



An
Bord
Pleanála

Board Order
PL 03.248695

Planning and Development Acts 2000 to 2017

Planning Authority: Clare County Council

Planning Register Reference Number: P17/50

Appeal by Deirdre and Mark Carroll care of Michael J. Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare against the decision made on the 19th day of May, 2017 by Clare County Council to refuse permission to the said Deirdre and Mark Carroll.

Proposed Development: Construction of a dwellinghouse with on-site wastewater treatment and a garage at Tullamore, Kilshanny, County Clare.

Decision

REFUSE permission for the above proposed development in accordance with 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 in the countryside outside of an area of special control and to Objectives CDP 3.12 and CDP 3.14, as set out in the Clare County Development Plan 2017–2023, it is considered that, based on the submissions made in connection with the planning application and the appeal, the applicants who already reside in an existing house in close proximity have not demonstrated a sustainable need for the provision of this new additional dwelling as their principal private residence, which is not intended as a replacement dwelling in lieu of their existing residence and would be in a greenfield location. The proposed development would, therefore, conflict with the provisions of the Development Plan and would be contrary to the provisions of Section 3.2.3 in relation to rural-generated housing, as set out in 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 its design, scale and two-storey nature, on an elevated site, it is considered that the proposed development would constitute an overly dominant feature in the landscape and would impact on views and seriously injure the visual amenity of the area, 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.

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

Dated this day of 2017