



An
Bord
Pleanála

Inspector's Report

ABP-320022-24

Development	Construction of a dormer bungalow style dwelling and all associated site works
Location	The Avenue, Adare, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2360957
Applicant(s)	Kenneth Leahy.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Ivor Doherty.
Observer(s)	None.
Date of Site Inspection	12 th December 2024.
Inspector	Oluwatosin Kehinde

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1.0 Site Location and Description

- 1.1. The 0.036Ha site located at The Avenue within the village of Adare. The site is within an established residential area and delineated by stone and timber walls. The site is flat in nature and bounded by all sides by residential properties.

2.0 Proposed Development

- 2.1. Planning permission is being sought for the construction of a dormer bungalow style dwelling and all associated site works

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the Planning Authority (PA) subject to eleven conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The decision to grant permission by the PA was informed by three reports from the Planning Officer (PO). The first report dated the 22nd of February 2024 established that having regards to the local area plan, the proposal was acceptable in principle. The PO sought Additional Information as the documentation submitted, did not provide the adequate information to assess the proposal in terms of private parking.
- The second and third reports dated 22nd of April 2024 and 04th of June 2024 by the PO, assessed the responses by the applicant and was satisfied that the issues relating to parking had been addressed. The PO recommended that planning permission be granted.
- The PO concluded that the proposed development is not a type of development included for under Schedule 5 of the Planning and Development

Regulations 2001 (as amended). That a screening determination is not required.

- The PO also carried out a project screening consideration and concluded that the proposed development should not exercise a significant effect on the conservation status of any SAC or SPA and therefore an Appropriate Assessment is not necessary.

3.2.2. Other Technical Reports

- Council Archaeologist – Report dated 31st of January 2024 stated no archaeological issues with the development.
- Mid Wes National Roads Design Office (MWNRDO) – Report dated 12th of January 2024 stated no observations to make in relation to the application.
- Roads Department – Report dated 31st of May 2024 notes that the application and requests information relating to surface water management within the site.

3.2.3. Conditions

- Condition five of the PA grant requires details for managing surface water generated within the site from the developer.
- Condition eight of the PA grant requires the applicant to retain the existing roadside boundary in its entirety except its removal is required for the construction of an entrance to serve the dwelling and where its realignment is required to achieve sightlines.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) – Report dated 12th of January 2024 stated no observations in relation to the development.
- Uisce Eireann – Report dated 12th of January 2024 stated no objections subject to connection agreement.

3.4. **Third Party Observations**

There was one third party submission and issues are summarised as follows

Site history

Impact on protected structure

Site within an ACA

Design and layout of the dwelling

Vehicular access and traffic

A representation has been made by a local TD

4.0 **Planning History**

PA 98/1151 – Outline permission granted by for 4 houses

PA 98/1141 – Permission granted for 4 houses

5.0 **Policy Context**

5.1. **Development Plan**

The Limerick Development Plan 2022-2028 is the statutory plan for the area.

Furthermore, the site is within the Adare Local Area Plan 2024-2030

5.1.1. **Adare Local Area Plan 2024 – 2030**

The site is zoned “existing residential” with the zoning objective to provide residential development, protect and improve existing residential amenity.

The purpose of the zoning is “is intended primarily for established housing areas.

Existing residential amenity will be protected while allowing appropriate infill development. The quality of the zone will be enhanced with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area, such as schools, crèches, doctor’s surgeries, playing fields etc.”

5.2. Natural Heritage Designations

The Lower River Shannon SAC (site code 002165) is located approximately 700 metres north of the appeal site. Adare Woodlands pNHA is approximately 1km west and approximately 2.2km east of the appeal site.

5.3. EIA Screening

- 5.3.1. Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) attached to this Report.

Having regard to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- It is submitted that the development of a house on the site will destroy the architectural and historic values of the protected structures within proximity of the site.
- The third party appeal states that the proposed entrance will endanger public safety because the traffic movement that will be generated by the development would interfere with the safety and flow of traffic. That the entrance is designed to close to the appellant's property.
- The front and rear elevation of the development is not clearly defined on the drawings. No entrance shown on the original plans submitted to the PA and new entrance was added as part of further information which the appellant claims should have been advertised as significant.
- Proposed parking to the rear of the house is totally unacceptable. Car parking area of the development can accommodate 4 cars and considered not to be acceptable.

