



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310266-21

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<b>Development</b>	Renovation and extend cottage, construct a private garage, new entrance and driveway and install a wastewater treatment system.
<b>Location</b>	Kells, Corofin, Co. Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	20842
<b>Applicant(s)</b>	Ronan & Janine Howard
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ronan & Janine Howard
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> November 2022
<b>Inspector</b>	Mary Crowley

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## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 0.407ha is located in the Fergus Loughlands Landscape Area in the townland of Kells, Corofin, Co Clare. There is an a derelict dwelling on site. The is bound by stone walls and hedges and extends eastwards and is relatively flat. There is no development either side of the appeal site to the north and south. The Eastern Burren Complex SAC is located on the opposite side of the road forming a large body of water (Tools Lough).
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer to the photos available on the appeal file and in particular those attached to the Case Planners report. These serve to describe the site and location in further detail.

## **2.0 Proposed Development**

- 2.1. Planning permission was sought on the 10<sup>th</sup> November 2020 to renovate and extend an existing cottage (storey and a half) (66.55sqm) with a two storey extension to he rear (172.29 sqm), construct a single storey garage (51.18sqm), new entrance and driveway and install a new wastewater treatment system along with all associated works. The application was accompanied by a Site Characterisation Report.
- 2.2. Further information was submitted on the 18<sup>th</sup> March 2021 summarised as follows:
  - Revised drawings submitted showing an amended roof line to the rear extension together with a written statement supporting the proposed design
  - Clarified that a private well is proposed
- 2.3. Revised public notices were submitted on the 26<sup>th</sup> March 2021 indicating that significant further information / revised plans were submitted.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Clare County Council issued notification of decision to refuse permission for the following reason:

*It is an objective of the Clare County Development Plan 2017 – 2023 (as varied), as set out under CDP 3.15, that the design, scale and materials used in the refurbishment and / or extension of derelict dwellings are in keeping and sympathetic with the existing structure. The Planning Authority considers that the proposed development, in particular the large rear extension would by reason of its scale, bulk and overall design, seriously injure the visual amenities of the area and would not be in keeping with the character or setting of the existing structure on site. The proposed development would therefore seriously injure the visual amenities of the area, would contravene objective CDP 3.15 and would be contrary to the proper planning and sustainable development of the area.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The **Case Planner** in their first report recommended that the following further information be sought as summarised:
  - 1) Revised proposals for a significant reduction in the scale of the development having regard to the Clare Rural House Design Guide.
  - 2) Clarify proposals for the provision of water supply to the dwelling.
- The **Case Planner** in their second report and having regard to the further information submitted recommended that permission be **refused** as the large rear extension would by reason of its scale, bulk and overall design, seriously injure the visual amenities of the area. The notification of decision to refuse permission issued by Clare County Council reflects this recommendation.

### 3.2.2. Other Technical Reports

- **West Clare Municipal District** – Adequate sight lines available at the proposed entrance. Recommended that all surface water should be contained within the site and no runoff allowed onto the public road.
- **Environment Section** – No stated objection subject to conditions relating to waste water treatment.

### 3.3. Prescribed Bodies

3.3.1. None

### 3.4. Third Party Observations

3.4.1. Cllr Joe Garrihy requested that a representation be placed on the planning file.

## 4.0 Planning History

4.1. No site history has been made available with the appeal file and there is no evidence of any previous planning appeal on this site.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative plan for the area is the **Clare County Council Development Plan 2017 – 2023 (as varied)**. The appeal site is within an area Under Strong Urban Pressure. It is noted that the site is also proximate to the area designated as Natural Landscape. However, the Case Planner did not refer to the site as being within this area. The following objectives are relevant:

- ***CDP3.11 Development Plan Objective: New Single Houses in the Countryside within the ‘Areas of Special Control’.***

*It is an objective of the Development Plan:*

- a) *In the parts of the countryside within the ‘Areas of Special Control’ i.e.:*
  - *Areas under Strong Urban Pressure (See Chapter 17);*
  - *Heritage Landscapes (See Chapter 13);*
  - *Sites accessed from Scenic Routes (See Chapter 13 and Appendix 5).*

*To permit a new single house for the permanent occupation of an applicant who falls within one of the Categories A (Local Rural Person) or B (Persons Working Full Time or Part-time in Rural Areas) or C (Exceptional Health and/or Family Circumstances) below and meets the necessary criteria.*

b) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1 and have regard to the County Clare House Design Guide, in particular with respect to siting and boundary treatment.

