



### Development

RETENTION: Construction of extension, elevation alteration, conversion of shed to residential accommodation, sub-division of dwelling and use as short term letting together with associated site works.

### Location

Maggie Jane's, Chapel Street, Kilkee, Co. Clare.

### Planning Authority

Clare County Council

### Planning Authority Reg. Ref.

2560671

### Applicant(s)

Kieran Gleeson

### Type of Application

Retention

### Planning Authority Decision

Split Decision

### Type of Appeal

Third Party Normal Planning Appeal

### Appellant(s)

Margaret Haugh

### Observer(s)

None

### Date of Site Inspection

23<sup>rd</sup> March 2026

### Inspector

Carol Hurley

## **1.0 Site Location and Description**

- 1.1. The subject site is located at Maggie Janes, Chapel Street, Kilkee. Kilkee is a popular seaside tourist resort town located to the northwest of Kilrush and southwest of Ennis.
- 1.2. The site has a stated area of 0.034 hectares, has a mid-terrace location and addresses the road with a northeast facing orientation.
- 1.3. The property is a single storey cottage which has a higher ridge level relative to the adjoining properties. There are two doorways in the front elevation. The northerly door serves the cottage and the southerly door provides access through a covered walkway to the adjoining house to the rear. This structure is two storeys.
- 1.4. Within the rear private amenity area there is also a detached structure with a pitched roof. At the time of site visit, internal access to this structure was available with the layout consisting of a shared kitchen / living area and separated bedroom.
- 1.5. The private amenity space was hard surfaced.
- 1.6. There is on street car parking available along Chapel Street.
- 1.7. The established character of the would be residential with a school, children's play area and a church located to the south. There is also a bar / tourist accommodation the opposite side of the street.
- 1.8. Chapel Street runs on a northwest – southeast axis and is parallel to Corry Lane to the west and Railway Road to the east.
- 1.9. The primary tourist commercial area is located to the west along O'Curry Street which Strand Line further west runs parallel to and addresses Kilkee Beach.

## **2.0 Development Seeking Retention Permission**

- 2.1. Retention permission was sought for the following;
  - (a) For the construction of an extension to the dwelling house (Part A). This extension infills the existing set-back between the northeastern elevation of the kitchen and the southwestern elevation of the stairwell block. The extension projects a stated distance of 2.2m off the eastern elevation of the stairwell block but aligns with the established eastern elevation of the main structure of Part A.

The extension provides an external access, WC and utility area at ground floor level and an en-suite to the master bedroom at first floor level.

A new window is provided at first floor level on the southeastern elevation, serving the en-suite.

The structure has a flat roof profile and does not exceed the height of the flat roof of the existing two storey element.

- (b) For elevational alterations to the house, identified on the plans as Part A. From comparison of the plans, these alterations are indicated to consist of the following;

Rear Elevation

- Removal of a chimney stack, provision of a wide slider door at ground floor level framed in larch cladding and capped in grey cedar cladding.

Side Elevation

- Provision of a large corner window at ground floor level, framed in the larch cladding and capped in grey cedar cladding.
- Minor adjustment to the ground floor window serving the dining area.
- At first floor level, the provision of a window serving an existing bedroom which was relocated from the front (northeast) elevation.

- (c) For the conversion of a private shed to residential accommodation ancillary to the main house. This structure is stated to measure 7.640m (w) x c. 4.990m (d) with a principal height of 4.380m and pitched roof profile. Internally, the structure consists of an open plan kitchen/living/dining room, one bedroom with bathroom.

- (d) For the subdivision of the house and use of part of the overall property as short term letting accommodation. The cottage (identified on the plans as Part B) is the element in use for short term letting accommodation. This is single storey as it presents to the streetscape but is two storey to the rear. There are five rooms within the structure however the floor plans do not identify their uses.

The structure is separated from the stated main dwelling (Part A) to the rear, although the floor plans indicate a link along the northern side. Primary access to the structure at the rear (Part A) is via a covered walkway along the southern side of the site, accessed through an additional door on the front elevation.

- (e) All associated site works and services which includes for constructed elements in the rear private amenity space such as a seating and bbq.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On the 12<sup>th</sup> December 2025 Clare County Council issued a split decision in respect of the development seeking retention permission.

Grant retention permission for the construction of an extension to the dwelling including elevational alterations and associated site works and services.

Refuse retention permission for the conversion of a private shed to residential accommodation ancillary to the main house and the subdivision of the house and use of part of the overall property as short term letting accommodation

Condition No. 1 – The development shall be retained in accordance with the drawings and particulars as received by the Planning Authority on 31<sup>st</sup> October 2025.

#### Reason for refusal

Having regard to national guidance with regard to short term lettings in Rent Pressure Zones (Circular Letter PL 4/2019 refers), having regard to local demand for long-term rental accommodation, the provisions of the Clare County Development Plan CDP Objectives 9.5 ‘Visitor Accommodation’ and CDP 5.14 ‘Holiday Homes’ it is considered that the subdivision of the house and use of part of the overall property as short-term letting accommodation would be contrary to the provision of national guidance and aforementioned CDP objectives.

Furthermore, it is considered that the subdivision of the dwelling, when taken in conjunction with the other developments on site also proposed for retention, on a limited sized site without any dedicated private amenity space and on-site parking, together with inadequate floor space in respect of the converted shed, would result in substandard form of development and constitute overdevelopment of the site. The proposal would therefore be injurious to the residential amenities of the area and contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

### 3.2.1. Planning Reports

The report of the Planning Authority dated 11<sup>th</sup> December 2025 notes the site description, the nature of the development, required services, relevant Section 28 Guidelines, National Guidance, zoning objective and relevant Development Plan policy, planning history, summary of 3<sup>rd</sup> party submissions, Part V in addition to flood risk consideration, environmental screenings in relation to EIA and AA.

The report noted concern regarding the use for short-term letting in a designated rent pressure zone and the requirements of Circular Letter PL4/2019.

In respect of the conversion of the shed to the rear, accompanying documentation sets out that the structure would be for use ancillary to the main dwelling for the sole use of the applicant and will not be for commercial use of any description. No documents were submitted to substantiate the bonafides of the applicant and it was contended that the applicant had no genuine requirements for ancillary accommodation for a family member.

