

An  
Bord  
Pleanála

Board Order  
ABP-313759-22

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## Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 22/249

**APPEAL** by Brian and Joann Foudy care of Brian Foudy and Associates Limited of Osprey House, Carmody Street, Ennis, County Clare against the decision made on the 13<sup>th</sup> day of May, 2022 by Clare County Council to refuse permission.

**Proposed Development:** Construction of a split-level dwellinghouse and garden shed together with all associated site development works and connections to public services, all at Radharc Na Mara, Lahinch, County Clare.

## Decision

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

P.C.

## Reasons and Considerations

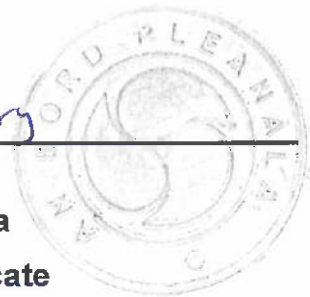
1. The proposed development is located in an area of public open space within an established residential estate, permitted and developed under An Bord Pleanála reference number PL 04.110754. It is considered that the proposed development of a house on this area of public open space would contravene condition number 1 of the parent permission, would be detrimental to the residential amenities of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the steeply sloping nature of the site, it is considered that the proposed development would form an overbearing feature when viewed from the rear gardens of the houses to the north-west of the site and would result in the direct overlooking of the private open space associated with these houses. The proposed development would seriously injure the amenities of adjoining residential properties, by reason of overlooking, and would, therefore, be contrary to the proper planning and sustainable development of the area.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

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



Dated this *03* day of *August* 2023.