



Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

Planning Register Reference Number: 2560361

Appeal by John O’Dea against the decision made on the 6th day of November 2025 by to grant, subject to conditions, a permission to Denis Murphy in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) demolish existing extension to the rear of the existing remaining walls of attached outbuilding; (b) construct a new rear extension and side extension to the existing dwelling house; (c) construct a new building attached to the dwelling house, to be used for short-term letting purposes; (d) elevational changes to the existing dwelling house; and (e) all associated site works and services at Mountrivers, Doonbeg, 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 location of the existing residential site with connections to the public water and wastewater networks, the provisions of the Clare County Development Plan 2023-2029 and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of design, scale and layout and would not seriously injure the amenities of the area. The proposed development 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, as amended by the further plans and particulars received by the planning authority on the 25th day of September 2025, 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. Prior to commencement of development the applicant shall enter into a legal agreement with the planning authority under Section 47 of the Planning Act 2000, as amended, specifying that:
 - (a) The lands encompassed by the application site as outlined in red on the plans and particulars received by the planning authority shall be held in single ownership with the entire holding; and

- (b) The proposed holiday unit shall be used for tourism purposes only and shall not be used as a permanent place of residence by any person.

Reason: To regulate the use of the development and to comply with the provisions of the development plan for the area.

3. The owners/operators of the development shall maintain an up-to-date register of the names and addresses of all occupiers of this unit and shall make this information available to the planning authority on request.

Reason: To regulate the use of the development.

4. The two proposed bedroom windows on the side elevation (north) of the holiday unit shall be omitted and shall be replaced by a window to the rear (east) of the unit, the details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent overlooking of adjoining residential property.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the establishment of a hedgerow along all side and rear boundaries of the site, and
- (b) planting of trees along the boundaries of the site.

Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the soakpits.

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. 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 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 An Coimisiún Pleanála 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.

Marie O'Connor
Marie O'Connor

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 30th day of March 2026