Furthermore the floor area of the structure falls below the minimum threshold for a studio and one bed apartment as set out in the Planning Design Standards for Apartments, Guidelines for Planning Authorities 2025 and therefore lacks basic amenity.

In respect of the subdivision seeking retention permission, the assessment had regard to the government guidance, circular letter PL4/2019 and the policies of the Development Plan. When the subdivision is taken in conjunction with the other development on site, lack of amenity space and on-site parking constitutes substandard and overdevelopment of the site which would be injurious to the amenities of the area.

The assessment concluded that retention permission be granted for the construction of an extension to the existing dwelling, elevational alterations to the house and all associated site works and services.

It was recommended that retention permission be refused for the conversion of the private shed into residential accommodation ancillary to the main house and the sub-

division of the house and use of part of the overall property as short term letting accommodation.

### 3.2.2. **Other Technical Reports**

None

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

Third party submissions received by the Clare County Council can be summarised as follows;

- If granted the development would result in three separate occupancies on one site.
- Use for short term let would be contrary to the requirements of the development plan.
- The subject property has increased in scale and gives rise to residential impact in the form of impact from construction work, imposing scale and resulting loss of light and over-looking, noise and disturbance from occupancy and associated turnover.
- The development proposes 63sqm of open space of the residential amenities of three dwellings.
- The sensitive character of the third partys property is undermined by the subject property.
- Concerned that the structure at the rear of the site was previously a turf shed and how this could function as a main residency in relation to size, services and safety.
- This structure is substandard.
- How does the proposal comply with Part V of the Planning and Development Act 2000, as amended.
- Procedural issues with the plans.

- Lack of availability of car parking.
- Pressure on infrastructure, structural integrity and fire safety concerns.
- Lack of consultation between the applicants and the third party.
- If granted the development would establish a precedent for similar unregulated development of this kind.

## 4.0 Planning History

Subject site

**UD25/80** – Warning Letter issued on 15<sup>th</sup> August 2025 for the non compliance of condition no. 3 associated with PA Ref P8/26860 and unauthorised development including the change of use from a single dwelling to three separate dwellings, the use of a shed for habitation, installation of glazing, replastering work and other sundry works to the rear of the two storey extension all without the benefit of planning permission.

Enforcement Notice issued on 26<sup>th</sup> November 2025, with a subsequent enforcement notice hand delivered on 3<sup>rd</sup> December 2025.

**PA Ref P8/26860** – Grant retention permission to Bridget Fitzpatrick on 31<sup>st</sup> October 1989 to retain the existing dwellinghouse.

## 5.0 Policy Context

### 5.1. Development Plan

Clare County Development Plan 2023-2029

The Clare County Development 2023-2029 is the operative plan for the area. This came into effect on 20<sup>th</sup> April 2023.

#### CDP 5.3

It is an objective of the Development Plan:

- (a) To encourage the reuse of upper floors above commercial premises for residential accommodation;
- (b) To promote the retention of town centre residential units and to discourage their subdivision into smaller units or conversion into non-residential uses;
- (c) To encourage the development of new residential accommodation in or adjoining town centres and to ensure that such developments provide a range of accommodation types and tenures and a high level of residential amenity;
- (d) To support the procurement of vacant town centre residential property by Clare County Council to ensure its continued use for residential purposes into the future; and
- (e) To support opportunities for the delivery of serviced sites for housing within towns and villages.

#### Section 5.2.7 Ancillary Living Accommodation

This refers to the provision of ancillary accommodation at the existing occupied residential property. The policy recognises that there are circumstances where a close relative may need to live proximate to family for support while still having a degree of independence.

For detached structures, a physical link to the main house with direct access would be desirable but is not explicitly required. The conversion of an existing detached garage to create accommodation for a family member in need of accommodation is recognised for potential.

#### CDP 5.9 Ancillary Living accommodation

It is an objective of the Development Plan: To facilitate the provision of Ancillary Living Accommodation (ALA) in appropriate locations where the proposal can clearly demonstrate that:

- (a) The proposed ALA shall be located within the immediate curtilage of an existing occupied residential property;
- (b) The existing property or ALA is to remain the primary residence of the site folio owner;
- (c) It takes cognisance of the current Housing Crisis (Demand);

- (d) There is a bona-fide need for such an ancillary unit;
- (e) The proposal does not impact adversely on either the residential amenities of the existing property or the residential amenities of the area; All applications for such units shall comply with the criteria set out in Section 5.2.8 below.

#### Section 5.2.8 Ancillary Living Criteria

It will be a requirement that all applications for Ancillary Living Units shall comply with the following criteria:

- The unit shall be modest in size and consist of no more than a combined kitchen/dining/living room, a bathroom and contain no more than two bedrooms. The unit shall not exceed a gross floor area of 100sq.m;
- If the site is not connected to public mains, it must be demonstrated that the existing wastewater treatment system on site is capable of taking any additional loading associated with the unit. Details of any required upgrades shall be submitted as part of the development management process;
- Provision for a shared vehicular entrance only will be considered and no subdivision of the garden or entrance shall be permitted;
- The extension/unit shall remain in the same ownership as that of the existing dwelling on site. In this regard, the unit shall not be sold or otherwise legally transferred, other than as part of the overall property;
- Use of the unit will be restricted from sale or short-term letting separate to the main dwelling house.

#### Section 5.2.14 Holiday Homes

This recognises the contribution that holiday homes provide to the tourism infrastructure in County Clare, particularly in the coastal areas of North and West Clare. However, the significant amount of holiday homes can also have a negative impact with high numbers of vacant dwellings in the low season. Impacts can also result from poor maintenance during times of vacancy. The quantity of holiday homes can also effect the provision of services and planning for future population growth. The settlements of Kilkee, Liscannor, Querrin, Mountshannon and Carrigaholt have the highest seasonal vacancy rates. It is recognised that the provision and distribution of

holiday homes throughout the County, particularly along the coast requires to be carefully monitored. The development management process will ensure that the overall vision of sustainable communities is achieved.

