

**An  
Bord  
Pleanála**

**Board Direction  
BD-010847-22  
ABP-312879-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/06/2022.

The Board decided to refuse permission for the following reasons and considerations.

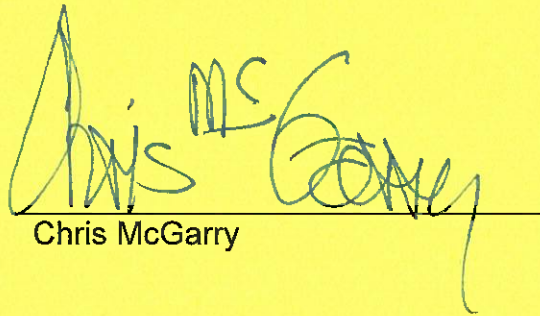
### **Reasons and Considerations**

The development for which retention permission is sought is located on lands zoned existing residential in the Clare County Development Plan 2017-2023, whereon it is an objective of the Plan amongst others, to protect residential amenities, which objective is considered reasonable. Having regard to the nature, scale and positioning of the structure, within the rear garden area of the subject site and adjoining the boundaries of rear gardens of neighbouring residences, it is considered that the development for which retention permission is sought would be out of keeping with the character of the area and would seriously injure the amenities of adjoining residential properties by reason of overbearance and would be contrary to the land use zoning objective at this location. The development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the totality of the documentation on file, including the report of the Planning Authority and the observation on the appeal by adjoining residents, received by the Board on 24/03/22. The Board determined that the scale, quantum and positioning of the garage structure adjoining the northern boundary of the site and alongside the rear gardens on separate residential properties at that location,

would seriously injure residential amenity. Specifically, the Board noted that house numbers 12, 13, and 14 Lissaniska, have more modest garden depths compared to the subject site, with the consequent effect that the scale and form of the garage structure presents an adverse impact on the most proximate of these gardens by reason of overbearance.

**Board Member**



Chris McGarry

**Date:** 07/06/2022