



An
Bord
Pleanála

Inspector's Report

ABP-306544-20

Development	Retention of boundary wall with entrance gates
Location	Summerhill , Meelick , Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	19887
Applicant(s)	John Franklin.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	John Franklin.
Observer(s)	Peter Brewitt, Tommy Ryan & Richard Coll. Summerhill, Meelick.
Date of Site Inspection	20 th March 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. The appeal site has a stated area of 0.62 hectares is located within the townland of Summerhill, Meelick Co Clare. The site is approximately 1km to the north east of junction 4 on the N18 and approximately 5km to the northwest of Limerick City Centre. The site comprises a former agricultural field located to the rear of two established dwellings (unrelated) and is accessed via a laneway running south from the local road. Within the site there is evidence of site fill and construction materials and equipment are stored within the site. I noted that on the date of my site visit a concrete block wall has been constructed within the site thereby subdividing the overall site into two plots with an internal gateway also linking same.

2.0 Proposed Development

2.1. The application seeks permission for retention of boundary wall to the laneway and entrance gates. The wall comprises precast concrete blocks with precast concrete capping and intermittent piers and extends for a distance of 72m with a maximum height of 2.7m over ground level. Two entrance gates are incorporated with stone faced piers and two gates. The northernmost gate is a decorative cast iron type gate while the southernmost gate incorporate solid sheet metal.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated 10th January 2020 Clare County Council issued notification of the decision to refuse permission for the following reason:

- Under the provisions of Objective CDP13.3 Western Corridor Working Landscape, it is a requirement that design for buildings and structures reduce visual impact through careful choice of form finishes and colours and that any site works to reduce the visual impact of the development. It is considered that the development hereby proposed for retention, by virtue of its height, scale and finishes represents development of an urban nature which is incompatible with its rural setting and creates an imposing and visually obtrusive feature in the landscape. Therefore, it is

considered that the development would seriously injure the visual amenities of the area, would be contrary to objective CDP13.3 of the Clare County Development Plan 2017-2023 (as varied) and as such would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report considers the wall to be an imposing structure which is at odds with the rural setting. Refusal recommended.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

3.3.1 No submissions.

3.4. Third Party Observations

3.4.1 Submission from Tommy and Marie Ryan Marieville, Summerhill, Meelick object to the scale of the development in particular the height, overbearing and overlooking and compromises privacy. Site levels raised on the site.

4.0 Planning History

4.1 I am not advised of any planning history on the appeal site.

20177 I note current application on lands to the south (received 12/3/2020) for a development that will consist of a proposed change of use from haybarn / storage shed to new abattoir, proposed change of use from agricultural use to fridges, cold store and dispatch area. To retain new offices, lean-to building as part of abattoir and first floor plant room with existing connections to septic tank and ancillary effluent storage tank and provision of additional wastewater storage tank.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Clare County Development Plan 2017-2023 refers. The site is within the western corridor working landscape.

5.2. Natural Heritage Designations

5.2.1 The site is not within a designated site. The nearest designated sites within 1km are

- The Lower River Shannon SAC
- River Shannon and River Fergus Estuaries SPA.

5.3. EIA Screening

5.3.1 Having regard to the limited nature of the development proposed for retention and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

7.1.1 The grounds of appeal are summarised as follows:

- The Applicant found it necessary to properly fence the land as it was subject to unauthorised dumping.
- Future intention is to apply for planning permission for dwelling on the site.
- Applicant was unaware of the requirement to apply for planning permission
- A portion of the wall is less than 2m in height and is exempted development.
- Applicant could stagger the wall to ensure that it is less than 2m in height however staggered wall would be visually unattractive.
- It is intended to clad the wall with an impressed pattern concrete to simulate limestone finish.

- Capping to be replaced with similar concrete and stone effect.
- Climbing plants and ivy will be planted.

6.2. **Planning Authority Response**

7.2.1 The Planning Authority response reiterates grounds of refusal. While the intention to seek permission for a dwelling on the site in the future is noted the current proposal must be assessed on its merits.

6.3. **Observations**

7.3.1 Submission by Peter Brewitt, Tommy Ryan, Richard Coll, Summerhill, Meelick.

- First party has facilitated dumping of fill material on the site.
- Proposal to imprint the concrete slab wall would not be in keeping with the existing properties in the area.
- Inappropriate to construct wall without permission in advance of construction of a dwelling.
- Wall is out of keeping and inappropriate.
- A further wall is under construction on the site.

7.0 **Assessment**

7.1. In terms of visual impact, I consider that the scale and design of the wall proposed for retention results in a visually obtrusive and inappropriate structure within a rural area. The proposed amendments as set out within the appeal with regard to impressed stone effect would not significantly improve the visual impact and would form an inappropriate boundary treatment for an agricultural field within a rural setting. I note that the applicant has continued to ignore planning laws having recently constructed a further wall within the site. The importation of fill material and the storage of building equipment on the site is also not addressed within the application. Clearly the assumptions with regard to a future use of the site as a

domestic dwelling site is premature given that permission has not been granted for same. The proposed retention would facilitate ongoing unauthorised use and would clearly be contrary to the proper planning and development of the area.

- 7.2. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European Site, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

- 8.1. I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that permission for retention is refused for the following reason.

9.0 Reasons and Considerations

Having regard to the locational context of the site, within the Western Corridor Working Landscape, it is considered that the development for which retention is sought which comprises a large boundary wall with two entrance gates on a small landholding by reason of its scale, mass and design would detract from the visual and rural amenities of the area, would interfere with the character of the landscape, contrary to objective CDP13.3 of the Clare County Development Plan 2017-2023 and would set an undesirable precedent for similar future development in the area. The development for which retention is sought would therefore be contrary to the proper planning and sustainable development of the area.

Having regard to the locational context of the site, it is not considered that sufficient justification has been given relative to the need for the proposed wall and entrance gates and based on the evidence provided, the Board is not satisfied that the development proposed for retention would not if permitted, facilitate a use that may not have the benefit of planning permission. The proposed development would

accordingly be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

20 March 2020