



An
Coimisiún
Pleanála

Inspector's Report

ABP-322718-25

Development

Permission for (i) retention of the as constructed dwelling to replace the previously sub-standard dwelling that was predominantly demolished. The new dwelling provides for a like for like replacement of the previous dwelling in footprint and profile, new extension to the west and north of the previous dwellings' footprint, a detached garage and permission to modify the previously approved landscape plan permitted under planning reference 23/60086, improvements to the site entrance wall to improve sightlines site entrance gate and associated site works.

Location

"Derra", Derrymore, Meelick, Co. Clare

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

25/60132

Applicant(s)	Cillian King
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party v Grant
Appellant(s)	Colin Pierce
Observer(s)	None
Date of Site Inspection	25th day of July 2025
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The appeal site comprises an existing single storey dwelling with its gable facing towards the public road with single and two storey extensions to its side and rear facing away from the public road, in a westerly direction. The development is within a plot size stated to comprise 0.293 hectares within the rural townland of Derrymore, located approximately 1.9 kilometres north-west of Meelick Village in south-east of County Clare. The site is accessed from a local county road which in turn is accessed off the R445 regional route, further south of the appeal site, a route linking Limerick city with Cratloe. The surrounding area is characterised by a number of individual dwellings located further north-west and south of the subject site.
- 1.2. There is a vehicular entrance into the appeal site from the adjoining county road with Harris fencing and palisade security gates in place. The levels within the site fall from east to west and towards the dwelling and away from the adjoining public road and from north to south. Site levels at the site entrance are stated to be 61.71 metres AoD and 58.14 metres AoD in the south-western portion of the subject site. The boundary treatment around the site comprises established hedgerow and tree planting along the roadside (north-eastern) boundary and post and wire fencing along the western and southern site boundaries. The north-western boundary comprises a grassed earthen bank with post and wire fencing along the top of the bank behind which is grassed buffer area (approximately eight metres in width) before it joins the south-eastern site boundary of the neighbouring residential property to the north-west. To the south-west and south-east there are views overlooking a local valley which comprises a mix of forestry, fields of pasture and a number of rural one-off dwellings. There are established single storey and dormer dwellings on generous plot sizes located further north-west and south of the appeal site.

2.0 Development

- 2.1. The development comprises the following:

- Permission for retention of the as constructed dwelling to replace the previously sub-standard dwelling that was predominantly demolished. The new dwelling provides for a like for like replacement of the previous dwelling in footprint and profile,
- New extension to the west and north of the previous dwellings' footprint,
- A detached garage,
- Permission to modify the previously approved landscape plan permitted under planning reference 23/60086,
- Improvements to the site entrance wall to improve sightlines at the site entrance gate and associated site works.

2.2. The Board requested the Planning authority (PA) to submit copies of history documents in relation to planning reference 23/60086 including a copy of the Chief Executives' Order, site location and layout plans, internal reports and the final planner's report. The Planning authority submitted this information to the Board on the 17th day of June 2025.

2.3. The Board referred the planning documentation to the department of Housing, Local Government and Heritage, the Heritage Council and An Taisce for comment. However, none of the prescribed bodies issued a response to the invitation.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission for retention was granted by Clare County Council subject to four standard conditions which included the following:

Condition number 1(b) The development is subject to the conditions et out under the grant of planning permission under planning reference 23/60086 except where deviations from that permission are authorised by this retention of permission.

Condition number 2: Surface water management within the site

Condition number 3; Landscaping to be completed in accordance with particulars submitted to the Planning Authority.

Condition number 4: Development contributions

3.2. Planning Authority Reports

3.3. Planning Report

A planning report was prepared by the Executive Planner, dated 9th day of May 2025 set out the following:

- The appeal site is located within a rural and unserviced area.
- The appeal site is located within a designated 'working landscape' and within an area classified as a 'rural area under strong urban generated urban pressure for development'.
- There is a planning history on the site where in 2023 under planning reference 23/60086, the Planning Authority granted planning permission to refurbish the existing dwelling on site, for the construction of a single storey extension to the rear, a two-storey side extension, a wastewater treatment system and soil polishing filter construction of a new garage and associated site works.
- In 2023, the PA considered that the dwelling on site was habitable but in a substandard condition.
- An Unauthorised development (UD) file was opened in relation to a complaint received in 2024 stating that the development was not being constructed in accordance with the 2023 permission, in that only a small degree of the original dwelling on site had been retained.
- A detailed third-party observation was received from a neighbouring resident largely relating to the deviations from the 2023 permission and the resultant impact upon his privacy and adverse impact upon his residential amenity

