

An
Bord
Pleanála

Board Order ABP-315032-22

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

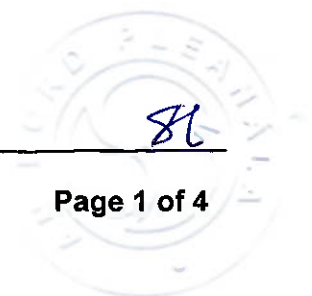
Planning Register Reference Number: 22/764

Appeal by Raymond and Marion Conway care of Michael Duffy of 1 Clós na hEaglaise, Kilfenora, County Clare against the decision made on the 12th day of October, 2022 by Clare County Council to grant subject to conditions a permission to John and Claire McNulty care of Aiden Fitzgerald of Doolin, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the dwellinghouse as constructed, including alterations to the fenestration and attic conversion and permission to construct a conservatory extension together with ancillary site works, all at Rineen, Miltown Malbay, County Clare.

Decision

GRANT permission for the above 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 nature, design and location of the proposed development and development proposed to be retained, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not detract from the scenic amenity of the landscape or seriously injure the amenities of adjoining properties, and 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, 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. All relevant conditions attached to the previous grant of permission for development at this site (planning register reference number P09-103) shall be strictly adhered to in the development.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. 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 the Board 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.



Stewart Logan

Stewart Logan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 13 day of November 2023.