



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: P18/137

APPEAL by Don Barrett of Cluain Ros Leamhain Residents Association, 32 Cluain Ros Leamhain, Roslevan, Ennis, County Clare and by Teresa Brosnan and others care of 32 Cluain Ros Leamhain, Roslevan, Ennis, County Clare against the decision made on the 14th day of December, 2018 by Clare County Council to grant subject to conditions a permission to Datcha Construction Limited care of Michael Keating of 20 Park Row, Francis Street, Ennis, County Clare.

Proposed Development Construct 25 number dwelling houses consisting of the following: three number terraced houses Type A, eight number terraced houses Type B, six number terraced houses Type C, eight number terraced houses Type D. Connect to public water supply, connect to foul and surface water sewers and carry out all ancillary site works. Provide temporary road access to the vacant site within the " Cluain Ros Leamhan" development. Previous planning permission reference number P04-200 refers, all at Roslevan, Tulla Road, Ennis, County Clare, as revised by the further public notice received by the planning authority on the 19th day of November, 2018.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

The “Urban Design Manual – a best practice guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)” issued by the Department of the Environment, Heritage and Local Government in May 2009 includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form and layout; fails to provide high quality usable open space; fails to establish a sense of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future and existing occupants. Furthermore, the layout of the proposed scheme, being dominated by roads, is contrary to the provisions of the “Design Manual for Urban Roads and Streets”, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013, as it involves three vehicular accesses into adjoining lands. It is considered that the proposed development would, therefore, seriously injure the residential amenities of future occupants, would endanger public safety by reason of traffic hazard, and would be contrary to the proper planning and sustainable development of the area.

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.