- There was previously a habitable but substandard dwelling on the site, so the rural settlement policy is not a matter for consideration in this case, and the provisions of Objective CDP4.17 in this regard.
- The main changes from the previous planning permission have occurred to the rear section of the house.
- The proposed gym/office/library space at the rear of the house has been increased in area and contains three long narrow windows.
- The finished floor level within the single storey gym/office/library area is stated to be 60.025 metres and the finished floor level of the remainder of the dwelling is stated to be 61.8 metres, as the finished floor level within the gym/office/library has been lowered to provide a greater floor to ceiling height. The floor to ceiling height in this room is at 4.475 metres and hence does not have sufficient internal height to provide for first floor accommodation within it.
- The Planner was satisfied that the modifications to the permitted development at the site for which permission for retention is sought, would not have an adverse impact upon the visual amenities of the area and are, therefore, considered acceptable.
- She considered that the proposed works will not adversely impact upon traffic safety.
- The use of the permitted wastewater treatment system was deemed acceptable.
- She considered that the development to be retained does not have a negative impact on the residential amenities or privacy of any other dwelling or residential garden area and is deemed acceptable.

3.4 An Appropriate Assessment (AA) preliminary examination was carried out by the Planning Authority. They concluded that having regard 'to the nature and scale of the proposed development and the absence of proximity or connectivity to a European site, no Appropriate Assessment issues arise, and I do not consider that the proposed development

would be likely to have a significant effect individually or in combination with other plans or projects, on a European site’.

3.5 An Environmental Impact Assessment (EIA) preliminary examination was carried out by the Planning Authority. They concluded that ‘by virtue of the nature and scale of the development and the nature of the receiving environment, I consider that 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.

3.6 Internal Reports

None received.

3.7 Prescribed Bodies

3.7.1 None received.

3.8 Third Party Observations

3.8.1 One observation was received by the Planning Authority from a neighbouring resident. The issues raised within the observation are similar to those raised within the grounds of appeal, as set out within Section 6 of this report, and include the following:

- The constructed development is very different in scale and design to that permitted and results in an adverse impact upon neighbouring residential amenities.
- The applicant has ignored planning enforcement correspondence and continued with unauthorised development on site.
- The almost complete development includes unapproved windows facing towards the living areas of the appellant, impacting their privacy.

- The behaviour of the applicants shows disregard for the planning laws and does not comply with the conditions of planning reference 23/60086.
- The applicant failed to retain 50% of the original dwelling due to his demolition actions.
- Alterations to the gym/office/library building include an increased depth to 1.725 metres belowground level, an increased height from 3.43 to 3.72 metres and the floor area has increased from approximately 66.48 sq. m to 100.85 sq. m. The positioning of three windows on the north-western (side) gable of this structure adversely impacts the privacy of neighbouring residential property.
- The proposals do not represent a 'like for like replacement' as the footprint of the extension is nearly the equivalent size of the original dwelling.
- The site entrance has been widened without planning permission.
- Work on the site has been conducted on Sundays and Bank holidays in contravention of the planning conditions.
- The hallway connection between the main house and the gym/office library has been constructed at an angle, differing from the permitted plans.
- The Local Authority did not respond to the observers for a number of months after having received their complaint.

4.0 Planning History

- 4.1.1 The following is considered to be the relevant planning history pertaining to the appeal site:

On site:

Planning reference 23/60086-Permission permission was granted in 2023 by Clare County Council to refurbish an existing dwelling, construction of a single storey extension to the rear, a two-storey extension to the side, a wastewater treatment system

and soil polishing filter to replace the substandard septic tank, new garage and associated site works.

5.0 Policy Context

5.1 Clare County Development Plan 2023-2029

The Clare County Development Plan 2023 -2029 was adopted by the Planning Authority on 9th March 2023 and came into effect on the 20th day of April 2023. It has regard to national and regional policies in respect of domestic extensions and natural heritage. Chapters 3, 4, 14, 16 and 19 and Appendix 1 of the Plan refer.

Relevant objectives include:

CDP 4.10-Countryside-It is an objective of Clare County Council: To ensure that the countryside continues to play its role as a place to live, work, recreate and visit, having careful regard to the viability of smaller towns and rural settlements, the carrying capacity of the countryside, siting and design issues and environmental sensitivities.

