

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Clare County**

**Planning Register Reference Number: P15/435**

An Bord Pleanála Reference Number: PL 03.245645

**APPEAL** by Michael and Irene Crowe of “Heathmount”, Knockroe, Meelick, County Clare against the decision made on the 29<sup>th</sup> day of September, 2015 by Clare County Council to grant subject to conditions a permission to Ann and Guido Kretz care of Michael Begley of Clonlara, County Clare.

**PROPOSED DEVELOPMENT:** Re-construction and restoration of existing derelict dwelling, construction and attachment of new dwelling extension to form a split level dwellinghouse, garage, wastewater treatment system, percolation area, entrance and all associated site works, all at Knockroe, Meelick, County Clare.

## **DECISION**

**REFUSE** permission for the above proposed development based on the reasons and considerations set out below.

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **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 the 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 wastewater 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**