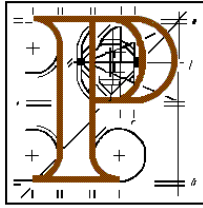


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Clare County

Planning Register Reference Number: P15/686

An Bord Pleanála Reference Number: PL 03.247357

APPEAL by Margot Healy and Michael Ellison of Old Parochial House, Church Street, Sixmilebridge, County Clare against the decision made on the 6th day of September, 2016 by Clare County Council in relation to an application for permission for alterations and extension of existing derelict dwellings and connection to public services along with associated site works. The works will involve converting the derelict dwellings into a private garage for domestic use only. The existing ground level will be raised at the rear of the site with a mixture of local natural stone and block walls forming the new site boundaries at Church Street, Sixmilebridge, County Clare in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission to alter and extend existing derelict dwellings, converting the derelict dwellings into a private garage for domestic use only and for permission to connect to public services and to refuse permission for associated site works consisting of the raising of existing ground level at the rear of the site with a mixture of local stone and block walls forming the new site boundaries).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the nature and scale of the proposed development which includes the reuse and rehabilitation of existing derelict buildings and to the location of the site within the settlement boundary of Sixmilebridge, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity of the site, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the proposed site works consisting of the raising of ground levels to the rear of the site with a mixture of local stone and block walls forming new site boundaries and tennis court, the Board considered that the proposed development as amended in the documentation accompanying the grounds of appeal received by An Bord Pleanála on the 3rd day of October, 2016 would be acceptable in terms of its impact on the adjacent visual and riverside amenities and would not seriously injure the amenities of the Architectural Conservation Area. Furthermore, the Board considered that the proposed development, as modified, would facilitate reasonable wayleave access.

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 received by An Bord Pleanála on the 3rd day of October, 2016, 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. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

3. The proposed garage shall be used solely as a private garage for domestic and recreational use ancillary to the residential use of the Old Parochial House and shall not be sublet or used for any commercial use unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of amenity and clarity.

4. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, details of all external finishes including roof covering and fenestration.

Reason: In the interest of visual amenity

5. The landscaping scheme shown on drawing number 14842/P/009/P7 as submitted to An Bord Pleanála on the 10th day of August, 2016 shall be carried out within the first planting season following substantial completion of external construction 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.

Reason: In the interest of residential and visual amenity.

6. Water supply and drainage arrangements, including the 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 public health.

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

Dated this day of 2017.