



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Seirbhísí Pleanála agus Comhshaoil,
Comhairle Cathrach agus Contae Luimnigh,
Tuar an Dail,
Luimneach

Planning and Environmental Services,
Limerick City and County Council,
Dooradoyle,
Limerick

EIRCODE V94 WV78

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PLANNING & ENVIRONMENTAL SERVICES

EC15-20/MOB/CL

05th October 2020

An Bord Pleanála
64 Marlborough Street
Dublin 1.

AN BORD PLEANÁLA	
LDG- <u>LD 5 - 071J44 - 20</u>	
ABP- _____	
06 OCT 2020	
Fee: € <u>110.00</u>	Type: <u>cheque</u>
Time: _____	By: <u>[Signature]</u>

RE: Declaration under Section 5(4) of the Planning and Development Acts 2000 (as amended)

Dear Sir/Madam,

Whereas a question has arisen as to whether a garage/store to the side of dwellinghouse and a single storey extension to the rear of the of the dwellinghouse at 39 Kylemore, School House Road, Castletroy is or is not Development or is or is not Exempt Development.

Site Location:

The property is located in Kylemore, Castletroy. Kylemore is part of a relatively large housing development south of the Schoolhouse Road which is north of the M& motorway.

Planning History:

Planning reference 04/612 Permission granted for 198 houses, 51 apartments and 1 crèche and associated site works granted in 2004. (1) Copy attached.

Planning reference 05/1237 Permission granted in June 2005 for alterations to dwellings previously permitted under reference 04/612 (2) Copy attached.

Planning reference 17/684 Retention of single storey rear extension and all ancillary site works at 39 Kylemore, Schoolhouse Road, Castletroy granted by Limerick City & County Council on 29th March 2018 (3) Copy attached.

An Bord Pleanála reference 301501-18

A Warning Letter was issued on 30th June 2017 (4) Copy attached.

An Enforcement Notice was issued on 17th September 2018 (5) Copy attached.

Following An Bord Pleanála decision to refuse retention of the development, judicial review proceedings were issued against An Bord Pleanála in November 2018.

These proceedings have now been adjourned generally.

A Declaration under Section 5 was lodge by Julie Ann Dowling on 30th June 2020.

This application is in respect of a garage/storage to the side of the dwellinghouse and an extension to the rear of the dwellinghouse.

This declaration is related to the same footprint of building which was refused by An Bord Pleanála reference ABP-301501-18.

The layout and use of the building has been altered to provide for a garage 10.2sqm and play/music room (29.5sqm)

The garage is located to the side of the dwellinghouse with an external door and the play/music room is to the rear of the garage which has no direct access to the main dwellinghouse.

As the Planning Authority is not in a position to determine the matter, Limerick City & County Council hereby require a declaration under Section 5(4) of the Planning and Development Act 2000 (as amended) as to whether the garage/store to the side of the dwellinghouse and the single storey extension to the rear of the dwellinghouse is or is not development and is or is not exempt development.

Any further queries in relation to this matter should be addressed to Michael O' Brien, Development Inspector.

Yours faithfully,



For Director of Service
Planning & Environmental Services

Encl

- (1) Copy of Planning reference 04/614
 - (2) Copy of Planning reference 05/1237
 - (3) Copy of Planning reference 17/684
 - (4) Copy of Warning Letter issued
 - (5) Copy of Enforcement Notice issued
 - (6) Copy of Section 5 application
 - (7) Copies of drawings submitted with Section 5 application
 - (8) Fee of €110
-
- Handwritten signature*

Encl

- (1) Copy of Planning reference 04/614**
 - (2) Copy of Planning reference 05/1237**
 - (3) Copy of Planning reference 17/684**
 - (4) Copy of Warning Letter issued**
 - (5) Copy of Enforcement Notice issued**
 - (6) Copy of Section 5 application**
 - (7) Copies of drawings submitted with Section 5 application**
 - (8) Fee of €110**
-

