An Bord Pleanála

Board Order
ABP-312389-22

Planning and Development Acts 2000 to 2021

Planning Authority: Clare County Council

Planning Register Reference Number: P21/1100

APPEAL by Anthony Kerley of 3 Meadowlands Drive, Ennis Road, Miltown Malbay, County Clare against the decision made on the 13th day of December, 2021 by Clare County Council to grant subject to conditions a permission to Derek Considine care of dforandesign of Lisdoonvarna, County Clare.

Proposed Development: 1. Retain the security fencing to the rear boundary of the premises and 2. Permission to reduce the height of the security fencing to the rear boundary of the premises to two metres over the ground level of the subject site, with associated landscaping and all other associated site and ancillary works at Ennis Road, Leagard North, Miltown Malbay, County Clare.

Decision

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

Reasons and Considerations

Having regard to the siting, scale and design of the fencing along the rear boundary line of the premises, the Board considered that the development for which retention is sought and the proposed development would seriously injure the residential amenities of the properties to the south-west of the site by reasons of overbearance and negative visual impacts when viewed from the rear gardens of the houses. Furthermore, the development would contravene condition number 4 of the Board's previous decision (ABP-306186-19), which was included in order to protect the visual amenities of residents in the vicinity of the subject site. The development for which retention is sought and the proposed development would, therefore, seriously injure the amenities of adjoining residential properties and would be contrary to the proper planning and sustainable development of the area.

DR. Maria FitzGerald

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 10ᵗʰ **day of** May 2022