**Note:** Where the proposed site is accessed from a National route or certain Regional routes, the proposal must in addition to compliance with this objective, also be subject to compliance with objectives CDP8.4 and 8.5 as set out in Chapter 8.

▪ **CDP 3.15 Development Plan Objective: Refurbishment of a Derelict Dwelling/Structure in the Countryside**

*It is an objective of the Development Plan to permit applications for the refurbishment of derelict dwellings/structures in the countryside subject to the following criteria:*

- *The external walls are substantially intact and are capable of being refurbished;*
- *The design of the proposal does not erode the siting and design qualities of the dwelling/structure.*
- *The size of any extension takes account of the siting and size of the existing dwelling/structure.*
- *The design, scale and materials used in the refurbishment and/or extension are in keeping and sympathetic with the existing structure.*
- *Mature landscape features are retained and enhanced, as appropriate.*
- *That normal planning considerations i.e. road safety, amenities, public health, design, protected species (especially Lesser Horseshoe Bats and other bat species) etc. shall take precedence over the 'principle' of encouraging such development, and in particular that for such developments alongside or directly accessed from National Roads, the provisions of Objective CDP 8.4 shall apply (Refer to Chapter 8 Physical Infrastructure).*

*In such circumstances where these sites occur in 'Areas of Special Control' the provisions of Objective CDP 3.11 (i.e. 'Local Need' requirement) will not apply except where the total or substantial demolition of the existing structure and a new dwelling is proposed.*

5.1.2. The site also within the **Western Corridor Working Landscape** an area defined as lands within 10km on either side of the N18/M18 – except as excluded by Heritage Landscapes. The following objective is relevant.

▪ **CDP13.3 Development Plan Objective: Western Corridor Working Landscape**

*It is an objective of the Development Plan:*

- a. *To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources;*
- b. *That selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact;*
- c. *That particular regard should be given to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:*
  - i) *That the site has been selected to avoid visually prominent locations;*
  - ii) *That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads;*
  - iii) *That design for buildings and structures reduce visual impact through careful choice of form, finishes and colours and that any site works seek to reduce visual impact of the development.*

## 5.2. Natural Heritage Designations

5.2.1. The entrance area and adjoining public road are within the Burren East Complex SAC 0019626, the remainder of which is located to the west of the appeal site on the opposite side of the public road.

## 5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed



development. The need for environment 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

6.1.1. The first party appeal has been prepared and submitted by PND Building Consultancy and may be summarised as follows:

- **Existing Cottage** – The existing cottage is extremely small at 33 sqm on the ground floor so any additional extension should be considered in this context. The proposed design was to make a clear delineation / separation between the old and new in order to allow the cottage stand apart whilst also restoring it respectfully using traditional materials.
- **Site Configuration & Restrictions** – As noted in the further information response, the site configuration – long and narrow – does not lend itself to an expansive layout when access / egress to the public road, proximity to the public road, site configuration, residential amenity and maximising southern light aspect is taken into consideration.
- **Precedence for Development of a Similar Nature** – There is a similar project permitted in 2016; Reg Ref P16-324 refers. Development details and photos provided.
- **Scale, Bulk & Density** – The current proposal is smaller in scale to that granted under Reg Ref P16-324. In term of bulk the proposal adheres to the Rural Design Guide – Common Building Forms in the Countryside. The overall design was informed by the site configuration and restrictions, affordability, minimising ground disturbance, retaining the original cottage, using narrow traditional forms, high pitches and “clean” detail as outlined in the Rural House Design Guide. When the house is viewed from the front or rear elevation, it is clear that there is much less an impact. Due consideration should be given to the siting of the house within a maturely landscaped surrounding and backdrop.
- **Conclusion** – The applicant qualifies under the Local Needs Requirement in this Special Area of Control under Objective CDP 3.11 (the lands have been in Ronan’s

family for generations). All matters including siting, orientation, surrounding landscape, proximity to other dwellings in the area, access to the site (rear of cottage) and affordability were not given due consideration.

