



An  
Bord  
Pleanála

Board Order  
ABP-314770-22

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## Planning and Development Acts 2000 to 2022

**Planning Authority:** Clare County Council

**Planning Register Reference Number:** P22/365

**Appeal** by Alan O'Rourke care of Andrew Hersey Planning of 3 Atlantic View, West End, Kilkee, County Clare against the decision made on the 9<sup>th</sup> day of September, 2022 by Clare County Council to refuse permission for the proposed development.

**Proposed Development:** Amend condition number 4 of outline planning permission register reference number 16/299 to allow for a part single storey part two-storey dwelling on revised finished floor levels and amend condition number 5 to allow for alternative material finishes. Amend the design and finished floor levels of the dwelling granted under planning register reference number 19/852 to that of a part single-storey part two-storey house and ancillary site works, all at Ballingaddy West, Ennistymon, 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 location of the proposed development within a 'Settled Landscape' as detailed in the Clare County Development Plan 2023-2029, the permitted development on the site under planning register reference number 19/852, the design, siting and layout of the proposed development, and the nature of the receiving environment, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity over the impact already permitted under planning register reference number 19/852. 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 submitted on the 15<sup>th</sup> day of August 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. This permission does not amend Condition 4 and 5 of planning register reference number 16/299.

**Reason:** In the interest of clarity, the permission consequent is for five years and can only be amended by way of a subsequent application. The outline permission planning register reference number 16/299 has lapsed.

3. The development shall comply with all of the conditions attached to the permission granted under planning authority reference number 19/852 except as amended in order to comply with the conditions attached to this permission.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed house 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending them, no development falling within Class 1, Class 3 or Class 5 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.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or 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 the 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.

  
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Mary Henchy

Member of An Bord Pleanála<sup>o</sup>

duly authorised to authenticate  
the seal of the Board.

Dated this 16 day of May 2024.