



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P19/8

Appeal by Kenrite Construction Limited care of HRA Planning of 3 Hartstonge Street, Limerick against the decision made on the 21st day of May, 2019 by Clare County Council to refuse permission for the proposed development.

Proposed Development: Retention for works undertaken following the expiration of planning permission 10/224, as extended under 15/270, relating to the construction of two number dwellings at 1-2 Merton Court, Kilkee Upper, Kilkee, County Clare. Such works include window installation, weathering and construction of boundary walls and ancillary works. Planning permission is also sought for completion of works to include downpipes, drainage, boundary walls, retaining wall, driveway, footpaths and ancillary works at the same address. (As amended by the revised public notice received by the planning authority on the 24th day of April, 2019).

Decision

DISMISS the said appeal under subsection (1) (b) (i) of section 138 of the Planning and Development Act, 2000, based on 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

Given the nature of the appeal, including the question raised by the appellant, the Board considered that the public notices submitted with the application, notwithstanding the revised public notices submitted to the planning authority on the 24th day of April 2019, fail to meet the statutory requirements for such notices as set out in Articles 17 and 18 of the Planning and Development Regulations, 2001, as amended. In these circumstances, Board did not consider it appropriate to further consider the appeal made. The Board, therefore, decided to dismiss the appeal.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board generally concurred with the Inspector's analysis of the issues raised in the appeal but, in the circumstances, did not consider it appropriate to refuse permission. In addition, given the difference between the permitted and constructed siting of the dwelling houses and associated alterations to gardens, which are considered material, it was not of the view that further public notices as part of the appeal would be sufficient. In any new application, the Board considered that the public notices should refer to the 'retention of houses as constructed'.

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

Dated this day of 2019.