



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P19/921

Appeal by Marion Wurth care of Alex Russell Associates of Main Street, Liscannor, County Clare against the decision made on the 28th day of January, 2020 by Clare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing substandard dwellinghouse and construction a new dwellinghouse with living space extension and associated site works at Cottage number 12, Ballyvaughan Holiday Cottages, Ballyvaughan, County Clare.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

Reasons and Considerations

Having regard to the 'CDP9.5' zoning objective for the site under the Clare County Development Plan 2017-2023, the pattern and character of development in the vicinity of the site and within the settlement boundary of Ballyvaughan Village, the high quality alteration and extension of existing thatched properties adjacent, the prevalence of existing dormer structures in the vicinity of the site and the set back from the public road, all of which limits any significant level of undue visual impact, excessive bulk or overbearing presence beyond that which already exists, it is considered that the intent of condition number 2 imposed by the planning authority to the extent of omitting the half dormer windows on the rear elevation and replacing them with conservation style roof lights is unwarranted, and that its imposition would be an inappropriate design response and would have a detrimental effect on the established character and visual amenities of the area. It is, therefore, considered that condition number 2 should be removed in the interest of the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation, the Board noted that the Inspector accepted the case for dormer windows as valid. The Board considered that the half dormer windows on the rear elevation would not negatively impact on the setting or the adjacent designated scenic route, and that replacing the half dormer windows with conservation style roof lights within a thatched roof would be unnecessary in terms of the design quality of the proposed house and the visual amenities of the area.

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.

Stephen Bohan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.