CDP 4.17-Replacement of a Substandard Habitable House in the Countryside-It is an objective of Clare County Council:

- a) To permit the proposed demolition of a habitable but substandard house and its replacement with a new single house, subject to normal site suitability considerations.
- b) To permit the replacement of a house damaged by fire, flood or other natural disaster subject to normal site suitability considerations.
- c) To require that any proposed replacement dwelling proposal takes into account the 'Bat Mitigation Guidelines for Ireland' produced by the NPWS.
- d) In circumstances where these sites are located in 'Areas of Special Control' not to apply the provisions of Objective CDP4.14 (i.e. 'Economic or Social Housing Need' requirement); and
- e) Notwithstanding the above, to protect the county's vernacular building stock from demolition where restoration and extension is an option (see Objective 16.4).

Table 4.1 sets out that the replacement of a substandard/damaged house is permitted in principle throughout the county.

Section 14-Landscape

Section 14.3.2.2 Working Landscapes

Appendix 1: Development Management standards

A1.4.1 Rural Residential Development

Replacement Dwellings: The Planning Authority has a preference for the deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant in accordance with the requirements of Development Plan Objective CDP4.17 Replacement of a Substandard Habitable House in the Countryside.

Clare Rural Design Guide 2010

5.2 **Natural Heritage Designations**

- 5.2.1 The appeal site is located approximately two kilometres north-west of the Lower River Shannon SAC (site code 002165).

5.3 **Environmental Impact Assessment (EIA) Preliminary Screening**

- 5.3.1 See Appendix 1 at the end of this report. Having regard to the nature and modest scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the retention of the extensions and alterations to the dwelling, nor arising from the retention of the domestic garage nor the relocation of the proprietary effluent treatment system and percolation area. The need for environment

impact assessment can, therefore, be excluded at preliminary examination, and a screening determination is not required.

5.4 WFD Screening

5.4.1 The appeal site is located approximately two kilometres north-west of the nearest boundary of the Lower River Shannon.

The proposed development relates to the retention of an as-constructed dwelling, domestic extensions, detached garage modifications to previously permitted landscaping design and improvements to site entrance at site entrance gate and associated site works. The detailed development description is set out within Section 2.0 of my report above.

Potential for impact upon water quality was not raised by the Planning Authority nor by any of the observers. The appeal site is a brownfield one and comprises a habitable dwelling and domestic extensions were previously permitted by the PA in 2023. The site would be served by a bored well and a proprietary wastewater treatment system.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, in relation to surface water management, I am satisfied that it can be eliminated from further assessment, as the applicant has demonstrated that there is no conceivable risk to the Lower River Shannon in terms of its water quality.

The reason for this conclusion is as follows:

- The location of the subject site, removed from the nearest boundary of the the Lower River Shannon.

- The absence of direct hydrological connections to the River Shannon.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A third party appeal has been submitted by a neighbouring resident of Derrymore, Meelick. The issues raised within the appeal can be summarised as follows:

Context:

- From the commencement of works on site, the construction differed from the plans permitted under planning reference 23/60086.
- Construction commenced on site in June 2024, including that of a large extension which is 1.5 times the size of that permitted.

Design and Layout:

- The permitted development did not include windows of the scale and at the location now proposed as part of the gym/office/library extension.
- The overall scale of the development is inappropriate in the context of its location.
- The applicant has demolished circa 80% of the original dwelling, without permission.

- This extent of demolition represents a failure to comply with the Clare Development Plan policy with no formal written correspondence from the Conservation Officer with Clare County Council.
- Alterations to the gym/office/library building include an increased depth to 1.725 metres belowground level, an increased height from 3.43 to 3.72 metres and the floor area has increased from approximately 66.45 sq. m to 100.82 sq. m.
- When the floor area of the two extensions is accounted for, they comprise a much greater area than that of the original dwelling
- The extensions are not subservient to the main building as required in Page 71 of the Rural Design Guide.
- The development detracts from the original building in design, proportion and magnitude.
- The extensions are now the dominant aspect of the development with little or none of the original building visible from the road or within the wider landscape.
- The extensions for which retention permission is being sought are not discrete.
- The extension nearest the appellants' home dominates the north-western part of the site. The other two storey extension dominates the skyline from both near and afar.
- The window features throughout the development do not reflect patterns of the original dwelling on site.
- The extensions do not harmonise with the existing building and negatively impact the original structure.
- The permission as originally permitted under 23/60086 seems contrary to the provisions of the Clare Rural House Design Guide.
- The proposals do not represent a 'like for like replacement' as the footprint of the extension is nearly the size of the original dwelling.

- The development is not consistent with the provisions of the County Clare Rural Design Guide and breaches these guidelines in many instances.
- The hallway connection between the main house and the gym/office library has been constructed at an angle, differing from the permitted plans.
- Much less than 50% of the original dwelling on site has been retained, in breach of the Clare Development Plan policy and guidelines.

