

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P23/377

Appeal by Terry and Laura Melville of Laharden, O'Callaghan's Mills, County Clare against the decision made on the 14th day of March 2024 by Clare County Council in relation to an application for permission by Mark Bennis care of Michael Eustace and Company Limited of Inisgrove, Lahinch Road, Ennis, County Clare for development comprising (a) retention of the garage and dwellinghouse foundation as altered (granted under planning authority reference number P19/670) and (b) complete the construction of the garage and dwellinghouse in accordance with the plans and particulars lodged with the said Council (which decision was to grant, subject to conditions, permission for retention of the dwelling house foundation as altered (granted under planning authority reference number P19/670) and complete the construction of the dwelling house, and to refuse permission for retention of the garage as altered (granted under planning authority reference number P19/670) and complete the construction of the garage).

Decision

GRANT permission for the retention and completion of the construction of the house for the reasons and considerations as set out in Schedule 1 below and subject to the attached conditions 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 and completion of construction of the garage for the reasons and considerations set out in Schedule 2 below based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the existing permitted development on the site, and the minor amendments to the location of the house, it is considered that the retention and completion of construction of the house would be in accordance with the proper planning and sustainable development of the area, subject to the below conditions.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20th day of February 2024, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission register reference P19/670 unless the conditions set out hereunder specify otherwise. This permission shall expire on the date of expiry of the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The installation of any intermediary pumping chamber or similar infrastructure to the wastewater treatment system shall be agreed in writing with the planning authority prior to its installation.

Reason: In the interest of public health.

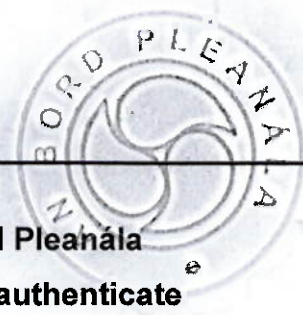
Reasons and Considerations (2)

The garage/workshop proposed for retention is a substantial structure located on a residential site in a rural area. The Board considers that the structure, by reason of the lack of clarity in relation to the design rationale and proposed future uses, has significant potential to impact negatively on the residential amenities of the area. It is also considered that the structure, by reason of its scale and bulk, would constitute an incongruous form of development which would seriously injure the visual amenities of the area. The retention and completion of the garage/workshop would, therefore, be contrary to the proper planning and sustainable development of the area and the retention of same would set an undesirable precedent for other such developments in the area.


Declan Moore

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 10th day of October 2024.