#### CDP 5.14 Holiday Homes

It is an objective of the Development Plan:

- (a) To permit holiday homes in settlements where the developments are of a scale and at a location which contribute to sustainable communities, while ensuring an appropriate balance between the number of permanent homes and holiday homes;
- (b) In settlements where an overconcentration of holiday homes has been identified, namely Ballyvaughan, Bellharbour, Bunratty, Carrigaholt, Doolin, Doonbeg, Fanore, Kilkee, Lahinch, Liscannor, Mountshannon, Querrin and Spanish Point to permit new residential development for permanent occupancy only;
- (c) In the settlements of Ballyvaughan, Bellharbour, Bunratty, Carrigaholt, Doolin, Doonbeg, Fanore, Kilkee, Lahinch, Liscannor, Mountshannon, Querrin and Spanish Point to support and facilitate the conversion of some holiday home units to permanent homes or appropriate uses where:
  - i) It can be demonstrated that both the dwellings and the associated infrastructure (open space provision, car parking, wastewater capacity etc.) are of a sufficient standard to support the proposed new use; and
  - ii) The Planning Authority is satisfied that the conversion will not have a negative impact on the tourism product in the area.

#### Section 9.2.4 Visitor Accommodation

It is recognised that to encourage tourists to visit Clare, good quality visitor accommodation must be available. The Plan acknowledges the need for a wide range of accommodation and that new accommodation should be located in towns and villages, close to the services and amenities.

#### CDP 9.5 Visitor Accommodation

It is an objective of Clare County Council:

- (a) To promote, encourage and facilitate the provision of new visitor accommodation and the expansion/upgrade of existing hotels, guesthouses, B&Bs and other tourist

accommodation at appropriate locations throughout the County, particularly in areas with existing services;

- (b) To support the redevelopment of brownfield sites, both in settlements and in rural areas, for the provision of tourist accommodation; and
- (c) To support the development of new camping and glamping facilities and facilities for campervans/motor homes/touring caravans both within settlements and in rural locations at a variety of locations across the County. Sites in rural locations should be located in close proximity to, and have good connectivity to, existing tourism assets.
- (d) To support the development of overnight accommodation in the County ensuring existing visitor attractions deliver, as far as practicable, the aims of 'Our Rural Future: Rural Development Policy 2014-2022' and the 'Town Centre First Policy'.

Chapter 10 ' Sustainable Communities', Goal X *A county where healthy and sustainable communities are developed and integrated with the timely delivery of a wide range of community, educational and cultural facilities and where, through a commitment to equality, participation, accessibility and social inclusion, the County develops as a unique location with an enhanced quality of life for its citizens and visitors.*

#### CDP16.5 Architectural Conservation Areas

It is an objective of Clare County Council:

- (a) To ensure that new developments within or adjacent to an ACA respect the established character context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes;
- (b) To protect from demolition or removal and non sympathetic alterations, existing buildings, structures, groups of structures, sites, landscapes and features such as street furniture and paving, which are considered to be intrinsic elements of the special character of the ACA;
- (c) To ensure that all new signage, lighting, advertising and utilities to buildings within an ACA are designed, constructed and located in a manner that does not detract from and is complementary to the character of the ACA; and

(d) To ensure that external colour schemes in ACAs enhance the character and amenities of the area and reflect traditional colour schemes.

**West Clare Municipal Settlement Plan** Volume 3d (Clare County Development Plan 2023-2029)

### Zoning

The site is zoned Mixed Use. The use of land for 'mixed use' developments shall include the use of land for a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/retail development as the primary use with residential development as a secondary use. Secondary uses will be considered by the local authority having regard to the particular character of the given area. On lands that have been zoned 'mixed-use' in or near town or village centres, a diverse range of day and evening uses is encouraged, and an over-concentration of any one use will not normally be permitted.

The site is located within an Architectural Conservation Area.

Section 2, 'Small Towns' of the West Clare Municipal Settlement Plan

Housing and Sustainable Communities

During the lifetime of this Plan the focus shall be on the provision of housing for permanent occupancy only on lands that are zoned for residential uses in the town of Kilkee.

## **5.2. Relevant National or Regional Policy / Ministerial Guidelines**

Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025.

Circular SPI 01/2026 – Published 3<sup>rd</sup> February 2026 **(published following the decision of the Planning Authority)**

The purpose of this circular is to clarify the current legislative and policy framework for the regulation of short term letting of houses and apartments and other accommodation in the planning system.

As there are no statutory national level planning policy in place for short term letting, assessment of such planning applications decisions should be made on the merits of

the particular application having regard to any relevant policies set out in the local authority development plan for the area.

In conjunction with or absent development plan policies, the assessment of a planning application for short term letting may also consider relevant planning matters to determine suitability. This may include;

- Access, traffic, parking, drainage, waste management, design, privacy, noise, disturbance, open space and amenities.
- The nature of the site/location and any relevant statutory designations
- Evidence of the level of housing demand in the area and in particular, the nature of the rental market.

EU Short Term Letting Regulation and Planning - EU Short Term Rental (STR) was adopted in 2024 and is required to be applicable nationally from 20 May 2026. The Department of Enterprise, Tourism and Employment is drafting Short Term Letting and Tourism (STLT) legislation to align with the STR Regulation which is expected to be in place by 20 May 2026. Registration for this will be via an on-line portal and details such as compliance with planning legislation and regulation will be required.

In parallel to the above, the Department of Housing, Local Government and Heritage committed to the preparation of a National Planning Statement (NPS) to set out policy and provide guidance for planning authorities.

In April 2025 a Government decision set out a policy direction which proposes restricting, through a general presumption against granting planning permission, short term letting in cities and larger towns with a population of more than 10,000 persons at the most recent census.

It is intended that areas outside of cities and larger town, local authorities will be encouraged to develop local policies to balance the needs of housing supply and tourism through their county development plan. In these locations there will be a greater degree of flexibility to grant planning permission for short term letting proposals that are considered suitable in planning terms.

The circular states that this statutory national planning policy is not yet in place and planning applications will be considered as set out further above.

Circular Letter PL4/2019 – published 4<sup>th</sup> June 2019

The purpose of this circular is to advise of planning legislative reforms to regulate the short-term letting sector as provided for in the Residential Tenancies (Amendment) Act 2019 and supplementary regulations, Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019 (S.I. 235 of 2019).

