



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: R19-12

WHEREAS a question has arisen as to whether the proposed extension to the rear of Rockwell Cottage, Spanish Point, Miltown Malbay, County Clare is or is not development or is or is not exempted development:

AND WHEREAS Mary Irving of 35 Butterfield Drive, Rathfarnham, Dublin requested a declaration on this question from Clare County Council and the Council issued a declaration on the 26th day of March, 2019 stating that the matter is development and is not exempted development:

AND WHEREAS referred the declaration for review to An Bord Pleanála on the 4th day of April, 2019:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Class 1, including the Conditions and Limitations set out in Column 2 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (c) Article 9(1)(a)(vi) of the Planning and Development Regulations, 2001, as amended, and
- (d) the provisions of the Clare County Development Plan 2017-2023:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of an extension at Rockwell Cottage, as per the drawings and associated documentation submitted with the referral, would constitute development,
- (b) the construction of an extension at Rockwell Cottage, as per the drawings and associated documentation submitted with the referral, would fall within the definition of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and the relevant Conditions and Limitations as set out under Column 2,

- (c) the proposed extension would be located in an area wherein an objective of the statutory development plan relating to landscape character applies, and
- (d) the proposed extension would be visible in views from the public road and from other locations within the designated landscape area and it has not been demonstrated, on the basis of the documentation submitted with the referral, that the proposed extension would not interfere with the character of the landscape at this location:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the proposed extension to the rear of Rockwell Cottage, Spanish Point, Miltown Malbay, County Clare is development and is not exempted development.

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.

Chris McGarry

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

Dated this day of 2019.