-storey semi-detached building positioned on the prominent corner at the junction of the R513 and L1516. The property comprises a pharmacy on the ground floor and apartment at first floor level. There are a number of single storey stores and sheds to the rear of the property.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of changes to windows and doors and deck to rear of property at first floor level and the construction of new escape stairs, glazed privacy screens and new window at ground floor level.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Limerick City and County Council issued a decision to refuse permission on the 26th May 2026 for the following reason:

1. *The proposed first floor deck and 1.8m privacy screen, by reason of its scale, depth and close proximity to the shared site boundary, is overbearing and would give rise to an unacceptable impact on the residential amenity of the adjoining property. The proposed boundary treatments, in combination with the timber panel, would result in a visually obtrusive and overbearing form of development, creating a pronounced sense of enclosure along the shared boundary. The proposal is therefore contrary to Objective HO O3 – Protection of Existing Residential Amenity of the Limerick Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Area Planners Primary Report

Report dated 21st May 2026. Refusal recommended due to overbearance, visual impact and impacts on adjoining residential amenity, consistent with the decision notice issued.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. One third party observation was received which raised concerns regarding overlooking, overbearance, noise, visual impact, daylight impacts.

4.0 Planning History

4.1. ABP-318796-24 (PA Reg. Ref. 23/60741)

Permission refused for a deck at first floor level, under deck area on the ground floor left open for bins and storage, also some changes to the fenestration to the rear elevations. The reason for refusal is as follows:

- 1. Having regard to depth of the deck at first floor level and its integral guarding screen, the development to be retained and the suggested modified proposal, would have an adverse impact on the neighbouring private amenity space and the sense of overbearing and overlooking on the adjoining property. It is considered that the development proposed to be retained, would result in the complete enclosure of the shared boundary and taking into account the limitations of the existing amenity space at the adjoining property would seriously injure the residential amenities of the adjoining property and would, therefore, be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is governed by the policies and objectives of the Limerick City and County Development Plan 2022-2028 (referred to hereafter as the Development Plan).

5.1.2. 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.

5.1.3. 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.

5.1.4. Section 11.4.4.5 Living over the Shop

The council will promote the residential use of the upper floors of commercial properties in established retail/commercial areas. In this regard, the Council will consider possible dispensations from normal standards to facilitate 'Living-Over The-Shop' developments that will enhance the critical mass of these areas and contribute positively to the renewal of our urban centres. The Planning Authority will encourage 'Living-Over-The-Shop', subject to suitability of location and standard of accommodation proposed. Exemptions for older commercial buildings in appropriate

cases may be given in respect of private open space, parking and unit size standards subject to location.

5.2. Natural Heritage Designations

- 5.2.1. There are no European Sites in the vicinity of the site. The Galtee Mountains SAC (site code: 000646) is located approximately 6.9km to the of the east and Carrigeenamronety Hill SAC (site code: 002037) is located 8.7km to the southwest of the subject site.

6.0 EIA Screening

- 6.1. The development does not constitute a Class listed in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulations 2001, as amended. As such, no EIAR or Preliminary Examination is required for the project. See completed Form 1 attached.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. This is a first party appeal against the PA's decision to refuse retention permission for changes to windows and doors and deck to rear of property at first floor level, and the construction of new escape stairs, glazed privacy screens and new window at ground floor level.
- 7.1.2. The grounds of appeal are summarised as follows:
- The temporary timber screen is to be removed and replaced with a setback glazed screen as per the planning application drawings.
 - The screens are proposed and not currently in place.
 - The current proposal seeks to retain the deck area but restrict the useable area with obscured glazed screens to minimise visual impact and overbearance on neighbouring property.

- The proposed development complies with Development Plan Objectives HO 03 Protection of existing Residential Amenity and HO 04 Re-use of Existing Buildings.
- There is a planning precedent in the vicinity of the site for first floor private amenity space.
- The changes to the fenestration do not cause overlooking issues.
- The development does not cause noise or disturbance.

7.1.3. I note for the Commission that the grounds of appeal documentation on file appears incomplete and that the Appellant submitted further written correspondence in relation to the appeal on the 23rd June 2026. Under Section 127 (3) of the Planning and Development Act (as amended) the Appellant was informed that any further submissions cannot be considered by the Commission and the submission was returned to the Appellant.

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 submissions received in relation to the appeal, and having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Planning History
- Reason for Refusal
- Other Matters

8.2. Planning History

- 8.2.1. This site has an established Planning History. On the 27th September 2024, following a first party appeal against the PA's decision to refuse permission, An Bord Pleanála refused retention permission for the first-floor deck, open ground floor storage and changes to rear fenestration. The reason for refusal related to the depth of the deck at first floor level and its integral guarding screen, the enclosure of the shared boundary and impacts on neighbouring private amenity space.
- 8.2.2. Under the current application, to address the previous reason for refusal, the applicant seeks to retain the deck area but restrict the useable area with obscured glazed screens which are set back from the mutual boundary. Notwithstanding, the Planning Authority issued a decision to refuse permission on the 26th May 2026. There was one reason for refusal relating to impacts upon adjoining residential amenity.

