



An
Bord
Pleanála

Board Order ABP 313813-22

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 22/83

Appeal by Sean Lyons care of Mid West Consultant Engineers of Ballygriffey South, Ruan, Ennis, County Clare against the decision made on the 24th day of May, 2022 by Clare County Council to refuse permission for the proposed development.

Proposed Development: To construct a porch to the front of the property, an extension to the side and back of the property, to remove the front boundary wall and provide off street parking at the front of the house, with associated works all at 46 Marian Avenue, 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 design and massing of the proposed development, the pattern of development in the area and the provisions for Ennis Municipal District as part of the Clare County Development Plan 2023-2029 , it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area and would not seriously injure the residential amenity of adjacent properties. 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, as amended by the further plans and particulars received by the planning authority on the 28th day of April, 2022, 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 development shall be modified as follows:
 - (a) The proposed extension to the rear shall be reduced in depth to four metres from the original rear wall and setback from the boundary with number 48 Marian Avenue by a distance of 1.8 metres. In the modified design the roof shall be pitched to harmonise with the existing pitch and ridge kept to a minimum height.

- (b) A bathroom window glazed in obscured glass, may be provided in the revised rear elevation.

Revised drawings showing compliance 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 visual amenity.

- 3. The proposed vehicular entrance shall be amended as follows:

- (a) The vehicular entrance shall be a maximum width of three metres.
- (b) The remaining boundary shall be that which originally delineated the front boundary.
- (c) Other than the area for the proposed parking space, the front garden shall be maintained in soft landscaping.
- (d) Entrance gates, if erected, shall be designed so as not to open outwards.

Revised plans showing compliance with this condition shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the residential area.

- 4. Details including samples of the materials, colours and textures of all the external finishes to the proposed extensions 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 visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The in-curtilage car parking space serving the dwelling shall be provided with electric connection to the exterior of the house to allow for the provision of a future electric vehicle charging point. 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To protect the amenities of the area.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

9. The footpath in front of the proposed vehicular entrance shall be dished at the road junctions in accordance with the requirements of the planning authority and at the developer's own expense.

Reason: In the interest of traffic safety, orderly development and to ensure that adequate off-street parking provision is available to serve the proposed development.

10. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of in respect of repair works within the public domain effected entrance works, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.



Martina Hennessy

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

Dated this 17th day of October 2023