COMHAIRLE CATHRACH & CONTAE LUIMNIGH
LIMERICK CITY & COUNTY COUNCIL

AN BORD PLEANÁLA
LDG- _____
ABP. _____
Fee: € **0 6 OCT 2020**
Time: _____ Type: _____
By: _____

REMITTANCE ADVICE / FAISNÉIS IOCAÍOCHTA

Cheque No. 70918
Supp ID / Uimh. Aitheantais 34113
Date / Dáta 02/10/2020
Page / Leathanach 1/1

An Bord Pleanála
64 Marlborough Street Dublin 1
Ireland

Your Ref/ Bhur dTagairt	Inv Date/ Dáta Sonraisc	Our Ref/ Ár dTagairt	AMOUNT/ SUIM EUR	Payable Iníoctha EUR
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GRAND TOTAL / MÓRIOMLÁN			EUR	
			110.00	110.00
			110.00	110.00



WH = Withholding Tax CT = Subcontractors Tax RA = Non Resident Landlord
INT = Late Payment Interest, Rate = 8.25% CMP = Late Payment Compensation

PLANNING REGISTER REFERENCE NUMBER: 04/612

FIRST SCHEDULE

Having regard to the pattern of development in the area, it is considered that subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

1. This permission is subject to the submissions of 20th May, 2004, 26th May, 2004, 3rd June, 2004 and 9th July, 2004.

Reason -In order to clarify the development to which this permission applies.

2. Prior to the commencement of development, a contribution of €2,243,789.00 shall be paid to Limerick County Council in accordance with the provisions of the Development Contribution Scheme made by Limerick County Council on the 19th December, 2003 in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided or, that it is intended will be provided, by or on behalf of Limerick County Council. The amount of contribution outlined above shall, at the time of payment, be adjusted annually in January, in accordance with the Wholesale Price Index-Building and Construction.

Reason – The developer shall contribute towards the expenditure incurred, or intended to be incurred, in the provision of public infrastructure and facilities benefiting development within County Limerick.

3. No sound trees or hedgerows on the site shall be removed unless their removal is necessitated by a condition of this permission.

Reason - In the interests of amenity.

4. During construction of the proposed development, the following shall apply:

- No work shall take place on site outside the hours of 8.00 a.m. to 8.00 p.m., Monday to Friday and 8.00 a.m. to 4.00 p.m. Saturday, unless otherwise agreed in writing by the Planning Authority.
- No surface water runoff shall be discharged onto public roads, foul sewers or adjacent property.
- Adequate car parking facilities shall be provided on site for all workers and visitors.
- Noise levels arising from all sources on site, when measured at the boundary of any noise sensitive location (e.g. dwelling house, nursing home, etc.) shall be kept below a level of 55 dB (A) $L_{A_{r,T}}$ by daytime.

Reason – To protect the residential amenities of the area in the interests of proper planning and development.

5. The wheels and underside of all construction traffic leaving the site shall be cleaned, as required, to prevent soiling of public roads. A wheel washing facility, including water jets or other approved cleansing method shall be provided close to the site exit. In the event that any public roads become soiled by construction traffic from the site, these roads shall be cleaned immediately.

Reason - In the interest of the proper planning and development of the area.

6. Before development shall commence, a cash deposit, a bond of an insurance company or other security acceptable to the Planning Authority shall be lodged with Limerick County Council to secure the satisfactory completion of services including roads, footpaths, sewers, watermains, drains, open spaces and public lighting. In addition, an agreement which empowers Limerick County Council to apply such security or part thereof for the satisfactory completion of said services (or their repair/maintenance as required) shall be provided. The amount of this security shall be €590,625 and the type of security shall be agreed with the Planning Authority prior to the commencement of development.

Reason – To secure the satisfactory completion of the services required in connection with the proposed development.

7. Each house shall be provided with a home composter unit of minimum

capacity 280 litres fitted with an aeration baseplate, lid and side hatch. It shall be manufactured from recycled plastic or similar approved by the Planning Authority. The composter shall be located on earth or soil and not on gravel, concrete or other hard surface area.

Reason – To reduce waste in the interests of proper planning and development.

