



Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P19/879

Appeal by Peter Carroll care of McGarry-Moon Architects of 9 Fallahogy Road, Kilrea, Coleraine, County Derry against the decision made on the 29th day of July, 2020 by Clare County Council to refuse permission for development comprising retention of partial demolition of the existing building on site and permission to demolish remaining walls along with sheds and to construct a new two-storey dwelling house, relocate existing vehicular entrance and all associated site works at Derreen, Fanore, County Clare in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the retention of the partial demolition of the existing building, and permission to demolish the remaining walls with sheds, in accordance with the plans and particulars, based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the construction of a new two-storey dwelling house, based on the reasons and considerations marked (2) under.

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)

Having regard to the nature and design of the proposed development and the development to be retained, the zoning objective for the site, the current Development Plan for the area and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, this element of the proposed development/development proposed to be retained would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the proposed development/development proposed to be retained shall be carried out, retained 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, retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

Reasons and Considerations (2)

Having regard to policy objectives CDP13.5 and CDP13.7 of the Clare County Development Plan 2017-2023 which seek to protect heritage landscapes and scenic routes respectively 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 and are designed and located to minimise their impact, this element of the proposed development by reason of its siting, scale, and design would result in a visually prominent and obtrusive development which would adversely affect the character of the area and seriously injure the scenic amenity of the area. This element of the proposed development would be at variance with the design objectives and guidelines as set out in the Clare County Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Dave Walsh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2021