Residential Amenity:

- In permitting the retention of the alterations, Clare County Council permitted windows on the north-west elevation, facing directly into the living areas and decking area to the rear of the appellants property and intrudes his privacy.
- The positioning of three windows on the end of the north-western gable have a direct view into the appellants property, the four permitted windows in this gable were centrally located and smaller than those now constructed.

Other Issues:

- The applicant has undermined the integrity of the planning process by his actions.
- The applicant continued to construct the unauthorised development inspire of receiving a warning letter from the Planning Authority (PA).
- The wording used in the application is misleading where the applicant states the development includes 'a like for like replacement of the previous dwelling in footprint and profile'.
- The site entrance has been widened further than previously opened without planning permission.
- The Local Authority did not follow up upon issuing its warning letter to the applicant nor respond to the observers for a number of months after having received their complaint.

- The applicant has had clear disregard for the staff within the Planning and Enforcement Departments within Clare County Council.
- The applicant failed to engage with the appellants despite efforts made by the appellant to discuss the extent of the construction works.
- Images of the original dwelling are submitted and was described in the auctioneer's brochure as being 'in need of repair and modernisation'.
- Work on the site has been conducted on Sundays and Bank holidays in contravention of the planning conditions.
- The Local Authority did not respond to the observers for a number of months after having received their complaint.

6.2 Planning Authority Response

The Planning authority issued a response outlining the following:

- The frustrations and dissatisfaction of the appellant in terms of the planning and enforcement process are noted.
- In spite of the planning and enforcement issues on site, the development meets the requirements as set out within the current Clare County Development Plan 2023, objective 4.17 in relation to replacing substandard dwellings.
- Planning permission was granted on the site under planning reference 23-60086 for the refurbishment of the existing dwelling on site and the construction of side and rear extensions.
- Under planning reference 25-60132 retention planning permission was granted for the as constructed dwelling to replace the previously sub-standard dwelling

and for the construction of side and rear extensions, modified landscape design and improvements to site entrance and associated site works.

- Notwithstanding the number of enforcement issues that have occurred in relation to development of this site, it is considered that the development is in keeping with the proper planning and sustainable development of the area and with the requirements of the Development Plan.
- With appropriate high-quality landscaping, the concerns of the appellant in terms of perceived loss of amenity or privacy can be addressed/ameliorated.

6.3 Applicant response to third party appeal submission.

- The original dwelling within the subject site predates the dwelling occupied by the appellant.
- The windows that Mr Pierce is seeking to protect within his own property are located more than 50 metres from the windows he references in the north-west elevation of the single storey extension within the appeal site.
- Mr Pierce did not make an observation to an application for a domestic extension on the northern (opposite) side of his property and yet the glazing in that instance

was located considerably closer (approximately 17.7 metres) from his site boundary and Mr Pierce did not raise any objection in that particular instance.

- The original plans under 23/60086 were altered whereby sliding doors and a first-floor window were removed following concerns being raised from a person resident within Mr Pierce's home.
- Mr Pierce made no observation to the PA in relation to 23/60086.
- The applicant submitted a report from his structural engineer following the completion of a structural survey subsequent to the grant of planning permission under 23/60086 and this report deemed it necessary to demolish large parts of the original dwelling due to structural issues underpinning parts of the original dwelling on site.
- The original dwelling on site was not a protected structure and also not a vernacular building of significant cultural, historic or architectural value worthy of protection, as suggested by the appellants.
- The area of the rear facing windows and doors in the current plans has been substantially reduced from that originally permitted in 2023.
- The applicants are happy to confirm that 'unlawful and unauthorised' construction cannot be offset by the planting of some trees.

7.0 Assessment

7.1 The key issues raised within the third-party appeal are considered to include the following:

- Principle of development

- Design and layout.
- Residential Amenity
- Other Issues
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The appeal site is located within a rural area, and the lands are unzoned as per the provisions of the current Clare County Development Plan 2023-29.

7.2.2 The appeal site originally comprised an established single storey dwelling house with gable end facing towards the public road as set out within photographic images submitted by the appellant and as per the planning documentation submitted under planning reference 23/60086. The applicant made changes to the permitted development whereby a portion of the dwelling that previously existed on site was demolished and reinstated. The two-storey rear (west facing) extension was constructed as permitted and the single storey north-westerly extension providing for a gym/office/library was extended in a westerly direction, amended fenestration detailing has been incorporated within the north-west elevation, the internal floor level has been lowered and the connection between the main dwelling and the extension is to be provided at an angle. The opening for the domestic entrance has also been widened.