8. Letterboxes shall be installed in accordance with I.S.195: 1976 and shall be a minimum of 1 metre above floor level.

Reason – In the interests of health and safety of postal workers.

9. All service cables associated with the proposed development including electrical, communal television, telephone and street lighting cables shall be laid underground within the site.

Reason - In the interests of orderly development and the visual amenities of the area.

10. All site works shall be carried out to the satisfaction of the Planning Authority in accordance with the Department of the Environment 1998 publication "Recommendations for Site Development Works for Housing Areas", except in the case of the road surfacing where only paragraph 2.23 of these recommendations shall apply.

Reason - In the interests of proper planning and development of the area.

11. Each house shall have individual sewer connections to the main sewer.

Reason - In the interests of proper planning and development of the area.

12. Housing development and roads therein shall be suitably identified by nameplates erected in suitable positions in line with house completions. The names of the estate and roadways shall relate to local Irish townlands, placenames or features. Details to be submitted to the Planning Authority and agreed prior to commencement of development.

Reason - In the interests of proper planning and development of the area.

13. All green areas and open space not part of private garden areas shall be designated as open space. A layout plan showing such areas shall be

submitted to the Planning Authority and agreed before development commences. The developer shall maintain these areas to a high standard (including regular cutting and removal of grass) until taken-in-charge.

Reason - In the interests of proper planning and development of the area.

14. All sewers and watermains shall be located under roadways or open spaces. Watermains shall be located under footpaths where possible.

Reason - To ensure an adequate standard of construction.

15. Details showing type and colour of elevational and roof finish to each house shall be submitted and agreed with the Planning Authority prior to the commencement of development.

Reason - In the interests of visual amenity.

16. Before development is commenced a detailed public lighting scheme shall be submitted to and agreed with the Planning Authority.

Reason - In the interests of public safety.

17. Footpaths shall be dished at all road junctions.

Reason - To facilitate the disabled and others in the interests of proper planning and development of the area.

18. Appropriate road markings and traffic signage shall be provided on all newly constructed roads and maintained until formally taken-over by Limerick County Council. Full details of same shall be submitted to the Planning Authority and agreed before development commences.

Reason - In the interests of traffic safety

19. A management scheme for the adequate on-going maintenance of public open spaces, bin storage, roads and other communal areas shall be established. Full details of same shall be submitted to and agreed with the Planning Authority before the development is commenced.

Reason - To ensure the adequate future maintenance of this private development in the interest of residential amenity.

20. The developer shall provide for inspection by the Planning Authority the following information within three months after completion of the development (or phase as agreed with the Planning Authority): -

- As constructed drawings of all underground services, including SUS 25

sewer survey

- Infiltration test for manholes
- Full details of pressure tests on watermains and sewers
- CCTV survey including location map and condition report of sewers.

Reason – To ensure proper completion of the development in the interests of the proper planning and development of the area.

21. (a) Prior to commencement of development, the applicant shall enter into a legal agreement pursuant to Part V, Planning & Development Act, 2000, (as amended), providing for the transfer, to the Planning Authority, of (i) land, (ii) serviced sites, (iii) housing units, (iv) payment of a monetary contribution, or (v) a combination of (i) to (iv) above. Where options (i) to (iii) are chosen, it may be on site or elsewhere within the jurisdiction of the Planning Authority in a manner to be agreed with the Planning Authority and which shall be disposed of in accordance with the Planning Authority's housing strategy.
- (b) The applicant shall comply with the terms of the legal agreement as referred to in (a) above.

Reason – To comply with Part V of the Planning & Development Act, 2000, (as amended) and Limerick County Council's Housing Strategy.

22. The proposed landscaping scheme including leveling, grading and grassing shall be carried out during the first planting season after the commencement of development. Any trees or plants which fail during the first 3 years after planting shall be replaced by the developer. Adequate drainage works to prevent flooding of these areas shall also be carried out.

Reason - In the interests of orderly development and the visual amenities of the area.

