

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Clare County Council

Planning Register Reference Number: P17/652

An Bord Pleanála Reference Number: ABP-300199-17

Appeal by Josephine O'Sullivan care of Project Design Building Consultants of O'Dea's Road, Kilrush, County Clare against the decision made on the 17th day of October, 2017 by Clare County Council to refuse permission for the proposed development.

Proposed Development: Construction of a new dwelling house with all necessary ancillary services at Sunnyside Heights, Miltown Road, Kilkee, 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 and design of the proposed development, the zoning of the site for “existing residential” which permits infill development and the policies and objectives of the Clare County Development Plan 2017-2023, and the pattern of development in the vicinity, 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 residents of those properties in the vicinity. The proposed development would, therefore, be in accordance with 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, 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 proposed dwelling shall be used for permanent residency only, and shall not be used for short-term tourist accommodation.

Reason: The occupation of the proposed dwelling on a permanent basis is required to prevent an oversupply of holiday homes in Kilkee.

3. The proposed development shall be amended as follows:

- (a) An internal storage area at a minimum of three square metres shall be provided within the living/dining or hall area.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of and residential amenity.

4. The rear garden shall be bounded with two metres high concrete block walls, suitably capped and rendered, on both sides.

Reason: In the interest of residential and visual amenity.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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 residential amenities of property in the vicinity.

7. 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.

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

Dated this day of 2018