7.2.3 The applicant stated that he had submitted correspondence from his Consultant Engineer to the Planning Authority (a copy of which is submitted as part of this current planning documentation), which was submitted subsequent to the issuing grant of planning permission under 23/60086 and as part of a structural site inspection in February 2024 which identified a series of 'slight to moderate structural cracks' on the rear (northern) elevation of the dwelling. The Consultant Engineers conducted subsequent 'trial pit investigations' along the northern elevation in May/June 2024 which identified significant foundation defects in both the foundations and the underlying

supporting soils at foundation level. Soils underlying the foundations along the western gable and northern elevation wall consisted of loose rubble/soil fill which was a significant contributory factor to the subsidence damage noted during the February inspection. The presence of very poor-quality concrete and very narrow strip foundations along these portions of the building was a further factor which contributed to the structural damage in the rear elevation. Given the presence of loose fill underlying the poor-quality concrete foundations, the affected portions of the rear elevation of the existing building were demolished and rebuilt on a new foundation to match the original construction and to tie in with the retained element of the building elevations'. The applicant submitted a number of photographic images of the slit foundations along the northern and western elevations of the original dwelling on site illustrating the defects.

7.2.4 It is apparent from the plans permitted under planning reference 23/60086, that a two-storey rear extension and a single storey extension to the side of the dwelling were permitted by the Planning Authority. The original dwelling has been reinstated on the same footprint as previously existed and with the same roof profile and ridge height. as originally existed. I accept that a considerable portion of the dwelling had to be re-constructed due to the underlying structural issues identified by the applicants' Consultant Engineer. I note that the Development Plan policy under policy objective 4.17 provides for the replacement of habitable but substandard houses. I note the content of the documentary evidence submitted by the applicant from his Consultant Engineer outlining the precise nature of the structural defects within the foundations of a large part of the original dwelling on site. I consider that the applicant has submitted adequate written and photographic documentation from a suitably qualified professional justifying the demolition of a portion of the original dwelling. I am satisfied that the remaining portion of the dwelling to the east of the site remains intact and that the portion demolished (to the west of the site) has been replaced with a single storey structure on the same footprint and roof profile and height and, therefore, would represent a 'like for like' replacement dwelling in accordance with objective 4.17 within the Development Plan. Therefore, the principle of the retention of the as-constructed

dwelling to replace the previously sub-standard dwelling is considered acceptable. However, issues in relation to the form, design and layout of the alterations to the permitted extensions, impact upon neighbouring residential amenities, traffic safety and landscaping will be considered on their merits within the assessment below.

7.2.5 In conclusion, the principle of domestic extensions was established and permitted on the site under 23/60086. However, the acceptability in principle is subject to the design and layout being acceptable and that neighbouring amenities are respected. These will be specifically addressed later within my assessment. I note that a number of domestic extensions have been completed in the Derrymore area to date, including within dwellings immediately adjacent to the appeal site.

7.3 Design and layout

7.3.1 From the planning documentation submitted, I consider that the two-storey domestic extension to the rear (west) of the dwelling is of the same mass, scale and height and location as permitted under 23/60086. The applicant has made alterations to the scale of the single storey side (north-western) extension comprising the gym/office/library area has been extended in a westerly direction within the site with the footprint increasing from approximately 66.48 square metres to 100.85 square metres (an increase of approximately 34.37 square metres) and the height of the structure has increased from 3.43 metres to 3.72 metres. The finished floor levels within the single storey extension have been lowered by approximately 1.725 metres and is below that of the main dwelling and the two-storey extension to provide for a greater floor to ceiling height. The floor to ceiling height within the gym/study/library building is now stated to be 4.475 metres. The windows in the side (north-western elevation) have been moved in a north-westerly direction and would now comprise three narrow windows with a vertical emphasis, as opposed to four windows with a vertical emphasis as permitted under 23/60086. The link between the main dwelling and the gym/study/library

extension has been constructed at an angle rather than as a straight link as permitted in the 2023 permission.

