

An  
Bord  
Pleanála

## Board Order ABP-314005-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P22/328**

**Appeal** by John and Patricia Hennessy care of Andrew Hersey Planning of 3 Atlantic View, West End, Kilkee, County Clare against the decision made on the 10<sup>th</sup> day of June, 2022 by Clare County Council in relation to an application by John and Patricia Hennessy for permission for retention of the following works: (A) The use of the ground floor of the existing dwelling as a childcare/Montessori Centre, (B) The erection of a steel structure for use as a shade/covered play area, and (C) The erection of a steel shed for use as a store, all with associated site works at New Line, Quin, County Clare in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for (C) retention of the erection of a steel shed for use as a store and to refuse permission for (A) retention of the use of the ground floor of the existing dwelling as a childcare/Montessori Centre, and (B) retention of the erection of a steel structure for use as a shade/covered play area, all with associated site works).

## Decision

**GRANT permission for the retention of (C) the erection of a steel shed for use as a store, all with associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for the retention of (A) the use of the ground floor of the existing dwelling as a childcare/Montessori Centre, and (B) the erection of a steel structure for use as a shade/covered play area based on the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

Having regard to the provisions of the Clare County Development Plan 2023-2029, to the scale and nature of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would be in accordance with the provisions of the Development Plan, would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained 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.

**Reason:** In the interest of clarity.

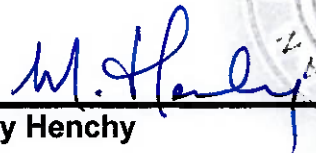
2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

## **Reasons and Considerations (2)**

1. The site of the subject development is located in an area zoned "Existing Residential" in the Clare County Development Plan 2023-29, for which the objective is to conserve and enhance the quality and character of the areas, to protect residential amenities. Furthermore, it is a policy of Clare County Development Plan 2023-29 as set out in Section 10.17.1 which refers to Pre-School/Childcare Facilities to permit childcare facilities in existing residential areas provided that it is balanced with the protection of residential amenities and the retention of the character of the area. It is advised under section A1.4.3 of the Plan that sessional or after-school care which is ancillary to the main residential use is more appropriate in the context of semi-detached properties. Accordingly, having regard to the significantly increased scale and intensification of the childcare/Montessori centre over that which was permitted under permission granted under planning register reference number P04/626, and to the limited residential use on site, it is considered that the development proposed to be retained would seriously injure the amenities of residential property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the number of staff employed and the number of children facilitated on the site, and the significant deficiency in the provision of car parking, it is considered that the traffic volumes and movements associated with the proposed use of the ground floor of the existing dwelling as a childcare/Montessori Centre in conjunction with the existing permitted childcare facility on site, together with the hours of operation of such a facility, would lead to unacceptable levels of traffic within this residential area, and would give rise to haphazard vehicular stopping and parking practices and turning movements thereby resulting in the obstruction of other road users, would endanger public safety by reason of traffic hazard, and would seriously injure the residential amenity of the occupants of nearby housing by reason of increased levels of traffic, noise, and general disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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**Mary Henchy**

**Member of An Bord Pleanála**

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

Dated this *24<sup>th</sup>* day of *November* 2023