

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Clare County**

**Planning Register Reference Number: P15/442**

An Bord Pleanála Reference Number: PL 03.246341

**APPEAL** by Declan Bell of Ballyvonnaun, Clarecastle, County Clare against the decision made on the 26<sup>th</sup> day of February, 2016 by Clare County Council to grant subject to conditions a permission to Cathal Duggan and Edel O'Connell care of John Duggan of Ballyvonnaun, Doorra, Ennis, County Clare.

**PROPOSED DEVELOPMENT:** Construction of a dwellinghouse, domestic garage, entrance, effluent treatment system, including all ancillary site works and services at Ballyvonnaun, Doorra, County Clare. The proposed development was revised by further public notice received by the planning authority on the 2<sup>nd</sup> day of February, 2016.

## 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 Under Strong Urban Influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government (2005) and in an area where housing is restricted to persons demonstrating local need in accordance with the Ennis and Environs Development Plan 2008–2014, as varied, it is considered that, on the basis of the information on file, the applicants do not come within the scope of the local rural housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for a house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the topography of the site, the elevated position of the proposed development, its excessive bulk and scale, and the extensive driveway and hard paved areas, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, contravene Policy EN11 (landscape conservation) in relation to development outside of built-up areas, as set out in the Ennis and Environs Development Plan 2008–2014, as varied, and would be contrary to the proper planning and sustainable development of the area.
3. The site is located on a narrow minor road that is seriously substandard in horizontal and vertical alignment, and where adequate sightlines have not been demonstrated. It is therefore considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

4. Having regard to the provisions of the Code of Practice issued by the Environmental Protection Agency on “Wastewater Treatment and Disposal Systems serving Single Houses” (2009), to the regionally important karst aquifer in this area, the generally wet ground conditions and network of drains in close proximity to the east and south, and the free-draining nature of the soils at this location including the failure of one of the T-tests, the Board is not satisfied that this site is suitable for the disposal of foul effluent. Furthermore, on the basis of the information on file, including the draft Shannon CFRAMS flood mapping, the Board is not satisfied that the proposed waste water treatment and disposal system would not be located in an area at risk of flooding. It is, therefore, considered that the proposed development would conflict with the provisions of the Code of Practice of the Environmental Protection Agency, would result in a risk of environmental pollution, and would be prejudicial to public health.

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

**Dated this                      day of                      2016.**