

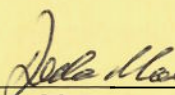
An
Coimisiún
Pleanála

Direction
CD-020876-25
ABP-322718-25

The submissions on this file and the Inspector's report were considered at a meeting held on 03/10/2025.

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

Planning Commissioner:


Declan Moore

Date: 06/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the location of the site within a rural area, to the compliance with the policies and objectives of the Clare County Development Plan 2023-2029, specifically objective 4.17 in relation to the replacement of a substandard habitable house in the countryside, the previous planning permission that pertained to the site under Clare County Council register reference 2360086, the appropriate scale and design of the extensions and alterations, and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or property in the vicinity, would not result in the creation of a traffic hazard nor adversely impact upon the integrity of any European sites. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission under Clare County Council register reference 2360086, unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

2. The development shall be retained and completed in accordance with the plans and particulars lodged with the application on the 19th day of March 2025 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.

3. Proposed changes to the site entrance are not permitted. Precise and final details of the entrance layout, arrangement and setting back of the roadside boundary, consistent with that permitted by Clare County Council register reference 2360086, shall be agreed in writing with the planning authority within one month of this grant of planning permission. Adequate sightlines shall be demonstrated and as much of the roadside boundary shall be retained as possible.

Reason: In the interest of traffic safety and protection of biodiversity.

4. The domestic garage shall be used for domestic storage purposes only and shall not be used for human habitation or commercial purposes. The garage shall not be sold, let or other transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the property in the interest of residential amenity.

5.
 - (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
 - (b) Surface water within the appeal site shall be managed in accordance with a surface water management plan to be submitted to, and agreed in writing with, the planning authority.
 - (c) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of proper planning and sustainable development.

6. The mature hedgerows and fencing along the appeal site boundaries shall be maintained in situ.

Reason: In the interest of visual amenity.

7. The Landscape Plan, as submitted to the planning authority on the 19th day of March 2025, shall be implemented in full within the first planting season following completion of the works. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority prior to the occupation of the dwelling..

Reason: In the interest of visual and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 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 residential amenities of property in the vicinity.

9. 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 Coimisiún 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.