The arrangements form part of the measures being taken to help address pressures in the private housing rental market. The primary objective seeks to influence the bringing back of houses and apartments in designated 'rent pressure zones' which are currently being used for short term letting purposes to the traditional long term rental market.

The short-term letting of a house in a rent pressure zone is a material change of use of the property.

The main change provided for relates to where a person owns a property in a rent pressure zone which is not their principal private residence and intends to let it out for short term letting purposes, a change of use permission would be required unless the property already has a specific planning permission in this regard.

The short-term letting provisions will apply for as long as rent pressure zones are so designated.

Enforcement by planning authorities is important as there is a wide range of measures available to enforce against unauthorised short term letting activity.

### **5.3. Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site or other Natural Heritage Site.

The appeal site is located c. 6.1km to the northeast of the Illaunonearaun (001014) NHA, c. 2.6km to the northwest of Poulnasherry Bay (000065) pNHA, c. 4.4km to the south of Farrihylough (000200) pNHA and c. 5.4km to the southwest of Tullaher Lough and Bog (000070) pNHA.

The appeal site is located c. 156m to the east of the Special Area of Conservation for Kilkee Reefs (002264), c. 2.6km to the northwest of the Special Area of Conservation

for the Lower River Shannon (002165) and c. 5.4km to the southwest of the Special Area of Conservation for Tullagher Lough and Bog (002343).

The subject site is located c. 3.7km to the northwest of the River Shannon and River Fergus Estuaries Special Protected Area (004077) and c. 6.1km to the northeast of the Illaunonearaun Special Protected Area (004114).

## **6.0 EIA Screening**

6.1. The development seeking retention is not a project or 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 (or Part V of the 1994 Roads Regulations). 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**

The third-party grounds of appeal submitted by Margaret Haugh, a resident in the vicinity of the appeal site can be summarised as follows;

- Concerns regarding underpinnings and the impact of the construction on the foundations of the 3<sup>rd</sup> party's home. The submission to the Planning Authority in this regard contended that the mid block construction was built without foundations and there have been subsidence issues.
- Notes that the applicants have been refused the right to short term let and use the shed for rent on the grounds of overcrowding, inadequate floor space and pressure on parking.
- Concerns regarding fire hazards.
- No way of enforcing the decision whilst the buildings remain.
- A turf shed is turned into rentable accommodation without any planning.
- The owners have continued to build despite an enforcement notice issued by Clare County Council.

- Builders utilising the roof of the 3rd party to connect electricity
- Concerns of the 3rd party (owner of the adjacent home) that she would have no means of preventing the letting out of these buildings. The only way forward is to revert the shed back into use as a shed.
- The other buildings are opposing and look directly into the third partys house.

## **7.2. Applicant Response to the 3rd Party Appeal**

The applicant's response to the 3rd Party Appeal can be summarised as follows;

- Submitted that the grounds of appeal relied upon do not disclose any basis upon which the Commission could reasonably conclude that the proposed development would be contrary to the proper planning and sustainable development of the area.
- The appeal relies on matters that are either misconceived, outside the remit of the planning code or relate to enforcement or other statutory regimes.
- The appeal challenges only the elements granted and attempts to disturb the grant element of that decision.
- While the applicant did not appeal the elements refused within the statutory timeframe, it is appropriate in the context of a de novo determination that the broader planning merits of the overall development be addressed for completeness.
- It is also confirmed that short term letting use has ceased following the service of the enforcement notice. No commercial short term letting is currently operating from the site.
- Notes the acceptance of the extension by the Planning Authority.
- There is no technical evidence within the appeal demonstrating overshadowing, excessive dominance, loss of light or overbearing impact. The assertions without supporting analysis do not establish material planning harm.
- The extension does not introduce scale or mass inconsistent with the prevailing context.

- Considerable emphasis is placed on alleged noise and disturbance associated with the short term letting. It is confirmed that this use has ceased following the enforcement notice. The appeal concerns structural and elevational works to a dwellinghouse, not an active commercial letting operation.
- The granted works do not authorise commercial short term letting, they relate to domestic structural alterations.
- There is no evidence that the extension or elevational alterations generate noise beyond what would ordinarily arise from residential use in a town centre context.
- In respect of structural concerns, no engineering report or structural assessment has been submitted to substantiate these claims.
- Structural stability is dealt with under Building Control.
- New construction relates to very little of the overall development.
- In relation to parking, the granted development does not create an additional independent residential unit and occupancy will not be increased.
- Fire safety is dealt with under Building Regulations.
- No evidence has been provided that the development would overload infrastructure.
- The existence of enforcement proceedings is acknowledged but this does not preclude the regularisation of a development. Enforcement is not for the Commission.
- The applicant wishes to resolve all issues with the Planning Authority and fully intends to do so.
- In respect of the elements which were refused permission. The reasons rely heavily on Circular PL4/2019. This circular does not impose an automatic prohibition of short term letting. It requires an assessment in the context of housing pressure and local policy
- The site is located within a Mixed Use Zone within a coastal tourism settlement where a significant amount of similar developments are operating without the

benefit of planning permission. The applicant sought permission to abide by the planning requirements but is being punished for doing so.

- The converted shed while below the minimum thresholds for certain apartment typologies, its use was intended for ancillary accommodation. It is not the applicants intention to operate the detached structure as standalone residential or short term letting. The structure operates as a detached extension of the main house for use by the applicant and his family. A condition restricting its use could have addressed the policy concerns.
- Similarly, the subdivision of the house could have been assessed in light of tourism objectives.
- The appeal relies on subjective perception and concerns regarding a use that has ceased.
- In a town centre location, reasonable tolerance of proximate development is inherent to urban living and the extension to be retained and elevational works fall within that threshold.
- The applicant requests that An Coimisiun Pleanala dismisses the 3<sup>rd</sup> party appeal and uphold the decision of Clare County Council insofar as it granted permission for the extension, elevational alterations and associated site works.

