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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P20/204**

**Appeal** by Niall and Marion Allen care of John Jones of 'Kilmalua', Caherweesheen, Tralee, County Kerry against the decision made on the 29<sup>th</sup> day of June, 2020 by Clare County Council to grant subject to conditions a permission to Mary Irving care of McKenna Consulting Engineers of Bank Place, Miltown Malbay, County Clare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Alteration and extension of existing dwellinghouse, alteration of the existing front boundary wall and installation of a new proprietary wastewater treatment system along with associated site works. The works to the existing dwellinghouse involve the following: (a) demolition of and replacement of the existing front porch, (b) demolition of existing rear extension and construction of a new single storey extension and (c) removal of and replacement of the existing pitched roof. All at Breaffy South, Miltown Malbay, County Clare.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the rural coastal landscape of the subject site, the planning history of the site, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof. The external walls shall be finished in neutral colours such as grey or off-white.

**Reason:** In the interest of visual amenity.

3. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

**Reason:** In the interest of public health.

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 23<sup>rd</sup> day of March, 2020, and in accordance with the requirements of the document entitled “Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” - Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) The invert level of the percolation piping shall be placed at 0.2 metres below existing ground level.
- (c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of three years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (e) Surface water soakways shall be located such that the drainage from this area shall be diverted away from the location of the wastewater treatment system.

**Reason:** In the interest of public health.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

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

**Dated this            day of            2020.**