23. The development shall not be commenced until tree protection areas, comprising fencing at least one and a half metres high, have been erected on the perimeter of the branch spread (or in other such positions as may be agreed by the Planning Authority) of all trees shown as being retained. The tree protection areas shall be maintained for the duration of the works. No works, including the deposit of earth or spoil, shall be carried out within the tree

protection areas without the prior approval of the Planning Authority. All trees indicated to be retained but which are damaged or destroyed, uprooted, felled, lopped or topped during construction shall be replaced in the next planting season with similar species to the satisfaction of the Planning Authority.

Reason - In the interests of the visual amenities of the area.

24. Until such time as the Planning Authority has indicated in writing that a sufficient water supply is available to serve the remainder of the proposed development a maximum of 60 units shall be constructed. The particular units shall be indicated and submitted to the Planning Authority prior to the commencement of any development on site. Details of future phasing of the proposed development shall be agreed in writing with the Planning Authority at the time of notification of the applicant by the County Council that an adequate water supply is available.

Reason - To ensure an adequate water supply in accordance with the proper planning and development of the area.

25. Full details of the proposals for the existing stone wall running alongside dwelling No. 1 to the School House Road, shall be submitted and agreed with the Planning Authority prior to the commencement of development. A permanent and solid boundary shall be provided along this boundary.

Reason - In the interests of residential amenity and proper planning.

26. All car parking bays, identified on the site layout plan as additional car parking areas, shall be surfaced with cobblelock pavers and delineated with a complementary material.

Reason - In the interests of visual amenity and proper planning.

27. The proposed cobblelock paving shall be extended/provided in the following locations:

- (i) From existing paved area up to in front of dwelling No. 8
- (ii) From existing paved area up to in front of dwelling No. 175
- (iii) Provided between house No. 57 and 62
- (iv) Provided between house No. 156 and 160

Reason – To be in accordance with the proper planning and development of the area.

28. All car parking in front of the duplex units, apartments and terraced dwellings shall be delineated in brick or other suitable material. The use of painted lines is not acceptable.

Reason - In the interests of visual amenity and proper planning.

29. Details of the proposed boundary around the crèche area shall be submitted to the Planning Authority for agreement prior to the commencement of development.

Reason - In the interests of proper planning.

30. Wall Type A and Wall Type B shall be increased in height to 2 metres.

Reason - In the interests of proper planning

31. Details of the external finish to the bin storage areas shall be submitted to the Planning Authority for agreement prior to the commencement of development.

Reason - In the interests of proper planning.

32. All services and roads shall be brought to the edge of the site between dwellings Nos. 80 and 184.

Reason - In the interests of proper planning.

-
33. Prior to the commencement of development the developer shall submit to the Planning Authority for agreement, details for the ongoing maintenance requirements for the attenuation tank.

Reason – In the interests of proper planning.

34. Prior to the commencement of development the developer shall submit to the Planning Authority for agreement, details of when it is proposed to raise the wall alongside Milltown Manor, during the construction period.

Reason: In the interests of proper planning.

LIMERICK COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS, 2000 - 2004

NOTIFICATION OF GRANT OF PERMISSION

Ryno Developments Ltd.
C/o Arnold Leahy Arch.
1 Crescent Villa's
O'Connell Ave
Limerick

PLANNING REGISTER NUMBER : 05/1237

APPLICATION RECEIPT DATE: 04/05/2005

Permission for construction of alterations to house type C1 (house no.'s 152-163) previously granted under planning ref. 04/612. Alterations to include an increase in floor area, elevational changes and floor levels to be reduced at Schoolhouse Road Castletroy .

Further to the Order dated: 27/06/2005

A Permission has been granted for the development described above subject to the 1 condition(s) set out on the Schedule which accompanied the Notification of the Council's Decision dated 27/06/2005.

Signed on behalf of the said Council _____

(For) Director of Services

Date: 04/08/2005

Please note that the provisions of Planning & Development Acts, 2000 - 2004 limits the duration of this planning permission to a period of five years from the date of the governing permission.

LIMERICK CITY & COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)

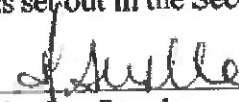
NOTIFICATION OF DECISION TO GRANT

Julie Ann Dowling
C/O BDB Consulting Ltd.,
30 O'Connell Street,
Co. Limerick.

