

An
Bord
Pleanála

Board Order
ABP-313636-22

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 22/215

Appeal by Karen McWeeney care of Michael J. Duffy of 1 Clós na hEaglaise, Kilfenora, County Clare against the decision made on the 28th day of April, 2022 by Clare County Council to grant permission subject to conditions to Michelle Sheehan and Derek Madigan care of PND Building Consultancy Limited of Kilrush House, Frances Street, Kilrush, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing shed, construction of a new dwellinghouse incorporating a granny flat, construction of a private garage, alteration of the existing entrance to create a separate access, construction of an access road and provision of a connection to the public sewer and water facilities along with all ancillary services/associated works, all at vacant site adjacent to 20 The Hawthorns, Limerick Road, Ennis, 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.

Reasons and Considerations

Having regard to the residential zoning objective for the site, the provision for infill development in the Ennis Municipal District Area as part of the Clare County Development Plan 2023-2029, the pattern of development in the area, and the scale, nature and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of infill development at this location, would be acceptable in terms of scale and design, would not seriously injure amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed family flat extension shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. (a) Screen walls shall be provided along the side boundaries of the site with existing properties, unless otherwise agreed with the owners of the respective dwellings. (For example, timber post fencing and landscaping may be permitted to screen the rear garden from the existing house at number 20 The Hawthorns). Such walls shall be less than a height of one metre to the front building line and 1.8 metres in height between the existing and proposed dwellings and extending to the rear boundary.

(b) Details of the layout, materials, and external finishes of the screen walls and front boundary shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interest of residential amenity, orderly development and traffic safety.

5. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential and visual amenity.

6. The in-curtilage car parking spaces serving the dwellinghouse shall be provided with electric connections to the exterior of the house to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

7. The site shall be landscaped, using only indigenous deciduous trees and hedging species and in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Existing boundary screening shall be suitably strengthened. Any plants which die, are removed, or become seriously damaged or diseased, within a period of four years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

8. The footpath fronting the development shall be aligned and dished in accordance with the requirements of the planning authority. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of pedestrian and traffic safety.

9. All service cables associated with the proposed development shall be located underground.

Reason: In the interest of orderly development.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

11. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Eireann.

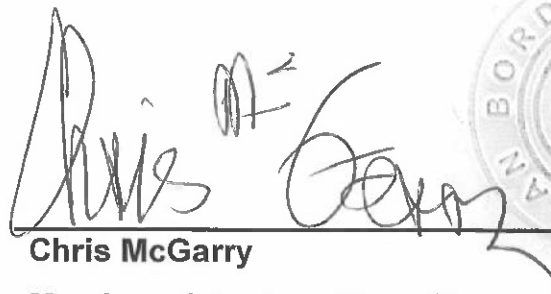
Reason: In the interest of public health.

12. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this Order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure 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 prior to commencement of development 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.



Chris McGarry



Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this ^{28^A} day of September 2023.