

An  
Bord  
Pleanála

## Board Order ABP-315635-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 22/537**

**Appeal** by Jada Property Investments care of Brendan McGrath and Associates of Riverstown Cottage, Corrofin, County Clare against the decision made on the 22<sup>nd</sup> day of December, 2022 by Clare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of four number two-bedroom two-storey townhouses with site works and connections to services, all at The Hawthorns/Clare Road, Clonroadmore, Ennis, County Clare, as revised by the further public notices received by the planning authority on the 5<sup>th</sup> day of December, 2022.

### Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to REMOVE and REPLACE condition number 2 so that it shall be as follows for the reason set out.

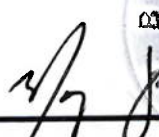
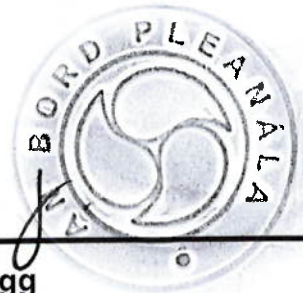
2. The proposed boundary wall to the east of unit 4 shall be reconstructed using stone facing on the public footpath side and nap plaster on the opposing side.

**Reason:** In the interest of visual and residential amenity.

## Reasons and Considerations

Having regard to the residential land use zoning for the site, and the pattern of development in the area, it is considered that house number 4, by reason of its design and location relative to Clare Road, would not detract from the visual amenity of the area, subject to minor amendments to the proposed boundary treatment on Clare Road, or result in overdevelopment of the site. The planning authority's condition number 2, requiring the omission of house number 4 is, therefore, not warranted.

The Board did not agree with the Inspector regarding the proposed changes to the boundary treatment of house number 4. The Board considered that the boundary treatment to the east of house number 4, as set out in drawing number JCR-20-02-102 Rev. A, received by the planning authority at further information stage on the 28<sup>th</sup> day of November, 2022, is acceptable in order to provide an acceptable level of residential amenity for house number 4.

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Mary Cregg

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

Dated this 14<sup>th</sup> day of February 2024.