



An
Bord
Pleanála

Board Direction
BD-004305-19
ABP-305066-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/10/2019.

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

Reasons and Considerations

Having regard to the zoning objective for the site, "existing residential" according to the Kilrush and Cappagh Settlement Plan, incorporated within the Clare County Development Plan, 2017-2023, to the site configuration including the footprint of the proposed dwelling and the separation distances from boundaries and development on adjoining lands, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties by reason of overlooking or overshadowing, would not be visually incongruous or out of character with existing development, and, would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the application as amended by the further plans and, lodged with the planning authority 30th May, 2019, except as may otherwise be required 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 following requirements shall be provided for and adhered to in the development:
 - Finished floor levels shall correspond to the levels shown on the site layout plan lodged with the planning authority on 18th October, 2018 and shall not be modified without a prior grant of planning permission.
 - Ground levels as shown on the site layout plan lodged with the planning authority on 18th October, 2018 shall not be altered to facilitate the construction of the proposed development other than to provide for the proposals for the construction of the driveway and hardstanding adjacent to the proposed dwelling.

Reason: In the interest of clarity and the protection of the amenities of the area and adjoining properties.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no development falling within Class 1 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: To allow for further planning review in the interests of the protection of the residential amenities of the area.

4.
 - (a) No boundary wall or fence shall be erected on the rear / southwest boundary of the site notwithstanding any “exempted development” provision

(b) Any wall or fence erected on the northwest or southeast side boundaries of the site shall not exceed 1.8m in height above the existing adjoining ground levels

Reason: In the interests of the protection of the residential amenities of the area.

5. Details of materials, colours and textures of all external finishes which shall include the provision of samples for the proposed new roof shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

6. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with, "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

8. 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.

Board Member

Date: 18/10/2019

Maria FitzGerald