



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P19/216

APPEAL by Tim and Niamh Lowry care of HRA Planning, Chartered Town Planning Consultants of 3 Hartstonge Street, Limerick against the decision made on the 1st day of July, 2019 by Clare County Council to refuse permission.

Proposed Development: Construction of dwelling, entrance, garage, advanced wastewater treatment system, soil polishing filter and associated site works at Cloonfadda, Killaloe, County Clare.

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

1. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation, (Site Code: 002165) in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.
2. Having regard to the absence of information on the winter water table on site, the Board is not satisfied on the basis of the documentation submitted with the planning application, that the proposed development can be satisfactorily treated or disposed of on-site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3. According to the Clare County Development Plan 2017-2023, the site is located within a landscape designated as a 'Heritage Landscape' and also adjacent to a designated 'Scenic View'. Within these designations it is development plan policy to select sites to avoid visually prominent locations, to seek 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. Having regard to the location of the site between a regional road and the river, which comprises a 'scenic view' and its proximity to the shoreline, it is considered that, the proposed development, by reason of scale and bulk and including changes which would be essential to the site boundary to the regional road to provide vehicular access to the site, would be visible from the surrounding area, would impact negatively on the high amenity value of the scenic view, would interfere with the character of the landscape and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed provision of a direct access from the proposed development, onto the adjoining regional road, would be contrary to Policy CDP8.5 of the Clare County Development Plan 2017-2023, which seeks to restrict such direct access points to certain categories of applicant. In addition, the proposed direct access point, taken together with existing development and multiplicity of entrances along this stretch of regional road, would endanger public safety by reason of traffic hazard having regard to the extra traffic generated and having regard to the proximity to an adjoining private laneway access point. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2019