- 7.3.2 The original dwelling on site had a floor area of approximately 158 square metres (sq. m.) as per the details submitted under planning reference 23/60086. The domestic extensions and alterations have a stated floor area of 223.27 sq. m. an increase of approximately 34.37 sq. m above what was previously permitted by the PA under planning reference 23/6006. The extensions respect the roadside building line and maintain the established building line of the neighbouring dwellings located north-west of the appeal site. The dwellings in the locality of the appeal site are all elevated within the local landscape, however, are well screened by the surrounding intervening hedgerow planting, which will be conditioned to be retained in this instance where it exists. along the roadside boundaries. Any landscaping proposals submitted would be conditioned to be implemented in the first planting season following completion of the development.
- 7.3.3 The orientation of the original dwelling on site was constructed as gable to the road and the front door is facing in a south-easterly direction. I note that the footprint of the original dwelling was incorporated into the ground floor rear of the rear (western) two storey extension, in a T-shaped design format. From the planning documentation submitted it is apparent that the two-storey extension is largely consistent with that permitted under 23/60086 in terms of form, scale and height and therefore, would; accord with the proper planning and sustainable development of the area.
- 7.3.4 The appellant states that the single storey flat roofed extension that has been constructed in an unauthorised manner and in contravention of the permission granted under planning reference 23/60086 and particularly the north-west elevation would adversely impact his privacy and unduly impact his residential amenities. I note that the north-west elevation is located approximately eleven metres from the northwestern appeal site boundary. There is an additional eight metre grassed buffer area between the northern appeal site boundary and the southern site boundary of the appellants' property. The appellant has constructed a detached domestic garage within the

southern part of his site, and this structure is located between the appeal site and the appellants' dwelling.

7.3.5 I acknowledge that the applicant has modified the design of the single storey north-western extension. However, I consider the increase in floor area, comprising approximately 34.37 square metres in a westerly direction and I note that it would be no closer to the appellants property than the north-western extension permitted under 23/60086. The height of the structure had increased marginally from 3.43 metres to 3.72 metres, and this modest increase does not materially alter the design and layout of the single storey extension. The lowering of the internal finished floor levels within the north-westerly extension does not materially impact the design externally and results in an increased floor to ceiling height within the gym/office/library structure. However, it would not be possible to achieve first floor habitable accommodation in this room, given the floor to ceiling height is stated to be 4.475 metres. The applicant has relocated of the windows from the middle of the north-western elevation to the western end of the north-western elevation nearest the appeal site within his site. The other design alteration that has been made by the applicant is the link between the main house and the single storey extension is now angled and is not considered to have dis-improved the design of the proposals.

7.3.6 Overall, the design alterations are modest in scale and largely confined to the single storey north-western extension. I note that the applicant has replaced the original single storey dwelling on site with a single storey dwelling on the same footprint and roof profile and height. I would concur with the Planning Authority that the design alterations are acceptable and in accordance with objective 4.17 within the current Clare Development Plan 2023 in relation to the replacement of a substandard house in the countryside. Extensions to the dwelling were already permitted in 2023, and the alterations to the north-western single storey extension are acceptable in terms of their design and scale and are considered to integrate appropriately with the re-constructed dwelling on site and, therefore, would accord with the proper planning and sustainable development of the area.

- 7.3.7 I am of the opinion that the development will not be overly prominent from the public domain or from neighbouring residential properties. The ridge height of the single storey flat roofed domestic extension on the north-eastern elevation has been increased from 3.43 metres to 3.72 metres and the footprint has moved further west, towards the rear of the site as well as increasing in floor area from 66.48 sq. m. to 100.85 sq. m. The alterations to the permitted north-western extension are not considered to detract from the design of the proposal and would not be prominent from the public domain, given their location to the west (rear) of the property and away from the public road.
- 7.3.8 Having regard to the provisions of the Development Plan and specifically policy objective 4.17 in relation to the replacement of substandard habitable houses in the countryside, I consider that the principle of domestic extensions and alterations to the dwelling had already been accepted on site under planning reference 23/60086. I acknowledge that the applicants constructed a larger and modified extension to that originally permitted. However, the increase in scale of approximately 34.37 square metres, in the form of the increased ground floor area within the proposed gym/office/library area is considered modest in the context of the overall permitted development on site. The alterations in fenestration location (and reduced extent of fenestration opens within the north-west elevation) detailing are acceptable from a design perspective. I consider the increase in height of 0.29 metres as modest, in the context of the development on site. I am satisfied that the extensions and alterations to the dwelling are subordinate to the main dwelling and integrate appropriately with the main dwelling on site. The issue of impact upon neighbouring residential amenities will be addressed later within this report.
- 7.3.9 In conclusion, I am satisfied that the extensions and alterations proposed integrate appropriately with the existing dwelling on site in terms of scale, proportion and external finishes and are acceptable. They would accord with the policy objectives as set out within the current Development Pan, specifically policy objective 4.17 in relation to the replacement of a substandard habitable house in the Countryside. integrating with the original reconstructed dwelling on site and using external finishes appropriate to an area and achieving consistency in fenestration detailing.

