

An
Coimisiún
Pleanála

Commission Order
ABP-322508-25

Planning and Development Acts 2000 to 2024

Planning Authority: Clare County Council

Planning Register Reference Number: 2560077

Appeal by Gerry and Sharon Flynn of Árd Cinn, Drumcaran More, Ennis, County Clare against the decision made on the 16th day of April, 2025 by Clare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Part demolition and conversion of existing private garage into ancillary living accommodation. Construction of a single storey extension to rear and elevational changes to side of existing dwellinghouse. Internal modifications to existing dwellinghouse. Construction of front porch to existing dwellinghouse. All associated site works and services, all at Árd Cinn, Drumcaran More, Ennis, County Clare.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Commission is satisfied that the determination by the Commission 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 to ATTACH conditions numbers 2 and 7 and the reasons therefor.

Reasons and Considerations

Having regard to the nature of the proposed development, as an ancillary residential unit to the main dwelling house which, according to the information submitted with the planning application that stated that the ancillary unit was solely for the clients family's use, the provisions of the Clare County Development Plan 2023-2029 are clear that where development of an ancillary unit attached to the existing dwelling or detached from the existing dwelling but within the curtilage of the existing residential property, it shall remain within the same ownership and is considered, in this context, of being solely ancillary to the main property. Condition 2 of the planning authority grant of permission refers to the unit being occupied by a member of the family of the occupier of the principal dwelling on the site and also that the structure shall not be let, sold, leased or otherwise used as a separate dwelling unit. Any use of the unit as a separate unit, not in the ownership of the main dwelling, would require a further assessment relating to private open space provision for the unit, access arrangements and how foul effluent would be treated in relation to the main dwelling and ancillary unit.

Having regard to Condition 7 of the planning authority grant of permission, the Commission considered that the application of the financial contribution is in accordance with the provisions of the Clare Development Contribution Scheme 2023-2027, section A 'Other Residential Development Charges'. Condition numbers 2 and 7 of the planning authority's grant of permission are considered reasonable and would, therefore, be in accordance with the proper planning and sustainable development of the area.

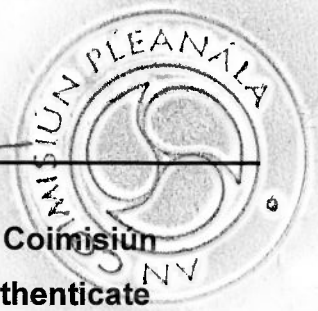


Paul Caprani

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this *10th* day of *September* 2025.