- No rubbing strip is provided to protect the boundary wall between the appellant's house and the proposed development. As the wall is part of the protected structure.
- The 2 car parking spaces on the public green space proposed is not part of the proposed site and should also have been advertised. The effect of this addition to the green area should be calculated in relation to the open space within the entire estate.
- The site is an open space since the estate was built and was conditioned as part of a previous permission to be used as such. The proposed development in place of the open space will visually crowd the area.
- The dwelling gable emphasis does not fit into the streetscape and the patio area of the proposed development is facing the appellant's windows which impacts on privacy.
- The wall between the appellant's house and the new development is part of the curtilage of the protected structure and cannot be increased in height.
- The proposed development is too close to the tress and does not comply with the guidelines on BRE292. No reports submitted from a specialist to justify the construction of a dwelling close to the trees.
- Timber fence and gate was installed in the last few years and the appellant believes it to be an unauthorised development. The proposed development has not followed the estate guidelines.

6.2. Applicant Response

- The applicant submits that the site is zoned residential in the Adare Local Area Plan and the principle of a dwelling is established by the statutory plan. That the development is an appropriate architectural response to the site.
- That the provision of off-street parking is subsequent to an on-street proposal considered unacceptable by the PA.
- The site is a low traffic environment and the potential for any traffic hazard is negligible. The boundary wall is less than 1m in height and therefore will not

impede visibility. The applicant states that, cars will enter the property and would respect adjoining neighbours and be mindful of causing any obstruction.

- The front elevation is facing west and submits that there is no reason why parking to the rear is unacceptable. The hardstanding area of the development is designed to occupy 2 cars and bicycle parking.
- The applicant responds that a rubbing strip is not required for the parking of vehicles on a domestic driveway. The appeal before the Board is as per original application inclusive of off-street parking. The proposal for on-street parking to the west was not supported by the PA and doesn't form part of the proposal.
- The site is not in use as a public open space, it is privately owned and zoned existing residential. The design is sympathetic to its context and the dwelling is an architecturally designed infill of modest proportions.
- The proposed dwelling is in keeping with the architectural style of the neighbouring houses to the south of the site. There is no fenestration at the ground floor or first floor facing east. The proposed patio is c.5m from the boundary. Supplementary screen planting can be included along a section of the boundary to alleviate the appellant's concerns.
- There is no proposal to interfere with the boundary wall and the applicant states that the mature trees will not have an impact on the proposed build. The applicant would be consulting an arboriculturist during construction.
- The low level timber and gate replaced post and wire fencing to secure the property. The applicant has stated they followed the estate guidelines.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and 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:

- Principle of Development
- Design and Layout
- Visual and Residential Amenity
- Traffic Safety
- Other matters

7.2. Principle of Development

- 7.2.1. The Limerick Development Plan favours infill and brownfield developments in the County and the site is located within an established residential area in Adare. The Adare Local Area Plan (LAP) 2024 – 2030 zoned the site existing residential – To provide for residential development, protect and improve existing residential amenity. The LAP focuses on the Town Centre First approach, which supports the regeneration, repopulation and development of rural towns and villages. To create conditions for people to move back into the heart of the towns and villages through place making, good quality urban design and sustainable mobility.
- 7.2.2. The third party appeal has submitted that the site has been an open space since the estate was built and the private open space was developed as a result of a PA condition on the previous permission under 98/1141. I refer the Board to the Chief Executive Report on submissions received on the Draft Adare Local Area (LAP) 2024-2030 (Ref LCC-C244-ADAR2 -122). In deciding to zone the site, the Council considered the principles of compact growth, sequential approach and sustainable development. That zoning shall take place from the centre outwards on sites that are serviced or serviceable. Given the location of the site, its proximity to the village centre, its amenities and the Town Park the Council considered it appropriate to zone the site for residential use in the LAP.
- 7.2.3. Having regards to the Adare LAP that seeks the sustainable intensification and consolidation of the existing built environment, in accordance with the objectives for compact growth in higher-level spatial plans, through appropriate infill, brownfield and greenfield development, supported by the necessary physical and community infrastructure, I consider that a residential development is acceptable at this location subject to the usual development assessment criteria. I am satisfied that the proposed development represents an appropriate use of urban lands in the area.

