



An  
Bord  
Pleanála

**Board Order  
PL 03.249125**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P17/404**

**Appeal** by Ethna Murphy of 25 Limerick Road, Ennis, County Clare against the decision made on the 18<sup>th</sup> day of August, 2017 by Clare County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a vehicle entrance to the front of the existing dwelling, with associated site works at number 25 Limerick 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 location of the site adjoining a relatively lightly trafficked road, and having regard to the pattern of development in the vicinity, which includes similar vehicular entrances, it is considered that, subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of traffic hazard, and would not detract from the setting of the streetscape nor seriously injure the visual amenities of the area. The proposed development would, therefore, not be contrary to the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted to the planning authority on the 24<sup>th</sup> day of July, 2017, 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 employ a qualified structural engineer or equivalent person with professional indemnity insurance to supervise the design and provision of the retaining wall between the proposed parking area and the remainder of the garden area to the front of the dwelling. Detailed drawings of such walling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of proper development.

3. The proposed vehicular entrance gates shall not open outwards onto the public footpath, but shall be of the sliding type, flush inside the front boundary wall.

**Reason:** In the interests of pedestrian and traffic safety and visual amenity.

4. The developer shall make arrangements, to the written satisfaction of the planning authority, for the dishing of the footpath at the proposed vehicular entrance, including dropped kerbs, and shall pay for all works for the footpath and for the provision of a double yellow line across the proposed entrance along the public road.

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

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development, having regard to its location, would not be such as to lead to a traffic hazard, and was satisfied, in the light of the existing pattern of development in the area, that the proposed development would not create a precedent. The Board also considered that, with the imposition of conditions proposed by the Council's Municipal District engineer, the proposed development would allow for an improved traffic situation in the vicinity of the site, by eliminating roadside parking along the site frontage.

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

Dated this      day of      2017