

An  
Bord  
Pleanála

**Board Direction**  
**BD-016269-24**  
**ABP-314770-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/11/2024 when it was deferred for an addendum report, and at a Board meeting held on 8/05/2024 when it was deferred for consideration at a future meeting, and at a meeting held on the 10/05/2024, when both the Inspector's reports were considered.

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 location of the development to be retained within a 'Settled Landscape' as detailed in the Clare County Development Plan 2023-2029, the permitted development at the site under 19-852, the design, siting and layout of the development proposed, the nature of the receiving environment and subject to compliance with the conditions set out below, it is considered that the proposed development would not significantly injure the visual or residential amenities of the area or of property in the vicinity over the impact already permitted under 19-852. The development would, therefore, 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 plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 15<sup>th</sup> day of August 2022, 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. This permission does not amend Condition 4 and 5 of 16299.

Reason: For clarity, the permission consequent is for five years and can be amended by way of a subsequent application. The outline permission 16299 has lapsed.

3. The development shall comply with all of the conditions attached to the permission granted under Planning Reference Number 19/852 except as amended in order to comply with the attached conditions.

Reason: In the interest of clarity.

4. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

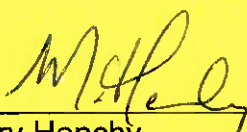
5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1, Class 3 or Class 5 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

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

6. 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 the 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**

  
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Mary Henchy

**Date:** 10/05/2024