### **7.3. Planning Authority Response**

Clare County Council by letter dated 28<sup>th</sup> January 2026 can be summarised as follows;

- Appears that the third party is of the understanding that the first party has been refused permission for 'rentable accommodation' in the converted shed at the rear of the site.
- The applicant did not seek permission to use the converted shed for holiday rental purposes. Retention permission was sought for use ancillary to the main house.
- The development was not considered to be in accordance with CDP 5.9 'Ancillary Living Accommodation' and Section 5.2.8 and refused.
- The Planning Authority can only determine an application as described in the public notices.

- Under the third schedule permission was also refused for the subdivision of the house and use of part of the overall property for short term letting accommodation.
- Should either building be used in an unauthorised manner then enforcement proceedings maybe initiated.

#### **7.4. Observations**

None

### **8.0 Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the Local Authority, and having visited the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Oral Hearing
- Scope of the Appeal
- Principle of the Development
- Residential Accommodation
- Water Framework Directive Screening
- Appropriate Assessment

#### 8.2. Oral hearing

8.2.1. The objector, Margaret Haugh, requested an oral hearing. By Order dated 24<sup>th</sup> February 2026, the Commission decided that the holding of an oral hearing was not warranted in this instance.

#### 8.3. Scope of the Appeal

- 8.3.1. As set out above, the Planning Authority issued split decision. Retention permission was refused for the conversion of the private shed into residential accommodation ancillary, to the main house and the subdivision of the house and use of part of the overall property as short term letting accommodation. Retention permission was granted for an extension to the dwelling, elevational alterations to the house and all associated site works. Concerns raised in the grounds of appeal relate to structural and fire safety, enforcement and the impact of the development upon the adjacent residential amenity.
- 8.3.2. The applicant while making a first party response to the third-party appeal did not make a first party appeal against the decision of the Planning Authority. The applicant responded to an appeal, although notes that it is appropriate in the context of a de novo determination that the broader planning merits of the overall development be addressed for completeness.
- 8.3.3. The appellant states that their major concern regarding the decision is that there is no way of the decision being enforced and preventing the buildings from being let out while the buildings remain. The appellant submits that the only way to progress is to revert the shed back into use as a shed.
- 8.3.4. I acknowledge the concerns of the appellant in this regard; however, I would contend that the decision of the Planning Authority recommended that retention permission be refused for the conversion of the shed into ancillary residential accommodation and the subdivision of the house and use of part of the overall property as short term letting accommodation. While I acknowledge that the applicant has set out in the response to the appeal that the short-term letting use has ceased. Upon site inspection, it was evident there were separate occupants due to the references of main dwelling, therefore it can be concluded that the cottage to the front of the site was in a different occupancy to that of the structure to the rear and therefore the dwelling appears to remain in a subdivided status.
- 8.3.5. It is a matter for the Enforcement Section of Clare County Council to ensure that the site has been resolved to one residential use only. The Planning Authority acknowledge this within their submission. Enforcement is not a matter for the Commission and is therefore outside of the scope of this appeal.
- 8.3.6. The appellant raises concerns in respect of structural stability and fire safety. I acknowledge the concerns raised however I would submit that the structural stability and fire safety of a building is a matter for compliance with Building Regulations which would be evaluated

under a separate legal code and thus need not concern the Commission for the purposes of this appeal. These concerns are outside the of the scope of the appeal.

- 8.3.7. I acknowledge that the submission sets out that the builders utilised the roof of the 3<sup>rd</sup> party to connect electricity without consent, I consider that this is a civil issue to be resolved between the parties having regard to the provisions of Section 34(13) of the Planning and Development Act 2000, as amended and therefore outside of the scope of the appeal.

#### 8.4. Principle of the Development

- 8.4.1. I consider that the extension and elevational changes to the dwelling seeking retention permission are acceptable within the Mixed Use zoning objective.
- 8.4.2. The Land Use Zoning Matrix sets out that Residential – dwelling (short term tourist accommodation) is open for consideration within the Mixed Use Zoning Objective.
- 8.4.3. The Mixed Use Zoning Objective refers to the provision of a range of uses under the considerations of primary and secondary uses. Commercial / retail are considered to be the primary use with residential development considered as a Secondary use. It is set out that secondary uses will be considered by the Local Authority having regard to the particular character of the given area. From site visit I would consider that the subject street is primarily established residential with intermittent commercial uses. In this context, I consider that the use for short term letting accommodation would not in principle conflict with the land use zoning objective for the area.
- 8.4.4. The assessment of each element will be subject to the detailed considerations below.

#### 8.5. Residential Accommodation

##### Conversion of Shed to Ancillary Residential Accommodation

- 8.5.1. The development seeks to retain the previously converted shed into use for the purposes of residential accommodation ancillary to the main house. I acknowledge the appellants submission which refers to the converted turf shed as being rentable. I note the development description and notwithstanding uses operating prior to enforcement, the development description is clear in terms of the use of this structure. The Planning Authority in their response have also clarified this issue.
- 8.5.2. As part of the planning application, the applicant indicated that the converted shed is for use ancillary to the main dwelling for the sole use of the applicant and is not for use for

commercial purposes. The Planning Authority contended that no documents had accompanied the application to substantiate the need of the applicant. A justification / need for the provision of ancillary living accommodation is required by Development Plan Objective CDP5.9. I also note that the summary of the unauthorised development in the report of the Planning Authority (UD25/80) stated that the building at the rear of the site (the converted shed) was at one point actively listed on Airbnb for rent.

8.5.3. The response to the third-party appeal states that it is not the applicant's intention to operate the converted shed building as a standalone residential or short-term let building. The structure is intended for use by the applicant and his family as a detached extension of the main house.

8.5.4. I refer to Development Plan Objective CDP5.9, Section 5.2.7 and Section 5.2.8 of the Clare County Development Plan which specifically relates to Ancillary Living Accommodation. Section 5.2.7 recognises that there may be circumstances other than age where a close relative may need to live close to their family for support while still enjoying some degree of independence. Examples of such circumstances provided in the Development Plan include illness and disability. The policy sets out that the conversion of an existing detached garage to create accommodation for a family member in need of accommodation can be considered. Section 5.2.8 explicitly states that the use of the unit will be restricted from sale or short term letting separate to the main dwelling house.

