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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P18/664**

**Appeal** by Willem and Úna Brinkman of Seafield, Quilty, County Clare against the decision made on the 10<sup>th</sup> day of October, 2018 by Clare County Council in relation to an application by Patricia McKee-Hanna care of Brian Foudy and Associates of Osprey House, Carmody Street, Ennis, County Clare for permission for (a) retention of side extension to dwelling house, (b) construction of new side extension, and (c) construction of new garage and studio, together with all ancillary site development works and services at Seafield Cottage, Seafield, Quilty, County Clare in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for (a) retention of side extension to dwelling house, and (b) construction of new side extension, and to refuse permission for (c) construction of new garage and studio).

**Decision**

**GRANT permission for (a) retention of side extension to dwelling house in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the condition set out below.**

**REFUSE permission for (b) construction of new side extension, and (c) construction of new garage and studio, based on the reasons and considerations marked (2) under.**

## **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 provisions of the Clare County Development Plan 2017-2023, the existing pattern of development in the area, and the nature and scale of this element of the proposed development, it is considered that subject to compliance with the condition set out below, the single storey extension to be retained would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Condition**

The single storey extension development shall be retained in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity.

## Reasons and Considerations (2)

1. The proposed new side extension, by reason of its scale, design and roof profile, would give rise to serious injury to the visual amenities of the area and as such would be contrary to the proper planning and sustainable development of the area.
2. The proposed garage/studio flat would, by reason of its size, location and siting, along with its layout and built form, result in undue overlooking of the adjoining residential property, would constitute a haphazard style of development which is out of character with the pattern of development in the area and would constitute overdevelopment of the site. Furthermore, the Board considered that the proposed garage/studio by reason of its size and scale would not be ancillary to the principle dwelling on site, and would set an undesirable precedent for other such development proposals. The proposed development would, therefore, seriously injure the visual and residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the proposed new side extension, the Board did not agree that the proposed development would not seriously injure the amenities of the area or of property in the vicinity.

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

**Dated this            day of            2019.**