## **6.2. Planning Authority Response**

6.2.1. Clare County Council in their response to the first party appeal submitted the following as summarised:

- With regard to comparisons with Reg Ref P16/234 noted that floor area are similar and that the simplicity of the high quality design and form is evident when compared to the appeal design. Submitted that the appeal design is cumbersome and bulky in appearance and is made unnecessarily complicated by various protrusions.
- Triangle shaped windows and large boxy windows are not in keeping with the principle of the Clare Rural House Design Guide. Rather than working with the restrictions and reducing the bulk and footprint of the development the resulting design has been drawn up without consideration of these restrictions.
- Requested that the Board uphold the decision to refuse

## **6.3. Observations**

6.3.1. None

## **6.4. Further Responses**

6.4.1. None

## **7.0 Assessment**

7.1. This assessment is based on plans and particulars submitted to Clare County Council on 10th November 2020 as amended by plans and particulars submitted by way of further information on 18th March 2021.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings.

- Principle
- Design & Scale
- Traffic Safety
- Wastewater Treatment
- Appropriate Assessment
- Other Issues

### 7.3. Principle

- 7.3.1. This is an application for permission to renovate and extend an existing cottage (storey and a half), construct a single storey garage, new entrance and driveway and install a new wastewater treatment system together with all associated works.
- 7.3.2. The appeal site is within an area *Under Strong Urban Pressure* where Development Plan Objective CDP3.11 New Single Houses in the Countryside within the 'Areas of Special Control' would generally apply. While I note that the applicant is the owner of the site and that it has been in the applicants (Ronan Howard) family for generations no other information substantiating compliance with this Objective has been made available with the appeal file. To this end the applicant has sought planning permission under Development Plan Objective CDP 3.15 Refurbishment of a Derelict Dwelling/Structure in the Countryside where it states that in *circumstances where these sites occur in 'Areas of Special Control' the provisions of Objective CDP 3.11 (i.e. 'Local Need' requirement) will not apply except where the total or substantial demolition of the existing structure and a new dwelling is proposed.* In this case there is a derelict dwelling on the appeal site and the applicant has sought permission to renovate and extend this same.
- 7.3.3. Accordingly, the proposal is acceptable in principle subject to compliance with Development Plan Objective CDP 3.15 Refurbishment of a Derelict Dwelling/Structure in the Countryside which is discussed below.

### 7.4. Design & Scale

- 7.4.1. Clare County Council issued a notification of decision to refuse permission as the large rear extension would by reason of its scale, bulk and overall design, seriously injure

the visual amenities of the area and would not be in keeping with the character or setting of the existing structure on site and would contravene Objective CDP 3.15.

7.4.2. As set out above Objective CDP 3.15 states that the refurbishment of a derelict dwelling/structure in the countryside will be permitted subject to stated criteria as set out in the Development Plan. I have addressed each of these criteria as follows

1) *The external walls are substantially intact and are capable of being refurbished*

I refer to the site photos together with the plans and particulars submitted with the appeal file (as amended). While the application would have benefitted from a structural report, I am satisfied from a visual inspection that the external walls of the derelict cottage are reasonably well intact, that the majority of the slate roof is in place and that the cottage is capable of being refurbished.

2) *The design of the proposal does not erode the siting and design qualities of the dwelling/structure.*

It is clearly the intent of this objective that the structure to be renovated and or extended should be maintained and respected. Further it is reasonable to infer that where an extension is proposed that the original structure should for the most part be clearly identifiable within the proposed scheme and that the scale and design of any extension should not overwhelm the existing structure.

Having regard to the condition and scale of the derelict structure on site with a stated area of 66.5 sqm (over a storey and a half) relative to the proposed extension works (as amended) with a stated area of 172.29 sqm I consider that the proposed scheme (as amended) by reason of its bulk and massing would be incongruous in terms of height and scale and would be out of character with established height and scale of the cottage on site. In addition, I consider that the sale and location of the proposed garage with a ground area, almost twice that of the overall cottage is symptomatic of the inappropriate nature of the overall design response to the site and a clear absence of due regard to the sites context, the scale and desing of the existing cottage on site and the requirements of Objective CDP 3.15. Further I consider that the design whereby the existing structure is overwhelmed by the new build would be unacceptable. Refusal is recommended.

- 3) The size of any extension takes account of the siting and size of the existing dwelling/structure.

See above.

- 4) The design, scale and materials used in the refurbishment and/or extension are in keeping and sympathetic with the existing structure.

See above.

- 5) Mature landscape features are retained and enhanced, as appropriate.

Not relevant in this case.

