



An
Bord
Pleanála

Board Order

PL 03.248420

Planning and Development Acts 2000 to 2017

Planning Authority: Clare County

Planning Register Reference Number: P17/101

Appeal by James Droney of Knockagulla, Lisdoonvarna, County Clare against the decision made on the 7th day of April, 2017 by Clare County Council to grant subject to conditions a permission to Melyssa MacGillivray care of Deirdre Foran Design of Lisdoonvarna, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Extension of the existing dwelling house, demolition of the existing shed and all associated site works at Knockaguilla, Lisdoonvarna, County Clare.

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 provisions of the County Clare Development Plan 2017-2023, and to the nature, and scale of the proposed development, 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, would not be prejudicial to public health, and would not give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 following wastewater treatment requirements shall be complied with:
- (a) The developer shall submit a Site Characterisation Report along with detailed proposals for a wastewater treatment system, to replace the existing septic tank. The design of the system should be based on the results of the site assessment and in accordance with the document entitled Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) – Environmental Protection Agency, 2009. Details to be agreed in writing with the planning authority before development commences.
 - (b) The wastewater treatment facility shall be located, constructed and maintained in accordance with the details submitted to and agreed with the planning authority and in accordance with the requirements of the document entitled “Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” – Environmental Protection Agency, 2009.” No system other than the type proposed and agreed with the planning authority in response to (a) above shall be installed unless agreed in writing with the planning authority.
 - (c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
 - (d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the development and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
 - (e) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the wastewater treatment system.

- (f) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The first floor window in the side elevation shall be permanently fitted with obscure glazing.

Reason: In the interest of residential amenity.

5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling. The wall between the existing bedroom and the proposed extension at ground floor level shall be removed, and that bedroom shall be used as part of the enlarged dining area/living area, as indicated on the submitted drawings.

Reason: To restrict the use of the extension in the interest of residential amenity, and to conform to submitted documentation.

6. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of Irish Water and the planning authority for such works.

Reason: In the interest of public health and to ensure a proper standard of development.

7. 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.

Reason: In the interest of traffic safety, residential amenity and to prevent pollution

8. 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 Bord Pleanála to determine the proper application of the terms of the Scheme.