7.4 Residential Amenity

7.4.1 The appellant has raised concerns regarding the potential for adversely impacting his residential amenity by virtue of impacting his privacy from the fenestration along the north-western gable boundary of the single storey gym/office/library extension. There are no first-floor windows existing or proposed facing in a north-westerly direction towards the appellants' property. There are the three long narrow windows with a strong vertical emphasis proposed within the north-western gable of the single storey extension. I am satisfied that the floor levels in this extension have been lowered by approximately 1.725 metres as acknowledged by the observer. Given the lowering of the finished floor levels in the gym/office/study area, I consider that the main function of these vertical fenestration features on the north-western elevation is to provide illumination within the gym/office/library area. In this regard, I refer to drawing number 207 (Section BB) as submitted to the Planning Authority on the 19th day of March 2025. Having regard to the separation distances between the subject site and the observers property, to the existence of mature planting along the observers southern site boundary, to the revised landscaping proposals within the north-western boundary of the appeal site which have been augmented particularly along the north-western boundary from those permitted in 2023, I am satisfied that the single storey north-western extension does not afford opportunities for overlooking of the observers property, to such an extent that his residential amenities would be adversely impacted upon.

7.4.2 In terms of the separation distance between the north-western extension and the north-western boundary, it remains at approximately 11.2 metres as permitted in 2023 in addition to the eight-metre buffer grassed area between the appeal site boundary and the appellants' boundary, I consider that the nearest part of the north-westerly extension to the appellants south-easterly gable would be approximately 45 metres. In that intervening distance is the appellants domestic garage and mature trees along his south-easterly boundary. I refer to the existing contiguous side elevation (Drawing number 208) as submitted by the applicant to the Planning Authority on the 19th day of March 2025 which illustrates the separation between the proposed development and

the neighbouring residential property to the north-west which I consider to be sufficient to protect the residential amenities of both properties.

7.4.3 In conclusion, I consider that the applicant has maintained a satisfactory separation distance from the north-westerly site boundary and is consistent with the separation distance permitted by the Planning Authority in 2023. This generous separation distance in addition to the revised landscaping proposals along the north-western site boundary is considered sufficient to respect the amenities of the neighbouring residents, especially in light of the existing mature hedgerow and tree boundary that exists along the appellants' south-eastern boundary.

7.5 Other Issues

- 7.5.1 The applicant is seeking permission for revised landscaping proposals from those permitted under planning reference 23/60086. These were referenced within Section 7.5 above in relation to the issue of residential amenity. The applicant is seeking permission for the revised landscaping proposals from those permitted in 2023. The revised landscaping proposals are very similar to those previously permitted, however, the proposals along the north-western boundary (that nearest the appellants' property) have been augmented to reduce the potential for intervisibility between the appeal site and the appellants' property.
- 7.5.2 Notwithstanding that the issue of residential amenity has been addressed within section 7.5 of this report above, I consider that the additional landscaping proposals would further assist in providing additional screening between the two residential properties which I consider to be both appropriate and acceptable. The landscaping proposals are accompanied by a number of anticipated views of the subject site upon implementation of the landscaping proposals. I consider the revised landscaping proposals which provide for a mix of native indigenous and other species shrubs and trees to be acceptable. A planning condition will be included to ensure that the landscaping scheme is implemented in the first planting season following completion of the development works.

- 7.5.3 As per the site layout plan the applicant is proposing a 3.8-metre-wide domestic entrance with 1.8 metre tall stone walls on each side of a metal gated domestic entrance to replace the existing post and rail fence. It is stated that some of the planting at the entrance area may also be required to be removed and replaced with wing walls with a stated height of 1.6 metres in order to achieve adequate sightlines. No details of sightlines that are/would be achieved have been submitted. Therefore, I consider it appropriate to defer final details in relation to the entrance to be agreed with the PA within one month of a planning decision from the board, where, and if the Board decide to grant planning permission and if such a condition is agreeable to the Board. are required
- 7.5.4 I note that the appellant states that works were being conducted on site on Sundays and Bank holidays. A perusal from the Clare County council website (planning search), confirms that there was no planning condition included within the 2023 planning permission specifically in relation to site construction days/hours. Best practice construction would provide for construction days/hours. This matter may be referred to the enforcement section within Clare County Council for consideration and is not a matter for the Board to consider.
- 7.5.5 I note that the appellant has been in contact with the enforcement section within Clare County Council regarding compliance with the planning conditions set out within planning decision 23/60086. It is within the remit of the Planning Authority to investigate matters of compliance with planning conditions and is not a matter for the Board to consider.

7.6 Appropriate Assessment Screening

- 7.6.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The Lower River Shannon SAC (site code:002165) is located approximately two kilometres south-east of the appeal site. The development description was set out within Section 2 of the report above. The Planning Authority did not make reference to the potential for adverse impacts to arise upon Natura 2000 sites. The applicants did not submit an Appropriate Assessment (AA)

Screening Report as part of their planning documentation. The PA conducted an AA screening exercise, referenced in Section 2.2 of this report above.

