



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: P18/115

APPEAL by Brian Fitzgerald care of Michael Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare against the decision made on the 11th day of January, 2019 by Clare County Council to refuse permission.

Proposed Development: Construction of a new dwelling with an on-site wastewater treatment system, garage, new entrance and ancillary site works. Permission is also sought for a commercial shed to the rear of the site and ancillary site works at Ballyvaskin, Miltown Malbay, County Clare. Further public notices were received by the planning authority on the 7th day of December, 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

It is an objective of Clare County Council CDP 13.7 to protect sensitive areas from inappropriate development and to ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact. The proposed development by reason of its siting, scale, layout and design would result in a visually prominent and obtrusive development on an elevated ridge line, which would adversely affect the character of the area and seriously injure the rural and scenic amenities of the area. The proposed development would be at variance with the design objectives and guidelines as set out in the Clare County Development Plan 2017-2023 and the Clare Rural House Design Guide, 2005 and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.