



An
Coimisiún
Pleanála

Inspector's Report PL-500290-CE-25

Development	Retention of front fence and entrance gate and permission to lower height of fence, remove double side entrance gates, replace with matching fencing and all associated site works.
Location	9 Glor na Srutha, Clonlara, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	25282
Applicant(s)	Radek and Barbara Lenortowicz
Type of Application	Retention & Permission
Planning Authority Decision	Refuse Retention & Refuse Permission.
Type of Appeal	First Party Appeal
Appellant(s)	Radek and Barbara Lenortowicz
Observer(s)	David and Anna Glazer
Date of Site Inspection	29 th January 2026
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of c.0.118ha is situated at 9 Glor na Srutha, Clonlara, Co Clare. Clonlara is situated on the banks of the Ardnacrucha Headrace Canal and approximately 10.4km to the north-east of Limerick City Centre.
- 1.2. Glor na Srutha is a residential development comprising of 12 no. houses which are semi-detached and detached two storey and single storey dwellings.

2.0 Proposed Development

- 2.1. This appeal is seeking retention permission for the front boundary security gates and entrance gates, and planning permission is sought to lower the height of the fence to 1.2m, to remove the existing double side entrance gates and replace with a matching fence.
- 2.2. A number of pillars and a low-level plinth have also been constructed to support the fence. The pillars have a ridge height of c.1.6m and the fencing as constructed has a height of c.1.57m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to refuse retention permission and permission on the 23rd October 2025 for the following reason:

“The subject site is located on lands that are zoned as “Existing Residential” where the land use zoning, as per the Clare County Development Plan 2023-2029 is to conserve and enhance the quality and character of the area, 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.

It is considered that the security fence for which retention permission and permission to modify is sought, would, by reason of its overall design and materials used, be a form of development that would be out of keeping with the

existing established development within this residential development and would injure the visual amenities of the area. The development to be retained and modified would, therefore contravene the zoning objective for the subject site, would set an undesirable precedent for further such developments at this location and would be contrary to the proper planning and orderly development of the area.”

3.2. Planning Authority Report

3.2.1. Planning Reports

The report of the Planning Officer provides for a description of the site location, the proposed development, the land use zoning, planning history, technical reports received, a summary of the 3rd party submissions received, and an EIA Screening and AA Screening determination.

The assessment notes that consideration has been given to Schedule 2, Part1, Class 5 of the Planning and Development Regulations, 2001 (as amended) and that the proposal cannot be considered exempt. Furthermore, concern was raised over the impact of the proposal on the character of the area, the impact on the current level of amenities enjoyed at this location and that it would fail to comply with the land use zoning pertaining to the subject site. As such a recommendation to refuse permission and retention permission in line with the decision issued was made.

3.2.2. Other Technical Reports

None received.

While reference is made to a report received from the Roads Design Officer of Clare County Council pertaining to a previous application (PA Ref 24/282) I do not consider its comments relevant as it was not issued on the subject application.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received a submission in relation to the subject application. The Planning Office in their report provides for a detailed summary of the concerns raised which are aligned with the comments of the observer to this appeal.

4.0 Planning History

Subject site

PA Ref 24/312 Permission REFUSED for security fence and entrance gate on the front boundary of their dwelling and all associated site works. The reasons for refusal were as follows:

1. *The subject site is located on lands that are zoned as “Existing Residential” where the land use zoning, as per the Clare County Development Plan 2023-2029 is to conserve and enhance the quality and character of the area, 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.*

It is considered that the security fence for which retention permission and permission to modify is sought, would, by reason of its overall design and materials used, be a form of development that would be out of keeping with the existing established development within this residential development and would injure the visual amenities of the area. The development to be retained and modified would, therefore contravene the zoning objective for the subject site, would set an undesirable precedent for further such developments at this location and would be contrary to the proper planning and orderly development of the area.”

2. *It is considered that the provision of security gates in order to access the areas to the side of the subject dwelling for the purpose of carparking, would endanger pedestrian and public*

safety and lead to an obstruction of the road and footpath at this location. The subject development would therefore be contrary to orderly development of the area.

Enforcement

PA Ref 08/8019 Warning letter issued relating to the construction of boundary walls and gates to the front of existing dwelling without planning consent.

Parent Permission

PA Ref 13/8002 Permission GRANTED for the construction of 12 no. dwellings with access road, public lighting and all associated site development works and services. Please note this is a revision to the original proposed Development Ref No. LA P08-8019 and incorporates a reduction in the total number of dwellings from 25 to 12, and includes associated amendments to the site layout and all ancillary works

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

The subject site is situated within the settlement boundary of Clonlara and is zoned under 'Existing Residential' which seeks 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.

5.2. Natural Heritage Designations

The subject site is not situated within or directly adjacent to any Natura 2000 sites. The subject site is situated c.1.3km to the south-west of the Lower River Shannon SAC (site code 002165) and c.3.24km to the south-east of the Glenomra Woods SAC (site code 001013) and get Glenomra Wood pNHA (site Code 001013).