- 6) That normal planning considerations i.e. road safety, amenities, public health, design, protected species (especially Lesser Horseshoe Bats and other bat species) etc. shall take precedence over the 'principle' of encouraging such development, and in particular that for such developments alongside or directly accessed from National Roads, the provisions of Objective CDP 8.4 shall apply (Refer to Chapter 8 Physical Infrastructure).

Matters relating to road safety and public health are discussed below. Matters pertaining to the Lesser Horseshoe Bats are also discussed below in the Screening for AA.

## **7.5. Traffic Safety**

- 7.5.1. I refer to the report of the West Clare Municipal District where it is stated that adequate sight lines available at the proposed entrance. The report recommended that all surface water should be contained within the site and no runoff allowed onto the public road.

- 7.5.2. As observed on day of site inspection the site has an existing site entrance and roadside boundary wall, which will be upgraded to serve the proposed development. I would note that sightlines in each direction at the prospect entrance are of a reasonable standard and that the proposal would be satisfactory in terms of traffic safety and convenience. In this regard, it is considered that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area.

7.5.3. It is recommended that should the Board be minded to grant permission that the conditions as recommended by West Clare Municipal District be attached.

## **7.6. Wastewater Treatment**

7.6.1. It is proposed to construct a new WWTP on site. A Site Characterisation was carried out in July 2020 and the report accompanied the planning application. The assessment shows adequate dept of 1.5m of suitable unsaturated subsoil on site below trench and above bedrock. There is a proposed private well on site. The report recommended that the site was suitable for a packaged wastewater treatment system and polishing filter. Details of the proposed unit and associated soil polishing filter have not been submitted.

7.6.2. The proposal is within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. I refer to the report of the Clare County Council Environment Section where there is no stated objection subject to conditions relating to waste water treatment. It is recommended that should the Board be minded to grant permission that the conditions as recommended by Clare County Council Environment Section be attached.

## **7.7. Appropriate Assessment**

7.7.1. The site description and proposed development are set out in Section 1.0 and 2.0 above. As part of the development is it is proposed to construct a new entrance and driveway. The entrance area and adjoining public road are within the Burren East Complex SAC 0019626, the remainder of which is located to the west of the appeal site on the opposite side of the public road. No Screening Report or NIS was made available with the appeal file.

7.7.2. During the construction phase the activities will include excavation of the site, site levelling and potentially rock breaking to prepare the site for the proposed extension. Other activities include shallow excavation, pouring of concrete for the foundation slab, completion of roof finishes, installation of all glazing systems and completion of roof finishes, wastewater treatment system installation, landscaping, road surfacing and construction and completion of a new entrance wall. Potential impacts relate to direct

impacts by way of loss of habitat (front boundary works) and indirect impacts by way of hydrological pathways. All other potential emission pathways such as noise, aerial and visual are not relevant due to the nature of the project and the distance separating the project from surrounding European sites.

7.7.3. Site specific conservation objectives and qualifying interests for the Burren East Complex SAC 0019626 have been set by the National Parks and Wildlife Service (NPWS). Details are summarised as follows

European Site	Distance	Qualifying Interest	Conservation Objective
<b>Burren East Complex SAC 0019626</b>	Part of appeal is site within the Natura Site	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	To restore the favourable conservation condition of Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Turloughs	To restore the favourable conservation condition of Turloughs in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Water courses of plain to montane levels with the Ranunculon fluitantis and Callitricho-Batrachion vegetation	To restore the favourable conservation condition of Water courses of plain to montane levels with the Ranunculon fluitantis and Callitricho-Batrachion vegetation in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Alpine and Boreal heaths	To restore the favourable conservation condition of Alpine and Boreal heaths in East Burren Complex SAC, which is defined by the list of

			attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Juniperus communis formations on heaths or calcareous grasslands	To restore the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands vegetation in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites)	To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)	To restore the favourable conservation condition of Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Calcareous fens with Cladium mariscus and species of the Caricion davallianae	To restore the favourable conservation condition of Calcareous fens with Cladium mariscus and species of the Caricion davallianae in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Petrifying springs with tufa formation (Cratoneurion)	To restore the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion) in East Burren Complex SAC, which is defined by the



