

An  
Bord  
Pleanála

Board Order  
ABP-309258-21

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## Planning and Development Acts 2000 to 2020

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 20/83**

**APPEAL** by Flan Broderick care of O’Gorman Architectural Services of 4 Showgrounds View, Ennis, County Clare against the decision made on the 18<sup>th</sup> day of December, 2020 by Clare County Council to refuse permission to Flan Broderick.

**Proposed Development** Change of use from existing granny flat (granted planning permission Reference P05/41 old ETC Reference) to independent dwelling together with permission to make some alterations at the rear and side of the existing structure and to construct a boundary wall including all ancillary site services and works, all at 5 The Crescent, Lifford, Ennis, County Clare.

## Decision

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

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## Matters Considered

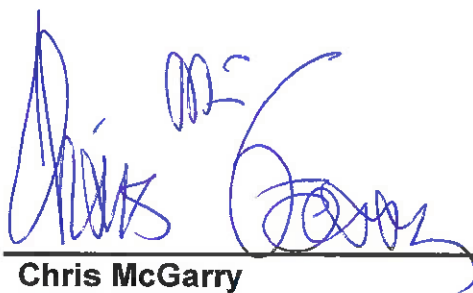
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

1. Having regard to the established character and pattern of development in the area, to the nature of the proposed development, the limited size of the site and to the layout of development proposed, it is considered that the change of use of the existing granny flat to an independent dwelling would result in the creation of a residential unit which would be substandard in terms of the poor quality and limited size of the aggregate living area and of the aggregate bedroom area and in terms of inadequate provision of private open space, resulting in substandard residential amenity for prospective occupants of the independent dwelling. Furthermore, the proposed development would result in over-development of the site by reason of the addition of a second independent dwelling within the original curtilage of the existing dwelling, with consequent impact of the amenities of the existing dwelling by reason of loss of privacy and reduction of private open space and would set an undesirable precedent for similar developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

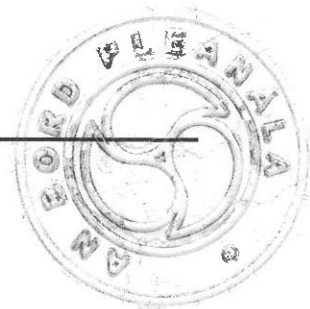
  
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2. The proposed development would materially contravene condition number 7 of planning register reference number 05/41 granted permission by Ennis Town Council on the 30<sup>th</sup> day of June, 2005, which states in the interest of proper planning and orderly development, that when the granny flat use has ceased to be required, the occupier of the dwelling shall submit to the planning authority for agreement a set of drawings showing the area previously occupied by the granny flat reintegrated into the main dwelling so that it functions as a single dwelling unit. This condition is considered reasonable. 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 19<sup>th</sup> day of July 2021.