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

This is a 1st Party appeal against the decision of Clare County Council to refuse retention planning permission and permission. The grounds of the appeal can be summarised as follows:

- Part of a social housing development of 21 units:
 - 9 houses have boundary walls and 12 are without a front boundary treatment.
- Considered south-western portion of the development is poorly laid out:
 - Sites 9-12 vary in terms of depth of back gardens.
 - Set 2m from front of house and edge of footpath.
- Boundary erected to obtain protection and privacy:
 - Considered to be tastefully designed.
 - Does not encroach footpath.
 - Unaware of height restrictions and will to reduce height to 1.2m.
 - Wants to retain electric gate and piers.
 - Boundary made of aluminium which is highly durable.
- Intention was to delineate front boundary of property:
 - Use of security is actually misleading.
 - Finish is smooth horizontal panels.
 - Would not prevent anyone climbing it or injury anyone.

- Class 5, Section 2 of Part 3 (should state Part 1) of the Planning and Development Regulations 2001, as amended, states 'No such structure shall be a metal palisade or other security fence':
 - The fence is aluminium coated panel fence – could not be described as 'palisade or security'.
 - Class 5 also includes railing.
 - Definition of a railing to the majority of members of the public is a metal structure except where it relates to equestrian enclosures.
- No where in the Planning and Development Regulations 2001, as amended prohibit a front boundary fence to the curtilage of a dwelling:
 - The regulations were published in 2001- 25 years ago.
 - Technology has developed to be more climate friendly and durable material.
 - Far less injurious to a child falling against as opposed to a concrete wall.
- Subject dwelling situated at end of building line.
 - Boundary does not impact amenity of nearest neighbour.
 - Residents of no. 10 has no objection to the fence.
 - Dose not impact character or ambience of estate.
 - It enhances dead end corner.
- Would like to retain fence but also willing to reduce the height.
- Reason for refusal is not valid as other dwellings in estate are served with boundary walls and so did Planning Authority contrive their own plan.
- This elegant boundary treatment does not impact visual amenity.
 - It is overshadowed by applicant's house.
- Could not set an undesirable precedent as council set that precedent already with allowing some dwellings have front boundary wall.

7.2. Planning Authority Response

The Commission received a response from the Planning Authority on the 4th December 2025 which states that they have no further comments and requests that the Commission uphold the decision and grant planning permission.

7.3. Observations

An observation was received from Anna and David Glazar of no. 11 Glor Na Srutha, Clonlara. The contents can be summarised as follows:

1. Unauthorised development

- Wall erected without permission.
- Visually dominant – introduces industrial style boundary.
- Conflicts with soft uniform character.
- Out of keeping with established pattern of development.
- Estate was designed with a mix of open plan and low unobtrusive boundaries.
- 1st Party Appellant recognises only 9 houses have boundaries – none are comparable to structure subject to this appeal.
- 12 units (nos. 1-12) were delivered in 2014 – have their own access road and are different to the rest of the area.

2. Negative Impact on Character

- Material finishes not appropriate – more typical of security/commercial facility.
- Appellants arguing ‘not security’ – appearance convey fortification.
- Negative impact on visual amenity/consistency of architectural design/character.
- Will create undesirable precedent – residents may feel entitled to erect the same.

- Reason given for erecting fence was security and privacy – makes remaining residents feel that there is something to fear.
- May lead to a patchwork of boundary treatments/loss of open feeling/degradation of visual amenity.
- Parking is open and shared – reference to two spaces on application form is incorrect.

3. Safety Issues.

- Even reduced to 1.2m remains out of character.
- Creates loss of openness and is proximate to a public footpath.
- Pillars remain the same height – lowering the fence will make pillars seem higher.
- Planning survey maps submitted with application and Eircode Finder show the wall is situated outside the property boundary – illustrates wall is constructed on public footpath.
- Builder should have been aware that permission was required.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. Having reviewed the 1st party appeal and all other documentation on file including the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Response to reason for refusal.
- Other Matters.

8.2. **Response to reason for refusal**

8.2.1. The Planning Authority considered that the boundary treatment for which retention permission is sought would be out of character with the existing pattern of

development within the Glor na Srutha due to the overall design and materials used. In addition, it was considered even in its proposed amended form would still remain at odds with the surrounding area. Therefore, it was concluded that the proposal would not be in keeping with the 'existing residential' land use zoning pertaining to the site.

