

An
Bord
Pleanála

Board Order

ABP-321006-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 2440

Appeal by James Pender of Knockliscrane, Miltown Malbay, County Clare against the decision made on the 25th day of September, 2024 by Clare County Council to refuse permission.

Proposed Development: The development will consist of removing part of existing stone building and building a dwelling house and all ancillary site works at Quilty West, Quilty, County Clare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. The subject site is located within a Heritage Landscape, and as per Objective CDP14.5 of the Clare County Development Plan 2023-2029, developments are required to demonstrate that every effort has made to reduce visual impact, that sites are selected to avoid visual prominence, and that design for buildings and structures minimises height and visual contrast through careful choice of forms, finishes and colour. Having regard to the location of the site on the coastal side of the public road, the views available towards the site, the existing built vernacular and settlement pattern of the area, and the bulk, scale, massing and design of the dwelling as proposed on this site, it is considered that the proposed development would not be in keeping with the existing built vernacular, would seriously injure the visual amenities and character of this area, and would set an undesirable precedent for further development on similar coastal sites in this area. The proposed development would, therefore, be contrary to Objective 14.5 of the development plan and to the proper planning and sustainable development of the area.
2. The proposal site is partially within the Carrowmore Point to Spanish Point Special Area of Conservation (Site Code: 001021) and is adjacent to the Mid Clare Coast Special Protection Area (Site Code: 004182). On the basis of the information received with the application and in the absence of evidence to the contrary, the Board is not satisfied that the proposed development, either individually or in-combination with other plans or projects, would not be likely to have significant effects on the Carrowmore Point to Spanish Point Special Area of Conservation and the Mid Clare Coast Special Protection Area, in view of the conservation objectives of these sites. The proposed development would therefore contravene Objective CDP 15.3 of the development plan in relation to European Sites and would be contrary to the proper planning and sustainable development of the area.

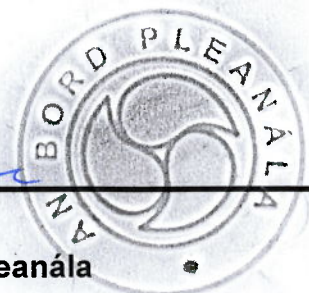
3. Having regard to the close proximity of the proposed dwellinghouse and subject site to the adjoining coastline, in an area which is at risk of flooding, and which is susceptible to coastal erosion, it is considered that the proposed development would endanger the health and safety of persons occupying the proposed structure. It is considered therefore that the proposed development would contravene Objective CDP 13.11 in relation to coastal erosion and flooding and would be contrary to the proper planning and sustainable development of the area.
4. Having regard to the nature of the development as proposed, the close proximity of the proposed dwelling to the public road, and the nature of third party roadside boundaries to the south west, the Board considered that on the basis of the available information, it has not been demonstrated that the proposed development would not have adverse impacts on traffic safety and free flow of traffic on the LP2088 local primary road by reason of restricted visibility from the proposed access onto the public road. The proposed development would constitute substandard development and would, therefore, be contrary to the proper planning and sustainable development of the area.



Marie O'Connor

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 03 day of April 2025.