8.3. Reason for Refusal

- 8.3.1. The Planning Authority refused the proposal due to concerns regarding the height, scale and proximity of the privacy screens to the mutual shared boundary. They considered the 1.8 metre privacy screen, deck and timber boundary treatment to be visually obtrusive and overbearing, creating an excessive sense of enclosure for the neighbouring property. The proposal was therefore deemed contrary to Objective HO O3 – Protection of Existing Residential Amenity of the Development Plan and contrary to the proper planning and sustainable development of the area.
- 8.3.2. The First Party set out that the timber boundary treatment is temporary and is to be removed and replaced with a setback glazed screen as indicated on the planning application drawings. The grounds of appeal also outline that the proposal seeks to retain the deck but restrict the useable area with obscured glazed screens to minimise visual impact and overbearance on neighbouring property. The grounds of appeal contend that the proposed development complies with Development Plan Objectives HO O3 Protection of existing Residential Amenity and HO O4 Re-use of Existing Buildings. It is further contended that the changes to the fenestration do not cause overlooking issues and that the development does impact upon adjoining residential amenity in terms of noise or disturbance.

- 8.3.3. To address the previous reason for refusal the applicant proposes obscured glazed screens at a height of 1.8 metres on the deck to be retained which are set back from the mutual shared side boundary with the adjoining property to the north. The position of the obscured glazed screens is such that the main usable sitting area of the deck is adjacent to the gable of the storage shed of the neighbouring property to the north and is setback 1.1 metres from its front elevation. I further note that as a result of the position of the obscured screens, the depth and position of the proposed walkway to the usable deck area which is accessed from the living area of the first-floor apartment corresponds to the depth of a previous landing of a fire escape stairway which was removed which was removed to accommodate the deck.
- 8.3.4. Development Plan policy seeks to ensure that development is appropriately integrated within the established character of the area while protecting existing residential amenity. In this regard Development Plan Objective HO O3 – Protection of Existing Residential Amenity requires a balance to be achieved between safeguarding the established character and amenities of the area and facilitating sustainable development. Furthermore, Section 11.4.4.1.2 Rear/Side Extensions of the Development Plan, sets out that particular consideration is given to the scale and design of extensions, including its height, length, proximity to shared boundaries, potential for overshadowing, overbearing impact and overlooking, as well as the size and usability of the remaining private open space. In this regard the Development Plan sets out that first-floor extensions are only considered acceptable where they do not result in significant adverse impacts on surrounding residential or visual amenity.
- 8.3.5. Having reviewed the submitted drawings and having visited the site, I am satisfied that the proposed development would not give rise to any undue impacts on the neighbouring property. Given the proposed removal of the timber fence panel and the setback of the proposed glazed privacy screens from the mutual shared boundary wall, I do not consider that the proposal would unduly overshadow the rear private open space of the neighbouring property or appear overbearing and I am satisfied that the development would not have a significant negative visual impact. Furthermore, given the position and height of the obscured screens and the location of the usable deck area adjacent to the gable ended pitched roof shed of the neighbouring property, I am satisfied that the development would not give rise to any

overlooking or disturbance issues. In addition, I do not consider that the alteration to the fenestration to be retained results in any overlooking issues. I am therefore satisfied that the development accords with the provision of Development Plan Objective HO O3 – Protection of Existing Residential Amenity and Section 11.4.4.1.2 Rear/Side Extensions of the Development Plan.

- 8.3.6. I note the grounds of appeal which state that the timber panel fence is a temporary structure. I therefore recommend that should the Commission be mindful to grant permission, that a condition be attached requiring the removal of the timer panel fence and the installation of the obscured screening panels with 6 months of the grant of permission.

8.4. Other Matters

- 8.4.1. The grounds of appeal refer to residential first floor private amenity space in the vicinity of the site which was granted permission and contends that this sets a planning precedent for the development.
- 8.4.2. I note that the applications referred to by the Appellant were lodged in 2009 and 2006. I am therefore satisfied that these decisions were issued under the policies and objectives of a previous Development Plans. Each application is assessed on its merits. I therefore do not consider the precedent set out in the grounds of appeal to be relevant in this instance.

9.0 AA Screening

- 9.1. The proposed development comprises the retention of a first-floor deck area and elevational changes and the installation of privacy screen and a fire escape stairs on a small site of 0.040 ha in an established urban area. No nature conservation concerns were raised in the planning appeal.
- 9.2. Having considered the nature, small scale and urban location of the project, and taking account of the screening determination of the Planning Authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

- 9.3. 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. Appropriate Assessment, therefore, is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. 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.
- 10.3. 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.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that Permission and Retention Permission be granted subject to the following conditions.

12.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development and the provisions of Objective HO O3 – Protection of Existing Residential Amenity and Section 11.4.4.1.2 Rear/Side Extensions of the Limerick City and County Development Plan 2022-2028 which requires a balance to be achieved between

safeguarding the established character and amenities of the area and facilitating sustainable development, I consider that the development is acceptable at this location and would have no significant negative visual or residential amenity impacts on the immediate vicinity or surrounding area and would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be retained and carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions. Reason: To clarify the plans and particulars for which permission is granted.
2.	The temporary timber fence shall be removed and the obscured glazed screens shall be installed within 6 months from the date of this Order. Reason: Having regard to the nature of the development, the temporary nature of the timber fence panel and the proposed replacement obscured glazed screens, the Commission considers it appropriate to specify a timeframe for the carrying out of these works.
3.	Site development and building works shall be carried out only between the hours of 07:00 to 19:00 Mondays to Friday inclusive, between 08:00 to 14:00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.

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.”

Carol Smyth
Planning Inspector

15th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501556-LK-26
Proposed Development Summary	Permission is sought for the retention of changes to windows and doors and deck to rear of property at first floor level and the construction of new escape stairs, glazed privacy screens and new window at ground floor level.
Development Address	Main Street, Ballylanders, Co. 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.	State the Class and state the relevant 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 ☒	

Inspector: _____ **Date:** _____