



An
Coimisiún
Pleanála

Inspector's Report

PL-500145-25-CE

Development	Retention and completion of vehicular entrance from public road to house and all associated site works.
Location	24 St Michaels Villas, Clonroadmore, Ennis, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	25262
Applicant	Patricia Kerwin.
Type of Application	Retention permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellant	Patricia Kerwin

Observers

None

Date of Site Inspection

20th January 2026.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The development is located in an established residential area St Michaels Villas (SMV) to the southeast of the centre of the town of Ennis in County Clare. On the site is a two storied dwelling which is located in a terrace of 6 dwellings. Midway in the terrace there is an archway which provides access to the rear of the properties of the terrace.
- 1.2. The site fronts onto the public road which defines the site's southeastern boundary, the rear of the site fronts onto a laneway which affords a rear access to the appeal site and other dwellings in the vicinity. The remaining boundaries the sites of the adjoining dwellings. The site has gardens to the front and rear. Part of the front boundary wall has been removed.
- 1.3. The vast majority of the dwellings in the SMV estate do not have a direct vehicular access across the footpath from the estate road and are limited to a pedestrian gate. There are parking areas provided in the estate by cutting into green areas and providing parking bays such as in the green area opposite the appeal site. Where such a parking provision is not available vehicles park along the kerb of the estate road which are generally narrow restricting parking to one side of the carriageway. Parking for some dwellings, however, is also available in the rear gardens where rear access is possible and generally provided through archways in the terraces. In visual terms the retention of the original front boundary walls is a dominant visual feature of the area.
- 1.4. The site has a stated area of 0.0257ha.

2.0 Proposed Development

The proposed development as received by the planning authority on the 12th August 2025 was for the retention and completion of vehicular entrance from public road to house and all associated site works. The entrance has a width of 3560mm and is centrally located on the front boundary. It is indicated that the public footpath between the site boundary and the public road will be dished and piers are indicated as proposed on either side of the entrance.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to refuse retention of planning permission. Two reasons were stated.

The first reason related to traffic hazard as the means of access would result in haphazard turning movements onto the public road and onto the adjoining public footpath.

The second reason refers to reduction in the area of the front garden and the removal of part of the front boundary wall would detract from the setting of the existing terrace of houses and therefore injure the visual amenities of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The planning report dated the 28th August 2025 refers to development plan provisions and a history of enforcement and that works has commenced on the access. Reference is made to the zoning of the site, the principle of development, concerns in relation to traffic safety, issues in relation to visual amenity given the general pattern of development in the vicinity.

The report recommended refusal of planning permission.

A report of the District Engineer commented in relation to the dropping of the kerb and reinstatement of the footpath.

4.0 Planning History

- 4.1.1. No planning history other than reference to enforcement proceedings in relation to the development under appeal.

5.0 Policy and Context

5.1. Development Plan

5.2. The statutory development plan is the Clare County Development Plan 2023-2029.

5.3. Volume 3a refers to the Ennis Municipal District Settlement Plans. The site is zoned existing residential with the objective *to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. Existing residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained.*

5.4. There is no specific objective in relation to the site or its immediate vicinity.

5.5. In relation to Architectural Conservation Areas there are terraces listed in relation to the town of Ennis in Appendix 4 and the appeal site is not within the areas designated.

5.6. Natural Heritage Designations

5.6.1. The subject site is not located within a site designated as a Natura 2000 site or NHA/pNHA.

5.6.2. The nearest site is in excess of approximately 1 kilometre from the site which has connections to piped services and no identifiable Source- Pathway- Receptor from the appeal site to a designated site.

6.0 EIA Screening

6.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside.

7.0 The Appeal

7.1. Grounds of Appeal

The appellant grounds of appeal in summary refers to;

- The appellant in relation to the issue of haphazard turning movements this already exists between 25 and 26 St Michaels Villas (SMV) and also from the front garden of 27 SMV 25 metres away.
- In Castlewood Park a seamless continuation of SMV there are 26 houses that have front garden parking and there are a number of houses in SMV with front garden parking.
- Parking in the area is at a premium in the area and a bakery establishment in the area adds to the problem for residents and pedestrians.
- The social environment has changed since SMV was built in 1953 particularly in the increase in the number of cars and on road parking detracts from the setting of the area rather than on-site parking.
- There is already precedent in relation to this form of development and 27 SMV has off road parking for over 40 years.
- Five other properties in SMV have front garden parking and a map in submitted in relation to this (Appendix 1).
- Reference is made traffic travelling through the estate and pedestrians and vehicles would have a clearer view of cars are not parked in the road.
- Reference is made to photographs indicating current car parking problems in this regard.
- The wall was initially removed to facilitate works within the house and the removal of lead pipes.
- Front garden parking would enable an EV charging point to be installed which cannot currently be availed of the Clare County Development Plan refers to EV.

