



An
Bord
Pleanála

Inspector's Report ABP-313731-22

Development	Retention of a) security bars to ground floor windows and doors and b) security gate
Location	22 Hillview. Creggaun na Hilla, Clarecastle, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	22259
Applicant(s)	Xian Hua Ya
Type of Application	Permission to retain
Planning Authority Decision	Refusal of retention
Type of Appeal	First Party
Appellant(s)	Xian Hua Ya
Observers	None
Date of Site Inspection	30 th December, 2022
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is that of an end of terrace domestic dwelling in a relatively new housing development off the Ennis Road in Clarecastle on the southern outskirts of Ennis town. The house is at the back of the estate in a short cul-de-sac.

2.0 Proposed Development

- 2.1. Permission is sought to retain security bars to windows and doors and a side gate.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to refuse permission to retain the development by order dated 12th May 2022 on grounds of design and form relative to the pattern of development at this location and impacts on visual amenities in a residential zone. .

3.2. Planning Authority Reports

- 3.2.1. Planning Report: In the planning report reference is made to the significant departure from the existing pattern of development and the unacceptable extent of impact on visual amenities. Two third party objections were also noted but devaluation of property is not demonstrably substantiated. No AA or EIA issues arise.

3.3. Technical Reports

Chief Fire Officer: Refers to Technical Guidance Document B 2017 Vol B in respect of the need for windows for Escape and Rescue and Final Exits which should all readily open.

3.4. Prescribed Bodies

IAA: No comment

Gas Networks: No comment

3.5. Third Party Observations

Third Party submissions were made to the planning authority by two parties as referred to.

- The Creggaun Na Hilla Residents Association formally object due to aesthetics and value of surrounding houses and also due to fire hazard .
- Liam Barry objects on similar grounds having regard to the good order of the development.

4.0 Planning History

None relevant .

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029 (effective 20th April 2023)

The site is zoned – Existing Residential in Volume 3a - Ennis Municipal District

5.2. EIA Screening

- 5.2.1. Having regard to the limited nature and scale of the proposed development in serviced lands and the absence of any connectivity to any sensitive location, there is no likelihood of any 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

- 6.1.1. The applicant has appealed the decision to refuse on the following grounds:
- Security: The applicant has a right to make his property secure having regard to the burglaries in his property and the need to protect his family in what is an open and vulnerable site.

- Visually acceptable on this quiet location at the back of the estate if painted and removed some of the spiking. It is obscured by the porch and planting and views along the road.

6.2. Response

None

6.3. Planning Authority Response

- 6.3.1. No further comment .

7.0 Assessment

- 7.1.1. The issue in this case centres of visual amenity.
- 7.1.2. The applicant makes the case that the metals bars on the ground floor and front door together with the side passage sheet metal with serrated trim are essential for the security of his property having regard to the fact that he has been burgled and wishes understandably to prevent reoccurrence. The lack of boundary walls and gates has made his property vulnerable.
- 7.1.3. While I appreciate the need for security measures I consider the nature of the security features on the façade are industrial and incongruous with the residential environs of this wholly residential estate which has been relatively recently constructed. I consider the nature of the development to significantly detract from the character of the area and amenities of the properties in the vicinity. I do not consider painting and tweaking the serrated edging addresses the issue satisfactorily. As the façade is overlooked by a number of dwellings, I do not agree that views are limited. Permission would set a undesirable precedent. I consider the alteration to be quite visible and prominent and the retention of such would seriously injure the residential amenities of the area and be contrary to the orderly and proper planning and sustainable development of the area. Accordingly I consider the decision of the planning authority should be upheld.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature, scale, and location of the proposed development, no Appropriate Assessment issues arise as the 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 recommend that permission for retention is refused based on the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the design and form of the security measures as constructed and the pattern of residential development in the area, it is considered that the development seriously injures the visual amenities of the area and does not accord with the residential zoning objective for the area as contained in Clare County Development Plan 2023-2029 which states it is an objective in such areas to conserve and enhance the quality and character of the area. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

Suzanne Kehely
Senior Planning Inspector

26th April 2023