7.3. Design and Layout

- 7.3.1. The proposed development is a 'L' shaped dormer style bungalow fronting onto Limetree Avenue. The development has a total floor area of c. 170m² and the architectural style of the house is modest in nature. The internal spaces provision of the house is consistent with the Quality Housing for Sustainable Communities national guidelines. There are several protected structures within the vicinity of the site and the appellant submits that the proposed development will destroy the architectural and historic values of the protected structures. The design and finish of the house is similar to the existing houses south of the site. The proposed house is also of similar scale and height to the existing houses. Having regard to the built-up nature of the area and its configuration, the development site is at a remove from the protected structures and I consider that the proposed dwelling will not detract from the character of these historic buildings. Should the Board be minded to granting permission, I recommend a condition be attached requiring the applicant to provide finish and materials that are in keeping with the area.
- 7.3.2. It is submitted that the front elevation has not being defined, the documentation submitted with the appeal shows the front elevation of the house to be westwards, engaging Limetree Avenue. The front elevation has similar fenestration and building line to the existing houses south of the site. The dormer proposed, window proportions and finish detailing are consistent with the pattern of development along Limetree Avenue. I consider that the development is consistent with the general pattern of development of the area and lend itself positively to the streetscape. The stone and timber boundary walls delineating the site will remain in-situ with the exception of providing a vehicular entrance on the northern boundary of the site. It is not proposed by the applicant to increase the height of any boundary wall.
- ### 7.4. Visual and Residential Amenity
- 7.4.1. The appellant has stated that the proposed development in place of the open space will visually crowd the area. The proposed house has a maximum height of c.7.3m at ridge level and placed within the site at least 2.5m away from any boundary wall. The house is also surrounded by both soft and hard landscaping with the private open space provision in the excess of 70m². The open space provision is consistent with the Sustainable Residential Development and Compact settlements guidelines. I

therefore do not agree with the assertion that the proposed development will visually crowd the area. It is also submitted that the patio area proposed facing the appellant's windows will impacts on their privacy. I note that the patio area is located c. 10m away from the aforementioned windows and it is unlikely that there would be a significant impact on privacy from the use of the patio. If the Board is minded to granting permission, I recommend that a condition be attached requiring soft screening to screen the patio.

7.4.2. The proposed development has provided for adequate usable open space and appropriate boundary treatments. And as such I am satisfied that the development accords with the Limerick Development Plan standards for corner/side gardens sites. The third party appeal submits that the provision of car parking to the rear is unacceptable. Having regards to the design solution of the house to present a similar architectural style to the developments south of the site along Limetree Avenue, I see no reason why the car parking cannot be provided to the rear of the dwelling.

7.4.3. Any impact on existing residential amenity from the development would be from overlooking and/or overshadowing of adjoining properties. I am satisfied that the proposed development would not result in any undue overshadowing or overlooking of neighbouring properties given its orientation and the separation distances between properties. There are no opposing first floor windows to the rear of the development.

7.5. Traffic Safety

7.5.1. The proposed entrance to the site is off The Avenue and the third party appeal has stated that the proposed entrance will endanger public safety because of the traffic that would be generated by the development. The development proposes to accommodate two cars and bicycle parking spaces within the site. The northern boundary of the site presents a wall that is approximately 1m in height. This would provide for visibility and appropriate sightlines from the proposed entrance. I note the PA roads report dated 31st May 2024, stating that the sightlines are achievable from the proposed entrance. Therefore, I don't envisage any significant safety issues regarding access and egress from the site. The site is within a residential estate with low levels of traffic and as such I consider that there won't be any significant levels of traffic to endanger public safety.