7.2. **Planning Authority Response**

The Planning Authority in a response in summary indicates,

- The Planning Authority completed a full and detailed assessment of the proposed development.
- The Planning Authority have concerns in relation to this access which would have a negative impact on the safety of pedestrians onto a busy street.
- St Michaels Villas has a distinct vernacular character of landscaped gardens with low boundary walls and no off street parking and the introduction of off-street parking would set an undesirable precedent with an intact vernacular character and result in an inevitable decimation of the Character of SMV overtime.
- While the Planning Authority note the reference to no 27 it is considered that such works were carried out without the benefit of planning permission and the statute of limitations has now passed in relation to this site.
- It is requested that the Planning Authority decision be upheld.

8.0 **Assessment**

8.1. The main issues in this appeal relate to the principle of the development, site specific issues which largely relate to the matters raised in the grounds of appeal.

Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.

8.2. **The principle of the development**

8.2.1. The proposal as submitted is in effect for the provision of an off-street car parking space in the front garden of a dwelling in an area zoned existing residential.

8.2.2. The development occurs within an established residential area in proximity to the town centre which has as an objective to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. The development as submitted can be considered in principle but it is noted that the

zoning objective does refer to conserve and enhance the quality and character of the areas within this zoning.

8.3. Grounds of appeal

- 8.3.1. In the assessment of the application the planning authority raised concerns in relation traffic and to the distinct vernacular character of the site and vicinity which has landscaped gardens with low boundary walls and the desire to retain this vernacular quality.
- 8.3.2. In the grounds of appeal, it is contended that specifically in relation to traffic the issue of haphazard turning movements this already exists between 25 and 26 St Michaels Villas (SMV) where an archway provides access to the rear of the terrace of properties is located and also from the front garden of 27 SMV 25 metres away. The adjoining residential area in Castlewood Park provides for front garden parking and there are a number of houses in SMV with front garden parking. It is contended that parking in the area is at a premium in the area and the social environment has changed since SMV was built in 1953 particularly in the increase in the number of cars and on road parking detracts from the setting of the area rather than on-site parking. There is already precedent in relation to this form of development in SMV and 27 SMV has off road parking for over 40 years and there are five other properties in SMV have front garden parking.
- 8.3.3. It is not, I consider, in dispute that Castlewood Park provides for front garden parking and this provision was designed into the initial layout for this residential area. St Michaels Villas was not initially designed with the provision of off-street parking and sections of St Michaels Villas has narrow road widths which restricts the level of kerbside parking.
- 8.3.4. There is provision for street parking in areas of St Michaels Villas in particular adjoining public open space areas and there is a parking area opposite the appeal site. There is also rear access to many of the properties in St Michaels Villas including the appeal site and some of the properties on St Michaels Villas have on-site parking in the rear of their properties. The appeal site does have alternatives to providing on-site parking in the front garden.
- 8.3.5. I do not necessarily fully agree with the issue of traffic hazard as stated in the Planning Authority decision. I would accept that additional traffic movements would

occur across the public footpath and there would be potential conflict with pedestrian movement on the public footpath which raises the potential of traffic hazard but it is in an urban built up area where the lowest speed limit occurs, there is an acceptance that vehicles enter and exit dwelling sites and vehicles entering and exiting a dwelling travel across the public realm of a footpath and this is widely accepted and applicable in built up urban areas. There would also be a high level of visibility present in relation to movements by vehicle users and pedestrians and an awareness of vehicular movement.

8.3.6. The primary issue is I consider visual impact and impact on the visual amenities of the area. I note that there are front garden off-street parking areas in properties in SMV but they are very limited. The estate was designed with no provision of front garden space car parking; the original design and layout of the original residential estate is largely intact and although the estate does not have any specific conservation designation retaining the original character with low front boundary walls which are largely still intact is worthy to be conserved and as already stated alternatives to removal of the boundary wall to provide for a vehicular parking in the front garden exist. I therefore consider the Planning Authority were reasonable in refusing the development for this reason.

8.3.7. I note the reference to EV charging which is an issue when on-site parking is not available but for the reasons already stated I do consider alternative on-site parking is available in relation to the appeal site.

9.0 **AA Screening**

9.1. I have considered the proposal for the retention of the construction of a vehicular access to an existing dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on an established residential site.

9.2. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 nature of the development, the distance to designated sites and the absence of pathway to these sites.

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

10.0 Recommendation

- 10.1. I recommend that permission be refused.

11.0 Reasons and Considerations

- 11.1. Having regard to the nature of the development and the visual character and setting of St Michaels Villas and the strong and dominant presence of low wall front boundaries and the general absence of individual parking in the front gardens of properties in St Michaels Villas and that the creation of a vehicular access in the front garden area would require the removal of a significant level of the front boundary wall, it is considered that such removal of the front boundary wall would seriously detract from the setting of the overall terrace which the appeal site forms part of. The development would therefore seriously injure the visual amenities of the area, would be inappropriate to the character and pattern of development in the area and would not be in accordance with the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Derek Daly
Planning Inspector

28th January 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-500145-CE-25
Proposed Development Summary	Retention and completion of vehicular entrance from public road to house and all associated site works.
Development Address	24 St Michaels Villas, Clonroadmore, Ennis, Co. Clare.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input type="checkbox"/> X No , No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> , it is a Class specified in Part 1.	
<input type="checkbox"/> X No ,	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
x No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
No , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) Yes	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 28th January 2026