8.5.5. While I acknowledge that this structure is located within the immediate curtilage of the property, CDP 5.9 requires that the existing property or ancillary living accommodation (ALA) is to remain the primary residence of the site folio owner. The information within the applicant's response to the third-party appeal sets out that the structure would be for use by the applicant and his family only as a detached extension of the main house, however there is no statement to demonstrate compliance with this requirement of CDP 5.9 in respect of ownership.

Objective CDP 5.9 requires that there is a justification for such an ancillary unit. I am not satisfied that the applicant has provided a robust justification for this structure. I agree with the Planning Authority in relation to the lack of justification for the need for the ancillary living accommodation. I note that the recommendation of the Planning Authority did not include this as a reason for refusal. This is a new issue, and the Commission may wish to seek the views of the parties. However, having regard to the substantive reasons for refusal set out

below, it may not be considered necessary to pursue the matter. I recommend that permission also be refused in this regard.

8.5.6. I would submit that in the event satisfactory details were provided to demonstrate a justification, a condition could be included as part of a grant of permission restricting the use of the structure from sale or short term letting.

8.5.7. The Planning Authority contended that the structure by virtue of the floor area would be substandard as it lacks basic amenity in terms of the internal floor area. In the applicant's response to the third-party appeal, it is contended that as the structure operates as a detached extension of the main house for use by the applicant and his family it is therefore not required to comply with the minimum floor area requirements for apartments. I acknowledge the applicant's contention; however, the internal layout of the structure is set out as a one bed residential unit indicative for human habitation rather than an extension of living space. An extension of the dwelling such as a 'garden room' would not require an amenity level that a structure for habitation would. By virtue of the detached nature from the main dwelling and the design as a dwelling there is no ability for occupants to share the wider internal amenity space of the main dwelling. As set out, no specific details have been provided regarding the intended occupancy and frequency of occupancy of this structure. In this regard, on the basis of the internal layout and the detached nature I submit that consideration must be given to the floor area available and the corresponding internal amenity level. I acknowledge that Section 5.2.8 'Ancillary Living Criteria' of the County Development Plan, sets out that such structures cannot exceed a gross floor area of 100sqm but that no minimum floor area is stated. I would submit that 100sqm would be a generous floor area for developments of this nature. In this regard for comparative purposes, I refer to the minimum floor areas as set out in the document Planning Design Standards for Apartments, Guidelines for Planning Authorities. One bed units are required to have a minimum floor area of 45sqm. I consider that the floor area of the subject structure would be materially below the maximum threshold of floor area as set out in Section 5.2.8 of the Plan but also would be below the minimum floor area requirement for a 1 bed apartment. It is my opinion that the structure in the absence of information to demonstrate otherwise is indicative of a substandard internal amenity. I would therefore concur with the Planning Authority in this regard that the converted shed would not be suitable for human habitation.

8.5.8. On the basis of the information provided within the application documents and applicants response to the third-party appeal together with the planning history of the site I am not satisfied that the applicant has satisfactorily demonstrated how the use of this structure as an ancillary residential unit complies with the provisions of Development Plan Objective CDP5.9.

#### Sub-division of the House

8.5.9. The applicant has also sought retention permission for the subdivision of the house and for use of part of the overall property as short term letting accommodation. The existing dwelling is a traditional small mid terrace cottage which has the benefit of a substantially sized extension.

Section 5.2.2 of the development plan sets out that it is an aim of the development plan to encourage greater levels of residential occupancy in town and village centres.

From the offset I would consider that the subdivision of the dwelling at this location into one dwelling for use as residential and one dwelling effectively for use for commercial purposes would be contrary to Development Plan Objective CDP 5.3 which seeks to promote the retention of town centre residential units and to discourage their subdivision into smaller units or conversion into non-residential uses. I note that the report of the Planning Authority did not raise this concern. This is a new issue, and the Commission may wish to seek the views of the parties. However, having regard to the substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter. I recommend that permission be refused in this regard.

8.5.10. Section 5.2.14 of the Development Plan acknowledges the importance of holiday homes as part of the tourism infrastructure in Co. Clare but also recognises the negative impacts of vacant dwellings in the off-peak season. The policy also sets out that the development management process will seek to ensure that the overall vision of sustainable communities is achieved. I refer to Chapter 10 of the Development Plan entitled 'Sustainable Communities' and Goal X which sets out the following *A county where healthy and sustainable communities are developed and integrated with the timely delivery of a wide range of community, educational and cultural facilities and where, through a commitment to equality, participation, accessibility and social inclusion, the County develops as a unique location with an enhanced quality of life for its citizens and visitors.* In this regard, I would consider that while the objective seeks to promote the development of the County, it also

acknowledges that alongside such development, the quality of life of the citizens must be considered.

- 8.5.11. In this regard I refer to Development Plan Objective CDP5.14 which identifies Kilkee as being a settlement with an over concentration of holiday homes and requires that new residential development only be permitted for permanent occupancy only. Development Plan Objective CDP9.5 encourages the provision of visitor accommodation at appropriate locations throughout the county.
- 8.5.12. I consider that the requirements of CDP 5.3, CDP 5.14, CDP 9.5 and the provisions of Circular SPI 01/2026 should be considered cumulatively to determine the acceptability of the subdivision of and material change of use of the property, 'Part B' into short term letting accommodation.
- 8.5.13. The Planning Authority referred to Circular Letter PL4/2019 'New Regulation of Short-Term Letting' and the development objectives of the development plan and recommended retention permission be refused as it would be contrary to national guidance.
- 8.5.14. The applicant's response to the third-party appeal contends that Circular PL4/2019 does not impose an automatic prohibition on short-term letting but requires an assessment in the context of the housing pressure and local policy. The applicant's response to the appeal notes the location of the site within a coastal tourism settlement where a significant amount of similar developments are operating without the benefit of planning permission. It is contended that by seeking permission to abide by the requirements of planning legislation that the applicant is being in some way punished. I acknowledge the applicant's contention in this regard, however I note that retention permission rather than permission is being sought following enforcement proceedings by the Local Authority.
- 8.5.15. I note that an updated circular published on 3<sup>rd</sup> February 2026 is now available in relation to Short Term Letting and the Planning System, Number SPI 01/2026. This circular sets out that there is currently no statutory national level planning policy in place with regard to short term letting although individual local authorities may devise their own locally determined development plan policies. The circular sets out that planning decisions may be made on the merits of the particular application having regard to any relevant policies set out in the local development plan for the area in question. In conjunction with or in the absence of development plan policies, the assessment may also consider relevant planning matters to determine suitability. In light of the foregoing and as noted above, I acknowledge

Development Plan Objectives CDP 5.3 and the provisions of CDP 5.14 and CDP 9.5 are relevant and would consider as per the Circular, the merits of the particular application. In this regard I consider that the nature of the short term letting accommodation should be considered in the context of the wider application on the lands and not in isolation. The relevant planning matters in this instance would be parking, noise, disturbance, nature of the site and evidence of the level of housing demand in the area.

