

Planning and Development Acts 2000 to 2021

Planning Authority: Clare County Council

Planning Register Reference Number: P21/1267

APPEAL by Robert McDonagh care of Grealish Glynn and Associates of 1 The Punchbowl, Ennis Road, Gort, County Galway against the decision made on the 31st day of January, 2022 by Clare County Council to refuse permission.

Proposed Development: Retention of a steel garage used to store classic cars, all at 20 Lissaniska, Drumcliff Road, Ennis, County Clare.

Decision

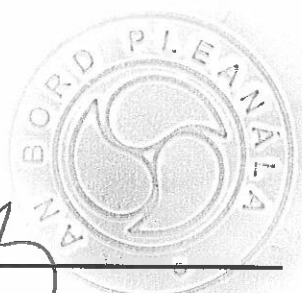
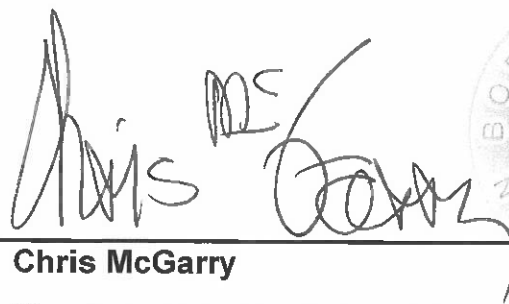
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

The development proposed to be retained is located on lands zoned existing residential in the Clare County Development Plan 2017-2023, whereon it is an objective of the Plan amongst others, to protect residential amenities, which objective is considered reasonable. Having regard to the nature, scale and positioning of the structure, within the rear garden area of the subject site and adjoining the boundaries of rear gardens of neighbouring residences, it is

considered that the development proposed to be retained would be out of keeping with the character of the area, would seriously injure the amenities of adjoining residential properties by reason of overbearance and would be contrary to the land use zoning objective at this location. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the totality of the documentation on file, including the report of the planning authority and the observation on the appeal by adjoining residents, received by An Bord Pleanála on the 24th day of March, 2022. The Board determined that the scale, quantum and positioning of the garage structure adjoining the northern boundary of the site and alongside the rear gardens on separate residential properties at that location, would seriously injure residential amenity. Specifically, the Board noted that house numbers 12, 13, and 14 Lissaniska have more modest garden depths compared to the subject site, with the consequent effect that the scale and form of the garage structure presents an adverse impact on the most proximate of these gardens by reason of overbearance.



Chris McGarry

Member of An Bord Pleanála

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

Dated this 10th day of June 2022.