Planning Register Number: 17/684
Valid Application Received: 18/07/2017
Further Information Received Date: 21/08/2017, 29/08/2017 & 06/03/2018

In pursuance of the powers conferred upon them by the above-mentioned Act, Limerick City & County Council has by Order dated 29/03/2018 decided for the reason set out in the First Schedule hereto, to **GRANT RETENTION** for development of land in accordance with the documents submitted namely:-**for a single storey rear extension and all ancillary site works at 39 Kylemore, School House Road, Castletroy, Co. Limerick.** subject to the 3 condition(s) and the reasons for the imposition of the said condition(s) as set out in the Second Schedule.

Signed on behalf of said Council


Heather Supple
for DIRECTOR OF SERVICES
LIMERICK CITY & COUNTY COUNCIL

Date: 29/03/2018

Under Article 20 of the Planning & Development Regulations 2001 (as amended) the applicant shall remove the site notice in respect of the application following notification of the Planning Authority's decision.

In deciding the planning application, the Planning Authority, in accordance with Section 34(3) of the Planning & Development Act 2000 (as amended) has had regard to submissions/observations received (if any) in accordance with the Planning & Development Regulations 2001 (as amended).

In accordance with Article 31(i) of the Planning & Development Regulations 2001 (as amended), if there is no appeal to An Bord Pleanála a grant of permission shall be issued as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal (see footnote).
THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL PLANNING PERMISSION IS GRANTED.

NOTE:

An appeal against a decision of a planning authority under the provisions of the Planning & Development Act 2000 (as amended) may be made to An Bord Pleanála at any time before the expiration of the appropriate period and on payment of the appropriate fee, by an applicant for permission or any person who made submissions or observations in writing in relation to the planning application. An appeal by a person who made submissions or observations must be accompanied by the acknowledgement of receipt of the submissions or observations from the planning authority. Any such appeal must be made in writing and received by the Board within 4 weeks beginning on the date of the making of the decision by the planning authority. The appeal must be fully complete from the start otherwise it will be invalid. It is very important to note that any appeal referrals under the Planning & Development Acts 2000(as amended) which are not accompanied by the correct fee will be invalid.

/P.T.O.

The scale of fees payable to An Bord Pleanála in respect of appeals is set out hereunder:

Case Type	Appeal received on or after 5 th September 2011
Planning Acts	
a. Application for strategic infrastructure development or a request to alter the terms of such development already permitted or approved.	€100,000
b. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, where the application included retention of development.	€4,500 or €9,000 if *EIS or **NIS involved
c. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, other than an appeal mentioned at (b).	€1,500 or €3,000 if *EIS or **NIS involved
d. Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application relates to retention of development, other than an appeal mentioned at (b) or (c) (non-commercial development).	€660
e. 1 st party appeal solely against contribution condition(s) – (2000 Act Section 48 or 49).	€220
f. Appeal other than an appeal mentioned at (b), (c), (d) or (h)	€220
g. Application for leave to appeal.	€110
h. Appeal following a grant of leave to appeal.	€110
i. Referral.	€220
j. Reduced fee (payable by specified bodies).	€110
k. Submissions or observations (by observer) on strategic infrastructure development applications, appeals and referrals.	€50
l. Request from a party for an oral hearing.	€50
*EIS - Environmental Impact Statement	
**NIS - Natura Impact Statement	

Submissions or observations on appeals made by third parties must be received by the Board within 4 weeks from the receipt of the appeal by the Board and the fee in this case is €50. Development consisting of the provision of two or more dwellings is classed as commercial development for the purposes of an appeal.

Should you wish to make an appeal, the following documents are available on www.pleanala.ie

- A Planning Appeal Form/Checklist and
- A Guide to making a Planning Appeal.

Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1.

