

Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P21/62

Appeal by Michael Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare against the decision made on the 29th day of March, 2021 by Clare County Council to grant subject to conditions a permission to Domhnal and Elaine Slattery care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention is sought for alterations to previously approved development comprising: (i) installation of one number window in lieu of one number door on the southern elevation of the previously approved dwelling (constructed on foot of planning register reference number P15-169) and (ii) minor amendments to alignment of previously approved vehicular driveway (planning register reference number P18-962). Retention is sought for: (i) demolition of the previously approved 12.5 square metre garage (constructed on foot of planning register reference number P15-169) and (ii) construction of a part two-storey residential extension (114 square metres) comprising one number home office at ground floor level and external roof terrace and terrace room at first floor level. The extension is accessible

through a first-floor link bridge from the kitchen/living/dinning room of the main dwelling. All at Caherycahill, Liscannor, 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 provisions of the Clare County Development Plan 2017-2023 (as varied), the established residential use and the planning history of the site, the pattern of development in the vicinity and the scale of the development as proposed, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

In not accepting the Inspector's recommendation to refuse permission to retain the alterations to the driveway, the Board considered that the realigned driveway would not overly impact on the dwelling permitted under planning register reference number P18-962 which has yet to be constructed and may not ultimately be built out. The Board considered that scope remains for the applicant, where necessary, to seek planning permission to modify the permitted but as yet unbuilt development under this permission to ensure compliance with the relevant conditions.

Conditions

1. The development shall be 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The office hereby permitted shall be used as a home office only and shall not be used as an office for the provision of financial, professional or other services, where such services are provided to visiting members of the public, without a further grant of planning permission for such change of use.

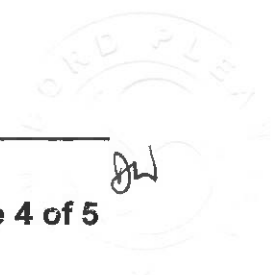
Reason: To clarify the permission granted and in the interest of residential amenity.

3. The existing dwelling and extension for retention shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. All relevant conditions attached to the previous grant of permission for development at the site, An Bord Pleanála appeal reference number PL 03.245706 (planning register reference number P15-169) shall be strictly adhered to.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.



5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

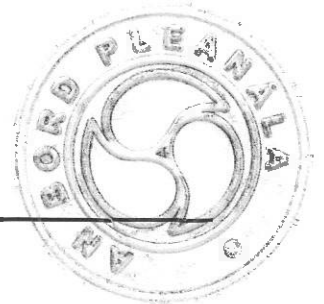
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Dave Walsh

Member of An Bord Pleanála

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



Dated this 9th day of August 2021.