8.5.16. Concerns were raised in relation to the provision of parking. Given the mid terrace nature of the property, no on-site parking is achievable. The development effectively subdivides the existing dwelling into two units, Part A (main dwelling) and Part B (short term letting) and therefore generates an additional parking demand over and above that of a single dwelling. While the existing dwelling would have a requirement for 1 space, the occupancy of the unit for short Term let, would in my opinion be greater than that of a traditional dwelling and likely have a greater attraction for carparking requirements. Having regard to the lack of information regarding the occupancy of the ancillary residential unit, it is unclear but likely the occupant would require car parking. Table A3 does not set out the parking requirements for short term letting or holiday homes but a similar use as a hotel/guesthouse/B&B/Hostel is 1 space per bedroom or a conservative use as an additional dwelling would be 1 space with another space for the ancillary residential unit. I also note that Table A3 also sets out that a visitor parking requirement of 1 space per 3 residential units would be required. Parking is on-street and constrained.

8.5.17. In general, I would consider that urban living within a town centre context allows for a certain threshold of noise that may not normally be experienced in an explicitly residential development. However, in this instance, at time of site visit, while being located within the town centre, I would submit that the established character of Chapel Street is predominantly established residential with the presence of a school and pub. I would submit that the area to the west along O'Curry Street to be more consistent with that of the town centre proper.

8.5.18. Notwithstanding the foregoing, I consider that the nature of short-term letting would tend to create nuisance and disturbance in a greater capacity than say a residential dwelling with a single occupancy with regard being had to the high turnover of occupants and potential extent of occupancies of such units. I accept that in certain instances such a use could be accommodated for, however, in this instance, I would submit that such change of use, when considered cumulatively with the additional residential elements and their access

arrangements by virtue of the intensification of use of the site would contribute to noise and disturbance that would not normally be experienced by a single occupancy dwelling within a terrace. In the context of the mid terrace location of established properties an impact of this scale of development would be more intrusive upon a sensitive receptor such as an adjoining dwelling than within a detached structure or at a location within the town centre proper where there is a concentration of noise generating uses. I note this was raised as part of the submission to the Planning Authority. I do not consider that the overall development is an appropriate scale for this location.

8.5.19. Having regard to the context of the site and the built footprints of the subject and adjoining dwellings, I do not consider that impact to privacy arising from this element of the development would be a detrimental issue.

8.5.20. The applicant contends that the subdivision of the dwelling could have been assessed in light of tourism objectives and balanced against housing considerations. Circular SPI 01/2026 also notes that consideration should be given to evidence of housing demand in the area. As per CDP 5.14, Kilkee is acknowledged as having an over concentration of holiday homes and that new residential development should be for permanent occupancy only. Furthermore, CDP 9.5 seeks to encourage the provision of visitor accommodation at appropriate locations throughout the County. I note the applicant's contention in this regard however I would also note that the applicant has not provided an evidence-based assessment of the extent of holiday homes/ similar uses in the immediate vicinity to demonstrate whether or not there would be capacity to accommodate such a use at this location. The submission does however state that there is a significant amount of similar developments in this coastal tourism settlement which I would consider is reflective of CDP 5.14. In this regard I submit that, there is a presumption against the provision of holiday homes in Kilkee with Section 5.2.2 of the development plan seeking to encourage greater levels of residential occupancy in the town and village centres across the County and CDP 9.5 which refers to the development of such facilities in appropriate locations.

8.5.21. As noted in the Circular SPI 01/2026, consideration must be given to the merits of the particular application. I consider that this is important in the context of the subject application. The subject development does not solely propose the change of use to short term letting accommodation but also includes for the subdivision of the existing dwelling in addition to the change of use of a shed into ancillary residential accommodation. The assessment has

considered the developments seeking retention permission in a cumulative manner regard being had to the extent of development seeking to be regularised on the subject site. The subject property is a mid-terrace cottage which has been substantially extended in the past, albeit in a capacity of a single dwellinghouse. I consider that the development as presented effectively consists of 2 separate units (one for the purposes of a dwelling house and one for commercial short term letting accommodation) and one ancillary residential unit on the site. The internal layout of the unit to be for use for short term accommodation does not detail the potential occupancy. It is my consideration that the original form of dwellings of this nature have a limited capacity to absorb excessive levels of development without being unduly dominant either in scale or intensification of use. There is only one area of private amenity space (c. 67sqm), which is completely hard surfaced and appears accessible only to the main dwelling and the ancillary residential accommodation and no provision of additional car parking.

8.5.22. I recognise that the applicant explicitly states that the short term letting use has ceased and therefore issues in relation to noise, disturbance and car parking all relate to a that of a dwellinghouse and not that of a commercial use. The applicant's contention regarding the cessation of the use is welcomed however, I consider that the assessment of the development and resulting recommendation must be consistent with the development as described in the statutory notices. I concur with the decision of the Planning Authority in this regard.

8.5.23. I do not consider that the subject site is conducive to the scale of development and the subdivision that has taken place. I consider the manner in which the subdivision has been undertaken is contrived and insensitive to the established character of the area. In this regard, I would concur with the Planning Authority that the overall scale of development seeking retention permission constitutes an inappropriate over development of the site which would be injurious to the surrounding amenities.