PLANNING REGISTER REFERENCE NUMBER: 17/684

FIRST SCHEDULE

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

1. The development to be retained shall be carried out in accordance with the plans and particulars lodged with the application on the 18th day of July 2017, as amended by the further plans and particulars submitted on the 21st day of August 2017, the 29th day of August 2017 and the 6th day of March 2018, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. No rainwater goods shall overhang any adjoining property.

Reason - In the interest of proper planning and development

3. The three windows as identified on Drawing No. 17-76-004 on the northern elevation (side elevation) and the window on the south-western elevation (rear elevation) shall be retained as obscured.

Reason - In the interest of residential amenity.

Limerick City & County Council

PLANNING AND DEVELOPMENT ACT 2000 (As Amended)

Acting Senior Executive Planner Limerick City & County Council Order No: P.D. 298/2018

Reference Number: 17/684

Name of Applicant: Julie Ann Dowling
Address: C/O BDB Consulting Ltd.,
30 O'Connell Street,
Co. Limerick.

Nature of Application RETENTION for for a single storey rear extension and all ancillary site works

Location of Development: 39 Kylemore, School House Road, Castletroy, Co. Limerick.

Recommendation of A.P./E.P. RETENTION BE GRANTED for the above mentioned development subject to the 3 condition(s) set out in the Second Schedule hereto.


ORDER:

Whereas by Chief Executive's Order No. CE/2018/029 dated 26th March 2018, Conn Murray, Chief Executive of Limerick City & County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act 2014) delegate unto Donogh O'Donoghue, with effect from the 26th March 2018, the functions within the meaning of the Local Government Act, 2001 as set out therein.

NOW THEREFORE pursuant to the delegation of the functions aforesaid, I, Donogh O'Donoghue, Acting Senior Executive Planner, Limerick City & County Council, hereby decide, pursuant to the provisions of the Planning & Development Act 2000 (as amended) and the Planning & Development Regulations 2001 (as amended), for the reason set out in the First Schedule attached hereto, to GRANT RETENTION for the above development in accordance with documents submitted, subject to the 3 condition(s) set out in the Second Schedule attached hereto.

Notification of decision to grant to issue forthwith and notification of the grant of RETENTION to issue as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal.




ACTING SENIOR EXECUTIVE PLANNER
PLANNING & ENVIRONMENTAL SERVICES
DATED THIS 29/03/2018

PLANNING & ENVIRONMENTAL SERVICES

DC-116-17

Julie Ann Dowling
39 Kylemore
School House Road
Castletroy
Co. Limerick

WARNING LETTER

UNDER SECTION 152(1) OF THE PLANNING AND DEVELOPMENT ACTS 2000 as amended

Dear Sir/Madam,

- (A) You are the owner/occupier of certain lands situate at 39 Kylemore, School House Road, Castletroy, Co. Limerick (hereinafter referred to as "the said lands") which lands are shown coloured red on the map attached hereto.
- (B) It has come to the attention of Limerick City & County Council as the Planning Authority that an unauthorised development may have been/is being/or may be carried out on the said lands, namely the construction of an extension to the rear and side of the dwellinghouse for which there is no record of a Planning Permission being granted and is subsequently unauthorised.
- (C) You being the person served with this warning letter may make submission or observations in writing to the said Planning Authority regarding the purported offence referred to in paragraph (B) not later than four weeks from the date of service of this warning letter

