



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P20/86

APPEAL by Daire O'Connor care of Michael J. Duffy, Consulting Chartered Civil Engineer of 1 Clós na hEaglaise, Kilfenora, County Clare against the decision made on the 1st day of April, 2020 by Clare County Council to refuse permission.

Proposed Development: Retention of dwelling, garage and wastewater treatment system at Muckinish, Spancillhill, 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. The Board is not satisfied, based on the information available in connection with the application and appeal, that the proposed development for which retention is sought would not be prejudicial to public health having regard to the on-site arrangements for treatment and disposal of foul effluent emanating from the proposed development, the recommendations and standards set out in the Environmental Protection Agency's Code of Practice, "Wastewater Treatment and Disposal Systems serving Single Houses, (2009) and, the soil composition, high water table, hydraulic conditions within the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development for which retention is sought would constitute substandard backland development by reason of the site location to the rear of existing dwellings, the means of access to the site via the existing lane between these dwellings, and the views available from the site towards the private amenity areas of adjacent dwellings, and as such, would result in loss of privacy and amenity to the occupants of these dwellings by reason of disturbance and overlooking. The proposed development for which retention is sought would, therefore, seriously injure the residential amenities of these adjoining properties and would be contrary to the proper planning and sustainable development of the area.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020