

An  
Bord  
Pleanála

## Board Order ABP-315294-22

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### Planning and Development Acts 2000 to 2022

**Planning Authority:** Clare County Council

**Planning Register Reference Number:** P22/846

**Appeal** by Jerry and Kay O'Brien and Others care of Shauna Walsh Planning Consultants of 43 The Rise, Bishopstown, Cork against the decision made on the 11<sup>th</sup> day of November, 2022 by Clare County Council to grant subject to conditions a permission to Pat Keogh care of Alex Russell Associates of Main Street, Liscannor, County Clare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a detached dwellinghouse, driveway, connections to existing services and associated site works at Cahercalla Road, Cahircalla More, 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 zoning of the site, the design of the proposed development, the pattern of development in the area, and the provisions 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 not seriously injure the residential or visual amenities or character 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 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. The first floor bedroom window on the western elevation on drawing reference number A.104 (Rev A dated 28.08.22) shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

3. The proposed development shall not encroach on the area zoned as 'open space' to the north of the dwelling, save for reinstatement of the green area. This area shall not form part of the private open space serving the proposed dwelling and shall continue to serve as open space for the existing Cahercalla Drive residential area.

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

4. (a) All existing trees shall be retained on the site as indicated on the plans submitted with the application, including those along the western boundary and those in the open space area and shall be protected during construction.
- (b) The site shall be landscaped in accordance with a landscaping plan, taking account of the recommendations of the submitted Bat Survey Report received by the planning authority on the 21<sup>st</sup> day of September, 2022. Details of the plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscape plan shall include:
- (i) a planting plan indicating existing trees and proposed additional planting of native tree and shrub species along the western boundary, in the open space area and elsewhere in the site;
  - (ii) details of hard landscaping proposals;
  - (iii) fallen trees and debris shall be removed from the open space;
  - (iv) construction of a wall 1.2 metres in height separating the proposed house from the open space, reusing the existing stone on-site from the partially demolished wall where feasible;
  - (v) details of all other boundary treatments, and

(vi) details of external lighting proposals.

The landscaping plan shall be implemented as agreed to the satisfaction of the planning authority prior to the occupation of the proposed dwelling.

**Reason:** In the interests of biodiversity and visual and residential amenities of the area.

5. (a) Access to the site, including construction access, shall be from Cahercalla Road as indicated on the site layout plan submitted with the application. No access either during or post construction shall be obtained from Cahercalla Drive.
- (b) The proposed access road shall be completed to the satisfaction of the planning authority prior to commencement of the proposed dwelling.

**Reason:** In the interests of traffic safety and residential amenity.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.


**Reason:** In the interests of visual amenity.

7. Drainage arrangements, including 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.

8. 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.

  
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Mary Gregg

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

Dated this 7<sup>th</sup> day of July 2023