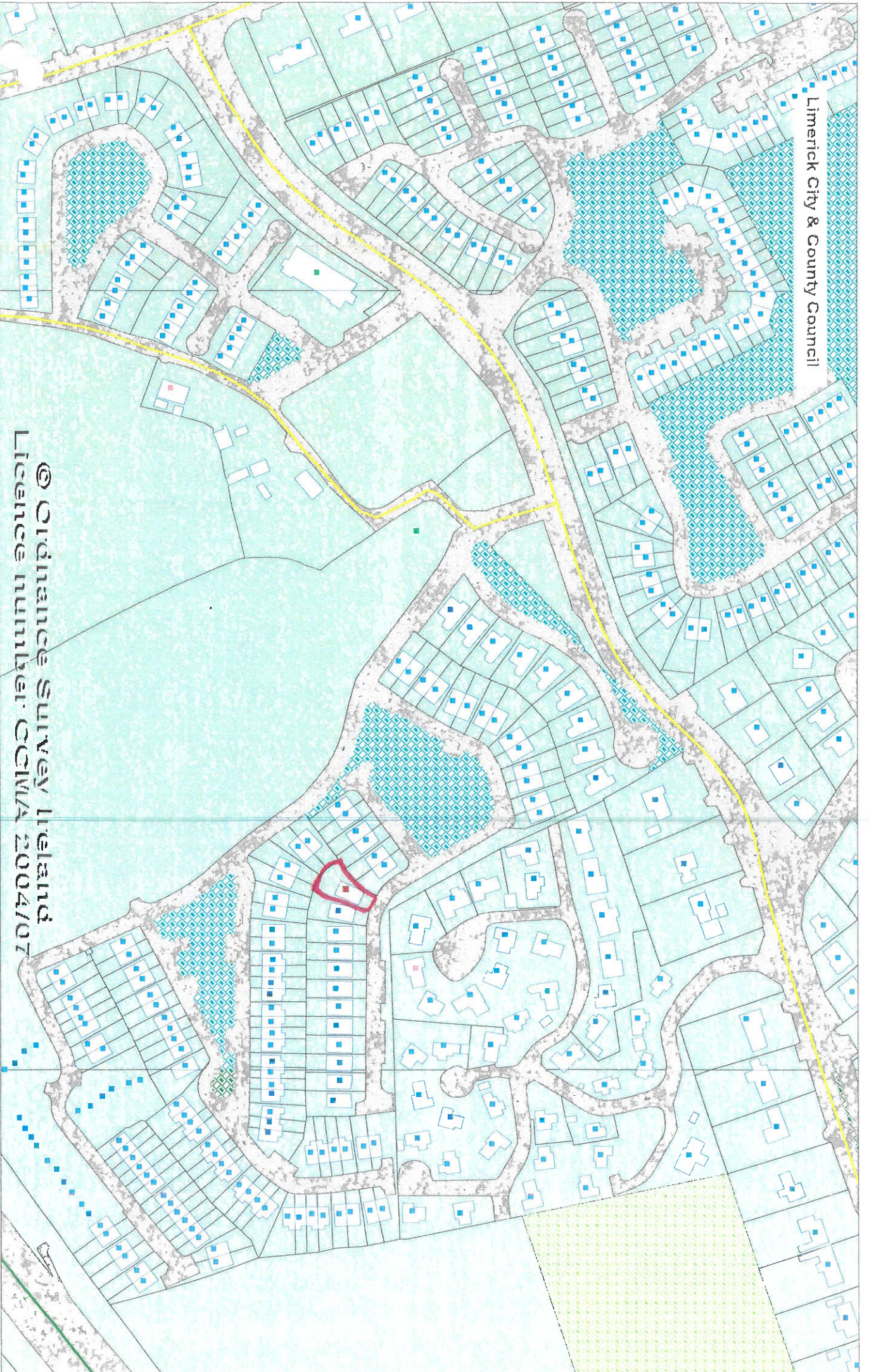
- (D) You are advised that if the said Planning Authority considers that an unauthorised development is being carried out an Enforcement Notice under the provisions of Section 154 of the Planning and Development Act 2000 as amended may be issued.
- (E) Officials of the said Planning Authority may at all reasonable times, enter the said lands for the purposes of inspection.
- (F) We also wish to point out that in the event of the Court holding that an offence has been committed under Section 151 or Section 154 you can be liable: -
- a. On conviction on indictment, to a fine not exceeding €12,697,380.78, or to imprisonment for a term not exceeding 2 years, or to both, or
 - b. On summary conviction, to a fine not exceeding €5,000, or to imprisonment for a term not exceeding 6 months, or to both.
- (G) The costs reasonably incurred by the said Planning Authority in relation to Enforcement proceedings may be recovered from you in the event of an Enforcement Notice being served on you or where a Court action is taken.

Any queries in relation to this matter should be addressed to Michael O' Brien, Development Inspector.