#### 8.6. Extension and Elevational Alterations to the Dwelling

8.6.1. The appellant refers to the 'other buildings' as being imposing and look directly into their property. I note that the appellant resides in the adjoining dwelling to the southeast. The appellant's dwelling is also a single storey cottage with the benefit of an extension to the rear comprising of a ground and first floor level. I note that the extension on the subject site as built is located in the northeast of the site, adjacent to the appellants extension.

- 8.6.2. This extension incorporates the provision of two windows at first floor level, one serving an en-suite and one serving a bedroom. The window serving the bedroom was indicated to have originally been located on the northeastern elevation.
- 8.6.3. I acknowledge the concerns of the appellant however, in this instance, the relocated window does not give rise to undue over-looking impact having regard to the outlook of the window over the roof of the appellants extension. For clarity I note that the site layout plan which accompanies the application does not detail this extension, however it is illustrated on the Site Location Map and evident from site visit. It is my opinion that the directionality of outlook from this window would be onto the roof slope of the adjacent extension rather than a directly opposing first floor window or private amenity space. In this instance, based on the merits of the context of the site, I do not consider that the relocated window onto the southeastern elevation would give rise to undue levels of over-looking that would be detrimental to the adjacent residential amenities.
- 8.6.4. Having regard to the orientation of the site relative to the path of the sun, the infill location of the extension within the site and the relationship of the extension with the built footprint of the adjacent dwellings to the southeast and northwest, I do not consider that undue overshadowing issues arise.
- 8.6.5. Having regard to the location of the extension seeking retention permission, its infill nature and the relationship to the extension in the adjacent property to the southeast, I do not consider that this structure would give rise to undue overbearance impact to surrounding residential amenities.
- 8.6.6. By virtue of the location of the extension seeking retention permission and the alterations to the elevations, I do not consider that undue visual impact arises when viewed from within the rear gardens of the surrounding sites or from Chapel Street. For similar reasons, the development does not give rise to undue impact to the character of the Architectural Conservation Area.
- 8.6.7. I consider that these works are acceptable and integrate appropriately without undue impact to the residential or visual amenities of the area. I concur with the recommendation of the Planning Authority in this regard.

## 9.0 AA Screening

9.1. I have considered the development seeking retention permission in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site.

9.2. The appeal site is located c. 156m to the east of the Special Area of Conservation for Kilkee Reefs (002264), c. 2.6km to the northwest of the Special Area of Conservation for the Lower River Shannon (002165) and c. 5.4km to the southwest of the Special Area of Conservation for Tullaheer Lough and Bog (002343).

9.3. The subject site is located c. 3.7km to the northwest of the River Shannon and River Fergus Estuaries Special Protected Area (004077) and c. 6.1km to northeast of the Illaunonearaun Special Protected Area (004114).

9.4. The development is seeking retention permission for

- (a) the construction of an extension to the dwelling house
- (b) For elevational alterations to the house
- (c) For the conversion of a private shed to residential accommodation ancillary to the main house
- (d) For the subdivision of the house and use of part of the overall property as short term letting accommodation
- (e) All associated site works and services.

9.5. Having considered the nature, scale and location of the development seeking retention permission I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- No physical works are to be undertaken.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

9.6.I conclude that on the basis of objective information, that the development seeking retention permission 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

An assessment of the development seeking retention permission has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

Having considered the nature, scale, and location of the development, it is concluded that the development does not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

In addition, the development does not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

Accordingly, the development is considered to be compliant with the requirements of Article 4.

## 11.0 **Recommendation**

I recommend a split decision as follows:

I recommend that retention permission should be granted for the construction of an extension to the dwelling house and for elevational alterations to the house and all associated site works for the reasons and considerations (1) set out below.

I recommend that retention permission be refused for the conversion of a private shed to residential accommodation ancillary to the main house and for the subdivision of the house and use as part of the overall property as short term letting accommodation for the reasons and considerations (2) set out below;

## 12.0 **Reasons and Considerations (1)**

Having regard to the grounds of appeal, the context of the subject site within an established residential area in the town centre together with the built footprint of the adjoining dwellings to the northwest and southeast and the provisions of the Clare County Development Plan 2023-2029 it is considered that the development subject to compliance with the condition below would not negatively impact upon the residential or visual amenity of the area and is consistent with the proper planning and sustainable development of the area. .

## 13.0 **Conditions**

1. The development to be retained shall be in accordance with the plans and particulars lodged with the application on the 31st day of October 2025.

Reason: In the interest of clarity.

## 14.0 **Reasons and Considerations (2)**

I recommend that retention permission be refused for the conversion of a private shed to residential accommodation ancillary to the main house and for the subdivision of the house and use as part of the overall property as short term letting accommodation for the reasons and considerations set out below;

1. The subdivision of the existing house would be contrary to Development Plan Objective CDP 5.3 and having regard to the use of part of the overall property as short term letting accommodation would be contrary to the provisions of Development Plan Objective CDP 5.14 which identifies Kilkee as having an over concentration of holiday homes and the need for permanent residential occupancy only and Development Plan Objective CDP 9.5 which seeks to facilitate such accommodation at appropriate locations throughout the County.

2. Furthermore, when each of the residential elements of the development are considered cumulatively, the overall intensification of use, together with the constrained nature of the site, limited provision of private amenity space, lack of car parking and substandard ancillary residential accommodation the Commission is not satisfied that the site is conducive to the subdivision which has taken place. The development therefore constitutes a substandard overdevelopment of the site and would seriously injure the amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. The applicant has not satisfactorily demonstrated compliance with Development Plan Objective CDP5.9 in which it is a requirement to provide a justification for ancillary living accommodation.

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.

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Carol Hurley

Planning Inspector

29<sup>th</sup> April 2026

## Form 1 - EIA Pre-Screening

### No EIAR Submitted

<b>Case Reference</b>	PL-500646-CE-26
<b>Proposed Development Summary</b>	Retention permission for (a) the construction of an extension to the dwelling house, (b) for elevational alterations to the house, (c) for the conversion of a private shed to residential accommodation ancillary to the main house, (d) for the sub-division of the house and use of part of the overall property as short term letting accommodation and (e) all associated site works and services.
<b>Development Address</b>	Maggie Janes, Chapel Street, Kilkee, Co. Clare
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_