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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P21/338**

**APPEAL** by Pat Doyle care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 8<sup>th</sup> day of June, 2021 by Clare County Council to refuse permission to Pat Doyle.

**Proposed Development** Develop two portions of land at the Aisling Estate, Shanvogh, Ennis, County Clare. The extent of the development will consist of 14 number apartments in two blocks of four storeys and two number houses. All at Aisling Estate, Shanvogh, Ennis, County Clare.

**Decision**

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

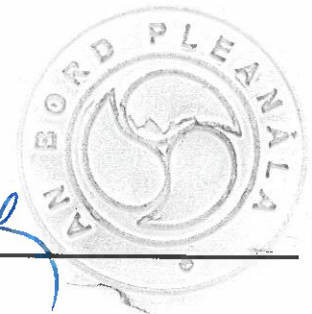
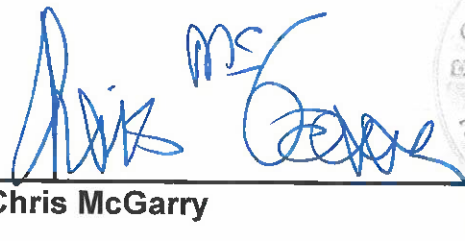
## Matters Considered

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 submitted with the application and the appeal, that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of the Pouladatig Cave Special Area of Conservation (Site Code: 000037) in view of its conservation objectives. In such circumstances the Board is precluded from granting permission.
2. The Board is not satisfied on the basis of the information submitted with the application and appeal, that the applicant has demonstrated sufficient legal interest in the land to carry out all aspects of the proposed development including access to the proposed residential units and associated parking. As such, it is considered that to grant permission would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site, to the zoning and specific objectives under R24, as set out in the Clare County Development Plan, 2017 – 2023, and to the nature and layout of the existing development, it is considered, having regard to the footprint and location of the proposed residential unit blocks, that the proposed development would fail to provide for additional integrated and orderly development, and by reason of the form, height and disposition of the proposed buildings, would give rise to overbearing impact. The proposed development would, therefore, seriously injure the residential and natural amenities of the area and would 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 3<sup>rd</sup> day of January 2022