Dated this 30th day of June 2017

Signed on behalf of the said Council.

Ua
For Director of Service
Planning & Environmental Services







PLANNING & ENVIRONMENTAL SERVICES

DC-116-17

REG POST:

Julie Ann Dowling
39 Kylemore
School House Road
Castletroy
Co. Limerick

ENFORCEMENT NOTICE

UNDER SECTION 154 OF THE PLANNING AND DEVELOPMENT ACTS 2000 (as amended)

The City & County Council of Limerick, the Planning Authority for Limerick, hereby gives you notice that you have carried out development of lands namely:

The construction of a single storey extension to the rear and side of the dwellinghouse situate at 39 Kylemore, School House Road, Castletroy, Co. Limerick more particularly described on map annexed hereto (hereinafter referred to as "the site") for which there is no record of a Planning Permission being granted and is subsequently unauthorised.

FURTHER TAKE NOTICE that you are required within **one month** and thereafter of service of this notice (hereinafter called "the Notice period") to:

- (i) **Demolish the unauthorised structure.**
- (ii) **Remove all demolition material from the site.**
- (iii) **Refund to the Planning Authority the costs and expenses of €400 incurred to date in the investigation/detection and**

the issuing of Enforcement proceedings. Please note that, in the event of non-compliance, you may be liable to additional costs.

You are further warned that under the provisions of Section 154(5)(c) of the Planning & Development Acts 2000 (as amended) that if you do not fulfill the above requirements within the Notice period hereinbefore referred to then the Limerick City & County Council may enter on the site and take steps in order to carry out the above works and may recover any reasonable expenses incurred.

You are further advised that under the provisions of Section 154(5)(d) of the said Planning & Development Acts 2000 (as amended) that you will be required to refund to the Planning Authority the costs and expenses reasonable incurred by the Authority in relation to the investigation, detection and issue of this Enforcement Notice (and any warning letter issued under Section 152 of the said Acts) including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisors.

Finally, the Planning Authority is obliged to warn you as the person served with this Enforcement Notice that if, within the Notice period specified the steps that you are required to carry out in compliance with this notice are not taken, that you may be guilty of an offence under the provisions of the Planning and Development Acts, 2000 (as amended).

Any further queries in relation to this matter should be addressed to Michael O' Brien, Development Inspector.

Dated this 17th day of September, 2018

Signed on behalf of the said Council:



For Director of Service
Planning & Environmental Services



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Licence number OCWA 2004X07



~~EC 25/20~~

F7



Limerick City & County Council
30 JUN 2020
Planning & Environmental Services

LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Julie Ann Dowling

Applicant's Address: 39 Kylemore, School House Road,
Castletroy, Limerick.

Telephone No. _____

Name of Agent (if any): Ciaran Gallagher

Address: BDB Consulting Ltd.
30 O'Connell Street, Limerick

Telephone No. 061-468860

Address for Correspondence: _____
BDB Consulting Ltd.
30 O'Connell Street, Limerick

Limerick City & County Council
30 JUN 2020
Received

EC 25/20



Location of Proposed development:

Rear Extension of 39 Kylemore

Description of Proposed development:

Ground Floor garage/storage to the side or rear of the house 10.3sqm. The garage/storage is we consider, exempt under schedule 2 as a class one development which permits a garage or storage to the side of an existing house. The remainder of the extension is to the rear of the existing house. Which has an area of 29.5sqm we have a view that this would be categorised as exempt under schedule 2 as it is entirely a rear extension.

Is this a Protected Structure or within the curtilage of a Protected Structure.
YES/NO NO

Applicant's interest in site: Owner

List of plans, drawings, etc. submitted with this application:

101 - Site Location

302 - Site Layout

103 - Cross Sections

104- Garage & Playroom/Music room

Have any previous extensions/structures been erected at this location YES/NO

If Yes please provide floor areas of all existing structures:

NO other extensions to the house.

Signature of Applicant (or Agent)

Cian Gallagher



NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

OFFICE USE ONLY

Ref. No. _____

Date Received _____

Fee Received _____

Date Due _____