- 7.6.2 The nearest European sites to the appeal site are the Lower River Shannon SAC. I consider that the appeal site is not hydrologically/ecologically connected to this or any other European site, located south-east of the appeal site. There were no drainage ditches evident within the confines of the appeal site or along its boundaries. Therefore, I am satisfied that there is no apparent surface water hydrological link between the appeal site and these or any European site connected to the south-west or south of the subject site.
- 7.6.3 I am satisfied that the development relates to the retention of alterations and extensions to a domestic dwelling as well as the re-construction of part of the original dwelling on site. Given that the site has no requirements for additional capacity, in terms of the wastewater treatment system on site (already permitted under 23/60086) and I note that the Environment Section with the Council stated 'the works outlined above to not affect the previous proposals for wastewater treatment as granted under 23/60086. The PE remains the same and therefore the loading remains the same. The extension does not impinge on the WWTS location. The proposal from a wastewater standpoint is acceptable'. Therefore, I consider that no adverse impacts on water quality, or the qualifying interests or conservation objectives of any European site would arise.
- 7.6.4 I consider that even in the unlikely event that the standard control measures should fail, an indirect hydrological link (via the underlying groundwater body) represents a weak ecological connection. I consider this to be the case given the separation distance to the nearest SAC site, the absence of suitable habitat on site to serve the particular protected species for foraging/feeding purposes. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the River Shannon unlikely. This conclusion is supported within the Planning Authority's AA screening

Report, which determined the following 'the development is not likely to have significant effects...the proposals can be screened out, Appropriate Assessment is not required'.

7.6.5 Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The relatively modest scale of the additional development sought to be retained, which would avail of existing permitted wastewater and surface water services,
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

7.6.6 I conclude that on the basis of objective information, the development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

8.0 Recommendation

I recommend that permission for retention of the development be granted.

9.0 Reasons and Considerations

Having regard to the location of the site within a rural area to the compliance with the policies and objectives of the Clare County Development Plan 2023-2029, specifically objective 4.17 in relation to the replacement of a substandard habitable house in the countryside, the previous planning permission that pertained to the site under planning reference 23/60086, the appropriate scale and design of the extensions and alteration's,

and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or property in the vicinity, result in the creation of a traffic hazard nor adversely impact upon the integrity of any European sites. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1 Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 23-60086 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

- 2 The development shall be retained and completed in accordance with the plans and particulars lodged with the application on the 19th day of March 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.

- 3 Precise and final details of the entrance layout and arrangement and setting back of the roadside boundary shall be agreed in writing within one month of this grant of planning permission. Adequate sightlines shall be demonstrated and as much of the roadside boundary shall be retained as possible.

Reason: In the interest of traffic safety and protection of biodiversity.

- 4 The domestic garage shall be used for domestic storage purposes only and shall not be used for human habitation or commercial purposes. The shed shall not be sold, let or other transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the property in the interest of residential amenity.

- 5 (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) Surface water within the appeal site shall be managed in accordance with the surface water management plan and details as submitted to the Planning Authority on the 21st day of October 2023.

(c) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of proper planning and sustainable development.

- 6 The mature hedgerows and fencing along the appeal site boundaries shall be maintained in situ.

Reason: In the interest of visual amenity.

- 7 The landscaping plan as submitted to the Planning Authority on the 19th day of March 2025 shall be implemented in full within the first planting season following completion of the works.

All planting shall be adequately protected from damage until established. Any plants 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.occupation of the dwelling.

Reason: In the interest of visual and residential amenity.

- 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fergal Ó Bric

Planning Inspectorate

26th day of September 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	322692-25		
Proposed Development Summary	Permission for the retention of an as-constructed dwelling to replace the previously sub-standard dwelling that was predominantly demolished. The new dwelling provides for a 'like for like' replacement of the previous dwelling in footprint and profile, new extensions to the west and north, a detached garage, and permission to modify the previously approved landscape plan, improvement to the site entrance wall to provide for improved sightlines, site entrance gate and associated site works.		
Development Address	'Derra', Derrymore, Meelick, Co. Clare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank		
No	Tick or leave blank	Rural dwellings, domestic extensions and alterations to domestic entrances are not specified as being within a class of development within Parts 1 or 2,	x

		Schedule 5 of the Planning & Development Regulations 2001 (as amended).	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		
No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to works to a rural dwelling, domestic extensions and alterations to a domestic entrance.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ **Date:** _____