7.5.2. The appellant has stated that the entrance to the site is too close to the entrance of their property and submits that the entrance would interfere with sightlines. Having regard to the low fencing on this side, I do not consider that there would be an undue interference with sightlines either on the development site or the appellant's entrance.

7.6. Other matters

7.6.1. The appellant submits that the development is close to the trees and does not comply with BRE292 guidelines. From the documentation submitted, the mature trees on site are to be retained and the applicant has stated that an arboriculturist will be secured during construction. I consider that these trees should benefit from a protection works schedule in accordance with the relevant standards. Should the Board be minded to granting permission, I recommend that a condition be attached requiring the applicant to provide a tree protection plan.

7.6.2. It is stated that no rubbing strip is provided to protect the boundary wall between the appellant's house and the proposed development. It is not a requirement of the Limerick Development Plan to require rubbing strips within developments in built-up area. I am satisfied with the vehicular access and arrangement associated with the proposed development.

7.6.3. It is stated that the timber fence and gate was erected without the benefit of planning permission and that the proposed development has not followed the estate guidelines. This is a matter for Limerick City and County Council and not for the Board to consider.

8.0 AA Screening

8.1. Having regard to the nature and scale of the proposed development, the receiving environment, the separation distances, and the absence of any pathway to European sites, it can be concluded that the development, alone or in-combination with other plans or projects, would not give rise to any significant effects on any European site. As such, there is no requirement for a Natura Impact Statement in this case.

9.0 Recommendation

- 9.1. I recommend that permission be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the nature and scale of the proposed development, within the settlement boundary of Adare village and on a site with an 'Existing Residential' zoning objective, it is considered that the proposal would be in accordance with the Adare Local Area Plan 2024-2030, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21st day of December 2023, 09th day of April 2024 and 16th day of May 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The existing roadside boundary shall be retained in its entirety except where its removal is required for the construction of an entrance to serve the dwelling and where its realignment is required to achieve sightlines in

	accordance with the Site Plan submitted on 16th day of May 2024. The Roadside boundary shall be supplemented where necessary behind the unobstructed sightline triangle with native hedging species (e.g. holly, hawthorn, blackthorn, ash etc) common to the locality. Reason: In the interest of visual amenity and traffic safety
3.	Details of the materials, boundary treatments, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. Reason: In the interest of visual amenity and to ensure an appropriate high standard of development
4.	A landscaping scheme shall be submitted to the planning authority and written agreement received, prior to the commencement of development. The scheme shall include planting to provide screening for the patio. The scheme shall include a protection plan for the trees in accordance with the Limerick Development Plan. All planting shall be native Irish species of Irish provenance and in consultation with the recommendations from the All Ireland Pollinator Plan, Pollinator Friendly planting Code Guidelines. All landscaping and screening shall be carried out within the first growing season following occupation of the development. Reason: In the interests of orderly development, biodiversity and the proper planning and sustainable development of the area.
5.	A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Reason: In the interest of sustainable transport and safety.

6.	Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Adhere to any other specific requirements. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
7.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development. Reason: In the interest of visual amenity.
8.	Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.
9.	That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works. Reason: To protect the amenities of the area.
10.	The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. Reason: To prevent flooding and in the interests of sustainable drainage.

11.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Oluwatosin Kehinde
Senior Planning Inspector

24th December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320022-24		
Proposed Development Summary	Construction of a house		
Development Address	The Avenue, Adare, Co. Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5 Part 2 Class 10 (b) (i) construction of more than 500 dwelling units	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	X	Schedule 5 Part 2 Class 10 (b) (i) construction of more than 500 dwelling units. The development is for 1 house well below the threshold	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 320022-24
Proposed Development Summary	Construction of a house
Development Address	The Avenue, Adare, Co Limerick
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development is for a dormer style house in a built up residential area and comes forward as a standalone project. The development does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to

	climate change. It presents no risks to human health.	
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in a town settlement. The development is within an existing residential estate that is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the Limerick County Development Plan.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the nature of the development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: Oluwatosin Kehinde

Date: 24th December 2024