



## Board Direction

---

**Ref: PL03.245645**

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 26<sup>th</sup> 2016.

The Board decided to refuse permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### Reasons and Considerations

1. Having regard to the location of the site within an area of special control under the provisions of the Clare County Development Plan 2011 – 2017, and in an area under strong urban pressure, it is considered that, based on the documentation on file and the planning history, the applicants have not demonstrated a local rural housing need for a provision of a dwelling at this location. The proposed development would therefore be in conflict with the provisions of this Development Plan and would be contrary to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the subject site on an elevated position to the rear of a number of existing dwellings, and with its means of access consisting solely of an unsurfaced laneway, without any other public road frontage, within a line of ribbon development between two of these existing dwellings, it is considered that the proposed development would represent haphazard backland development in an unzoned rural agricultural area to the rear of these houses which would set an undesirable precedent for this form of development. Furthermore, it is considered that the proposed development would constitute an incongruous feature in the landscape and would seriously injure the visual and residential amenities of properties in the vicinity by reason of overlooking, loss of

privacy and disturbance by the use of its means of access alongside existing dwellings, notwithstanding the proposed revisions to the house design, as submitted to the planning authority during the course of the application. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the pattern of development in the vicinity, and to the means of wastewater disposal proposed, it is considered that the proposed development would add to a proliferation of septic tanks and individual waste water treatment systems in an area which is identified by the Environmental Protection Agency as an area under very high risk of pollution from domestic waste water systems. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
  
4. It is considered that the proposed development would generate a material increase in the number of vehicular movements at this substandard junction to the laneway that links the local third class road to the development site. The northern sightline available to drivers exiting this laneway is seriously substandard and accordingly the increase in turning movements associated with the proposed development would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: In reaching its decision, the Board had regard to the documentation on file and to the planning history, and noted that no adequate evidence had been submitted to establish, to its satisfaction, that the existing ruinous structure on the site was a dwelling. The Board therefore concurred with the Planning Inspector that the provisions of policies 3.14 and 3.15 of the Clare County Development Plan 2011 – 2017 did not apply in this case.

*Please issue a copy of this Direction with the Board Order.*

Board Member: \_\_\_\_\_ Date: 29<sup>th</sup> February 2016  
Philip Jones