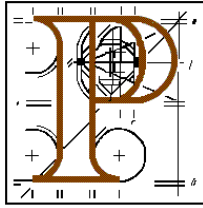


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Clare County

Planning Register Reference Number: P16/618

An Bord Pleanála Reference Number: PL 03.247456

APPEAL by Jeremiah Daly care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 27th day of September, 2016 by Clare County Council to refuse permission.

PROPOSED DEVELOPMENT: Change of use from holiday homes to dwellinghouses for house numbers 44 and 45 Lake View Estate, Knockclovaun, Killaloe, 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 design and layout of the dwellings, including the inadequate quantum and poor quality of existing private amenity space provision, the internal layout of the dwellings, the lack of direct access to the private amenity space from living accommodation, and the lack of adequate designated car parking to serve the subject dwellings, it is considered that the proposed change of use to permanent residential accommodation would result in a sub-standard level of residential amenity for future permanent residential occupants of the dwellings. The proposed development would be contrary to Objective CDP4.13 of the Clare County Development Plan, 2017-2023 and conflict with the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local government in May 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature of the proposed use, to the extent of already permitted changes of use to permanent residential occupation within the Lake View development, to the 'Tourism' land use zoning of the site and the description of this zoning given in Section 19.4 of the Clare County Development Plan, 2017-2023 which seeks to provide for '*structures and activities which are primarily designed to facilitate tourism development*', it is considered that the proposed change of use to permanent residential accommodation would undermine the coherence of holiday home use in the Lake View development, would be contrary to the land use zoning objective and would materially contravene a condition attached to an existing permission, that is, condition number 21 attached to planning permission register reference number P03/1032. The proposed development would, therefore, set an undesirable precedent for further such changes of use that would undermine this zoning, and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2017.