			list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Alkaline fens	To restore the favourable conservation condition of Alkaline fens in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Limestone pavements	To restore the favourable conservation condition of Limestone pavements in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	Caves not open to the public	Caves not open to the public (8310) is integrally linked to lesser horseshoe bat ( <i>Rhinolophus hipposideros</i> ) (1303) as part of the habitat for the species; therefore, a separate conservation objective has not been set for the habitat in East Burren Complex SAC. See map 10. See the conservation objective for lesser horseshoe bat in this volume and the conservation objectives supporting document for lesser horseshoe bat (NPWS, 2018) for further details
	Part of appeal is site within the Natura Site	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnus incanae</i> , <i>Salicion albae</i> )	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnus incanae</i> , <i>Salicion albae</i> ) in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	<i>Euphydryas aurinia</i> (Marsh Fritillary)	To restore the favourable conservation condition

			of <i>Euphydryas aurinia</i> (Marsh Fritillary) in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	<i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat)	To restore the favourable conservation condition of <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
	Part of appeal is site within the Natura Site	<i>Lutra lutra</i> (Otter)	To restore the favourable conservation condition of <i>Lutra lutra</i> (Otter) in East Burren Complex SAC, which is defined by the list of attributes and targets set out by the NPWS

7.7.8. It is considered that there is a risk to the qualifying interests of the Burren East Complex SAC from the proposed construction and operation of the proposed development given that works will take place within and adjacent to the designated site. Indirect effects may also arise by reason of a hydrological connection due to construction or operational emissions.

7.7.9. In addition, and as documented, there is a derelict cottage on site c13m from the Burren East Complex SAC to the west. Given the derelict nature of the cottage to be renovated there is a possibility that it may currently be used by bat species and specifically the Lesser Horseshoe Bat; a qualifying interest for the Burren East Complex SAC. The range of the Lesser Horseshoe Bat in Ireland is, for the most part, limited to six western counties – Clare, Cork, Galway, Kerry, Limerick and Mayo. It roosts mainly in roofs of old houses or in outhouses, stables or old cottages. No assessment of bats at this location has been provided with the appeal file.

7.7.10. While the derelict cottage is out with the Burren East Complex SAC given its proximity to same and suitability as a potential roost for bats, the potential for significant impacts

affecting roost features or foraging/commuting features for bat species, a qualifying interest for the Burren East Complex SAC, cannot be set aside.

7.7.11. The development cannot be screened out from further consideration. In the absence of a Natura Impact Statement, it is not possible to conclude a finding of no significant effects in relation to the potential for direct effects on the Burren East Complex SAC. There is an onus on the applicant to ensure that adequate and relevant information is submitted to enable an Appropriate Assessment to be carried out.

7.7.12. On the basis of the information provided with the application and the appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Burren East Complex SAC in view of the sites Conservation Objectives. In such circumstances the Board is precluded from granting permission. Refusal is recommended.

## 7.8. Other Issues

7.8.1. **Development Contribution** - I refer to the Clare County Council Development Contribution Scheme 2017-2023. The proposed development is not exempt from payment. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

## 8.0 Recommendation

8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be **REFUSED** for the following reasons and considerations.

## 9.0 Reasons and Considerations

1. It is an objective of the Clare County Development Plan 2017 – 2023 (as varied), as set out under CDP 3.15, that the design, scale and materials used

in the refurbishment and / or extension of derelict dwellings are in keeping and sympathetic with the existing structure. Having regard to the derelict structure on site and to the nature and extent of the proposed works (as amended) it is considered that the proposed development, would by reason of its overall floor area of 172.29 square metres relative to the stated floor area of 66.55 square metres for the derelict structure over a storey and a half, and by reason of its design, fundamentally compromise the original character of the existing structure whereby the existing structure would be overwhelmed by the volume of new build and would in effect be unidentifiable within the overall proposed dwelling. Furthermore, the proposed development including the proposed garage would by reason of its massing, bulk and position on the site, be incongruous and out of character with the pattern of development in the vicinity, would constitute a visually discordant feature that would detract from the original character of the existing structure on the site, would be detrimental to the rural character of this area which it is appropriate to preserve, and would set an undesirable precedent for future similar development in this area. The proposed development would, therefore, be contrary to Objective CDP 3.15 and to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and the appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually or in combination with other plans or projects would not result in adverse effects on the integrity of the Burren East Complex SAC (Site Code 0019626) in view of the sites Conservation Objectives by reason of the appeal sites location within this Natura 2000 site that may result in direct effects due to construction and development related emissions associated with the development and therefore the Board is precluded from granting permission.

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**Mary Crowley**

**Senior Planning Inspector**

**24<sup>th</sup> January 2022**