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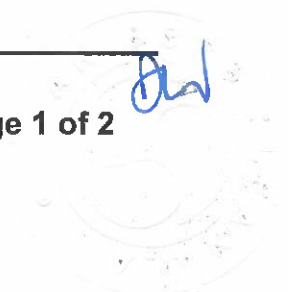
**Planning and Development Acts 2000 to 2021**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P21/664**

**Application for Leave to Appeal** against the decision of the planning authority by Mary O'Donoghue of Ard Mhuire, Ballymaley, Ennis, County Clare having an interest in land adjoining the land in respect of which Clare County Council decided on the 19<sup>th</sup> day of May, 2022 to grant subject to conditions permission to EKO Integrated Services Limited of Suite 3, Áras Smith O'Brien, Bank Place, Ennis, County Clare.

**Proposed Development:** The proposed development will consist of 24 number four bedroom detached houses, comprising 19 number two-storey houses with second floor dormer rooms (Type A), two number two-storey houses (Type B), three number two-storey houses (Type B1), new site entrances, roads, paths, driveways, boundary walls, pedestrian walkway, landscaping, drainage with attenuation tank and associated site works at Ballymaley, Ennis, County Clare. Further public notices were received by the planning authority on the 25<sup>th</sup> day of March, 2022.



## Decision

**REFUSE** leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

## Reasons and Considerations

It is considered that, while it has been shown that the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of Condition Number 2 imposed by the planning authority to which the grant is subject, it has not been shown that the imposition of this condition will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land. The Board considered that the justification for the imposition of Condition Number 2 related to the design of the scheme and the prevailing pattern of housing units facing onto the public road and not to density considerations.

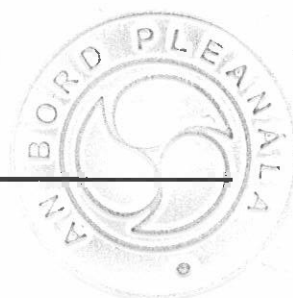


**Dave Walsh**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this *8<sup>th</sup>* day of *July* 2022