- 8.2.2. The appellant has noted within their appeal documentation that a number of dwellings within this residential area already have front boundary walls and as such the proposal would not be out of keeping with the area. It is further contended that the fence has been constructed of a high-quality material and does not impact character or ambience of estate. The reason given by the appellant for the erection of the boundary was to provide for some level of privacy and security.
- 8.2.3. The subject site is zoned under the 'existing residential' within the Clare County Development Plan 2023-2029 where the objective is seeking to *'conserve and enhance the quality and character of the area, 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'*.
- 8.2.4. From undertaking a site visit I note that no. 1-12 Glor na Srutha have been laid out in a manner which differs from the rest of the residential estates situated to the south. The layout is open in form with the dwellings address shared parking spaces. While I note no. 11 is served with a low-lying hedge boundary and no.12 is served with a low-lying wall which is situated on the eastern elevation where it addresses a corner, there is no precedent for a boundary which is in excess of c.1m in height.
- 8.2.5. I would share the concerns raised by the Planning Authority and consider that the existing boundary is out of character with the established pattern of development of the Glor na Srutha development. Even in its proposed amended form the pillars would remain excessive in height. I further consider that the fencing appears defensive and incongruous with the established streetscape.
- 8.2.6. The appellant makes reference to the exemptions set out under Schedule 2 Part 1 Class 5 of the Planning and Development Regulations 2001, as amended and states that nowhere in these regulations is there a class which prohibits a front boundary fence and that it is considered that these regulations are now outdated.

8.2.7. Schedule 2 Part 1 Class 5 of the Planning and Development Regulations, 2001 (as amended) sets out details of the exemptions and conditions and limitations for boundary treatments and states the following:

<p>CLASS 5</p> <p>The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<ol style="list-style-type: none"> 1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres. 2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered. 3. No such structure shall be a metal palisade or other security fence.
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8.2.8. While the regulations do not prohibit the provision of front boundary treatments, they do provide a mechanism where such can be provided once it accords with the conditions and limitations of such. In this instance, while the appellant has stated their intention to reduce the height of the fence to 1.2m and replace the double side entrance with matching fencing, the height of the piers remain in excess of the 1.2m which does not accord with point 1 of the conditions/limitations associate with Schedule 2 Part 1 Class 5 of the Planning and Development Regulations 2001 (as amended). With regard to the Regulations being outdated, the 2001 (as amended) regulations are the statutory provision regulating the Planning Process that is currently in place.

8.2.9. However, in this instance the question as to whether or not the boundary treatment is exempted development is irrelevant as the appellant has sought permission for the retention of such and not sought a Section 5 declaration.

8.2.10. Overall, I consider that the existing fence and the proposed amendments are not in keeping with the established pattern of development within the Glor na Srutha, would be incongruous with the established openness of the streetscape, would be negatively dominant upon the current level of visual amenity enjoyed at this location and would not be in keeping with 'existing residential' land use zoning pertaining to the subject

site. I therefore recommend that the decision of the Planning Authority be upheld and retention permission and permission be refused.

8.3. Other Matters

An observer to this appeal has raised concern over the location of the boundary fence being situated outside the red line boundary associated with the subject site.

I note that issues of ownership and legal interest are out the role of the commission to consider, this is a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act (as amended) which states:

An application for development permission, to be valid, must be made either by or with the approval of a person who is able to assert sufficient legal estate or interest to enable him to carry out the proposed development, or so much of the proposed development as relates to the property in question

9.0 Appropriate Assessment Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (site code 002165), the Glenomra Woods SAC (site code 001013) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.1. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA.

9.2. See Appendix 2 of this report for Appropriate Assessment Screening Determination. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive

10.1. The subject site is situated at 9 Glor na Srutha, Clonlara, Co. Clare. The application is seeking retention permission of existing front boundary security fence and entrance gate and permission to lower height of fence to 1.2m, remove existing double side entrance gates and replace with matching fencing and all associated site works.

10.2. The Ardnacrucha Headrace Canal is situated c.73m to the north-west of the site and Errina Canal is situated c.298m to the south-east of the site. The site is also situated within the Lough Graney groundwater catchment.

10.3. I have assessed the proposed development 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 & 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, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.5. 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.

11.0 Recommendation

I recommend that the decision of the Planning Authority be upheld and permission and retention permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the land use zoning 'existing residential' as per the Clare County Development Plan 2023-2029 which seeks to *conserve and enhance the quality and character of the area*. It is considered that the works seeking retention permission and permission would not and are not in keeping with the established pattern of development within the Glor na Srutha, would be incongruous with the established openness of the streetscape, would be negatively dominant upon the current level of visual amenity enjoyed at this location and would therefore not be in keeping with the land use zoning pertaining to the subject site and be contrary to 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Kathy Tuck

11th February 2026

Appendix 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	PL-500290-25		
Proposed Development Summary	Retention of existing front boundary security fence and entrance gate and for PERMISSION to lower height of fence to 1.2m, remove existing double side entrance gates and replace with matching fencing and all associated site works		
Development Address	9 Glor na Srutha, Clonlara, 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	
		No	X
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at 9 Glor na Srutha, Clonlara, Co. Clare and situated c.1.3km to the south-west of the Lower River Shannon SAC (site code 002165) and c.3.24km to the south-east of the Glenomra Woods SAC (site code 001013) and get Glenomra Wood pNHA (site Code 001013).

The application is seeking retention permission for the front boundary security gates and entrance gates, and planning permission is sought to lower the height of the fence to 1.2m, to remove the existing double side entrance gates and replace with a matching fence. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

I conclude, 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.