



An  
Bord  
Pleanála

**Board Order  
PL 03.249071**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P17/416**

**Appeal** by Fintan and Kathleen Molony care of Rogers Brassil Associates of Rockmount, Miltown Malbay, County Clare against the decision made on the 20<sup>th</sup> day of July, 2017 by Clare County Council to refuse permission to the said Fintan and Kathleen Molony for the proposed development.

**Proposed Development** (1) Detached bungalow (140 square metres) including separate connections to the public watermains and public sewer and all associated site works (2) relocation of the existing vehicular entrance to Number 6 and the provision of an additional vehicular entrance to the proposed dwelling, all to the front of Number 6, off Woodlawn on a site to the rear at 6 Woodlawn, Loughvella, Lahinch Road, Ennis, 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 pattern and character of development in the area, the size and zoning of the appeal site, the separation distances from existing properties to the north-west and south-east, and the nature, scale and design 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 residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would not constitute haphazard, un-coordinated or disorderly development and, in the particular circumstances of this case, would not set an undesirable precedent for similar further development in the area, which would in turn, give rise to a proliferation of vehicular entrances off the Woodlawn estate road.

## Conditions

1. The 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the 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.

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

5. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

**Reason:** In the interest of pedestrian safety.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays.  
Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

**Dated this      day of                                  2018**