

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

## Clare County Council

**Planning Register Reference Number: P16/836**

An Bord Pleanála Reference Number: ABP-300269-17

**Appeal** by John Ronan of Valleyview, Lissycasey, County Clare against the decision made on the 2<sup>nd</sup> day of November, 2017 by Clare County Council to grant subject to conditions a permission to Paul J. Connellan of Lissycasey, Ennis, County Clare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Development consisting of (1) change of use of existing retail shop to a private dwelling house consisting of a kitchen, dining room, living room, hallway, study, bedroom/en-suite, laundry room, toilet on the ground floor and three bedrooms, one with en-suite and walk-in wardrobe, bathroom and walk-in hot press and corridor on the first floor; (2) extensions to ground floor consisting of a front entrance porch and a section onto the master bedroom; (3) extension to first floor overhead the existing single storey flat roof section at the rear of the premises consisting of two bedrooms, a bathroom, walk-in hot press and corridor; (4) alterations to existing roofs, windows, doors and building elevations including the construction of dormer windows to front and rear elevations; (5) construction of a 12 feet wide entrance including 7 feet high piers and plastered block walls along eastern site boundary of dwelling house; (6) raising of existing stone walls and piers along northern and eastern site boundaries by 2 feet 6 inches and (7) construction of pump house and borehole water well system for existing spring well at Lissycasey, Ennis, County Clare, as amended by the further public notice received by the planning authority on the 6<sup>th</sup> day of October, 2017.

## 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 nature and scale of the proposed development and the unique circumstances of the appeal site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining properties or the character of the area, and would represent an acceptable form of development within this existing village centre. 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, as amended by the further plans and particulars submitted on the 15<sup>th</sup> day of September 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. 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. In this regard, the construction of the pump house and bore hole well system shall be omitted from the development, which shall be connected to the Lissycasey Group Water Supply in accordance with the site layout plan and particulars submitted on the 15<sup>th</sup> day of September, 2017. 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 public health.

3.
  - (a) The northern eastern boundaries of the site shall not exceed 1.2 metres in height. Any poles along the existing site boundary shall be relocated to a point immediately at the outer face of the new front boundary wall. This work shall be carried out by the developer at his expense.
  - (b) The entrance shall be constructed in accordance with the revised Site Layout plan (drawing number PC-10/2016 Revision A) received by the planning authority on the 15<sup>th</sup> day of September, 2017.
  - (c) The footpath shall be constructed in accordance with revised details received by the planning authority on the 15<sup>th</sup> day of September, 2017 and shall be completed prior to the occupation of the dwellinghouse. The footpath shall be dished at the vehicular entrance.
  - (d) The finished floor level of the recessed entrance shall be the same as the road level opposite the entrance gates.

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

4.
  - (a) The treatment plant and polishing filter shall be maintained in accordance with the details submitted.
  - (b) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to the planning authority within four weeks of the occupancy.

- (c) 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 polishing filter.
- (d) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance, certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner.

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

5. Notwithstanding any drawings submitted, the following schedule of materials/finishes shall only be used in the proposed development:
- (a) The roof shall be finished in natural quarry slate (salvaged or new) black, dark grey or blue/black in colour. The colour of the ridge tile shall match the colour of the roof and shall be of concrete or clay manufacture without raised edges or ribs.
  - (b) No changes shall be permitted to the agreed window sizes, materials or designs. No neo-Georgian style plastic glazing bars or other decorations shall be permitted.
  - (c) The side and front facings of dormer windows shall have a painted plaster finish.
  - (d) No floodlighting of the proposed development shall be permitted.

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

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions to 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**