



An
Coimisiún
Pleanála

Inspector's Report

PL-501130-CE-26

Development

The retention: of the following additions as constructed a) rear garage/storage space together with all associated site development works and services.

Location

22 Hillcrest Grove, Kilkishen, County Clare.

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

2660033

Applicant

Jim Cleary.

Type of Application

Permission.

Planning Authority Decision

Permission with conditions.

Type of Appeal

Third Party

Appellant

Donna Tuohy

Observers

None

Date of Site Inspection

16th June 2026.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The site is located in the village of Kilkishen in the east of County Clare and is located within an established residential estate comprising two storied semi-detached dwellings within a cul de sac.
- 1.2. On the site is a two storied semi-detached dwelling located on the western side of a residential road with gardens to the front and south of the dwelling. There are similar type dwellings located to the north and south of the appeal site. There is a single storied flat roof garage attached to the gable of the dwelling which is similar to other dwellings on the road.
- 1.3. In the rear garden of the site there is a detached building/shed which is single storied in height with a pitch roof which is the subject of the appeal located in close proximity to the rear boundary of the site. The structure has an internal division into two compartments and at the time of inspection was used for storage and not habitation. There are two windows and a door on the front (northeastern) elevation facing onto the rear garden.
- 1.4. There are boundary walls approximately 1.8 metres rising to approximately 2 metres in height immediately adjoining the rear elevation of the dwelling along the rear side boundaries.
- 1.5. The site has a stated area of 0.029 hectares.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 27th January 2026 was for;
 - The retention of a rear garage/storage space together with all associated site development works and services. The structure is located in the rear garden and located in close proximity to the rear boundary of the site and the side boundaries and extends almost across the width of the site. There is a door and two windows on the elevation facing towards the rear of the dwelling on the site.

- The structure is single storied in height with a pitched roof with a height to ridge level of 3612mm to the roof ridge and the width of the shed is 9400mm extending almost across the entire width of the site.
- The floor area of the proposed retention is stated as 28.20m² with the existing other building on the site having a stated area of 149.0m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to three conditions. Condition no.2 limited the use of the garage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 6th March 2026 refers to the planning history, development plan provisions, submissions received referring to a 3rd party observation and an assessment of the development.

- 3.2.2. The assessment focused on the principle of the development which was considered acceptable in principle and residential amenities noting the subject development is situated in the back garden of an existing dwelling in an estate and closely adjoins the back and side walls of the garden. Its height is proportionate and slightly above that of the boundary walls. It comprises windows and a glazed doorway on the front elevation facing the back of the house and does not give rise to overlooking of adjoining properties' private amenity space, and the structure appears to be in use for purposes ancillary to the enjoyment of the dwelling and not for habitable or other uses.

- 3.2.3. Permission was recommended.

3.3. Other submissions

A 3rd party submission was received referring to the structure overlooking an adjoining property, compromising privacy and residential amenities.

4.0 Planning History

- 4.1.1. UD24-056 Unauthorised development complaint relating to the subject of this application.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plan is the Clare County Development Plan 2023–2029.
- 5.1.2. The site is within an Existing Residential Zone within the Kilkishen Settlement Boundary.
- 5.1.3. There are no specific development plan provisions relating to garden rooms / domestic structures.

5.2. Natural Heritage Designations

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

6.0 EIA Screening

- 6.1. The proposed development is not a Class to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside. I refer in this regard to Form 1 - EIA Pre-Screening attached to this report.

7.0 The Appeal

7.1. Grounds of Appeal

The appellant grounds of appeal in summary refers to;

- The structure is laid out like a granny flat with two windows, a patio door with two rooms which are divided with a wall and internal door.

- The structure has no measurements from the side boundary wall and is at an angle facing the appellant's house and impacts her dwelling impacting on privacy.
- The question is asked as to why would you need a storage area when there is a garage attached to the dwelling.
- The height of the wall was not raised to give privacy and the appellant cannot raise the wall without breaking the law.
- There is no similar type of building in the area.
- The submission includes photographs in support of the matters raised in the grounds of appeal.

7.2. Planning Authority Response

- 7.2.1. The planning authority in a response dated the 6th May 2006 refers to the planner's report on the file.

8.0 Assessment

- 8.1. The main issues in this appeal relate to the principle of the development and issues as stated in the grounds of appeal. Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.
- 8.2. In relation to the principle of the development the structure is located in the rear garden of a dwelling and subject to an assessment and consideration of potential impacts arising in relation to residential amenities, the structure is acceptable in principle.
- 8.3. The grounds of appeal largely refer to concerns on relation to the layout of the development, that it laid out like a granny flat with two windows, a patio door with two rooms which are divided with a wall and internal door that it is at an angle facing the appellant's house and impacts her dwelling impacting on privacy and there is no need a storage area when there is a garage. Issues are raised in relation to impacting on residential amenities and that the height of the wall was not raised to give privacy and the appellant cannot raise the wall without breaking the law.

- 8.4. In relation to the development the structure which is single storied with a pitch roof it extends almost across the width of the garden with a small separation from the side boundaries. In relation to its height, it is approximately 3612mm to ridge of the roof and approximately 2500mm to the eaves. There are windows and a glazed doorway on the front elevation which faces the rear of the house located approximately 10 metres from the structure.
- 8.5. The primary concern arises from the potential of overlooking of the adjoining properties from the windows of the structure and while noting the side walls of the garden are lower than the upper level of the windows from a visual inspection of the site including views from within the structure, the height of these does not give rise to overlooking of adjoining properties' private amenity space and the properties themselves. I do not consider the retention of the development will adversely impact on the residential amenities of adjoining properties in relation to significant direct overlooking or give rise to a loss of privacy in particular to the rear garden amenity area.

9.0 AA Screening

- 9.1. I have considered the proposal for the retention as constructed of a rear garage/storage space together with all associated site development works and services.
- 9.2. The development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. Having regard to the location, nature and scale of the proposed development confined within an established residential property, and the absence of connectivity to European sites it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these European sites.

10.0 Water Framework

- 10.1. The subject site is not located immediate to a waterbody The development comprises the retention of minor construction works as referred to in section 2 of this report. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies 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. The reason for this conclusion is as follows:

- Nature of works regarding the nature and scale of the development.
- The context of the surrounding area.
- Location and distance from nearest Water bodies and lack of hydrological connections.

Conclusion

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

11.0 Recommendation

11.1. I recommend that permission be granted.

12.0 Reasons and Considerations

12.1. Having regard to the nature of the development, the existing residential use on the site; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; it is considered that the development would not have a significant adverse effect on the residential amenities and would not detract from the visual character of the area and would not be contrary to the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development permitted herein shall be retained in accordance with the drawings and particulars as received by the Planning Authority on the 27th day of January 2026, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity
2.	The rear garage/storage space permitted herein shall not be used for human habitation, or any commercial activity or for any other purpose than a purpose incidental to the enjoyment of the dwelling. Reason: In the interest of residential amenity and the orderly development of the area.

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

Derek Daly
Planning Inspector

7th July 2026

Form 1 - EIA Pre-Screening

Case Reference	PL 501130-CE-26
Proposed Development Summary	The retention: of the following additions as constructed a) rear garage/storage space together with all associated site development works and services.
Development Address	22 Hillcrest Grove, Kilkishen, County Clare.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ X No , it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ , it is a Class specified in Part 1.	No
☐ X No ,	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
x No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
No , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

No	
----	--

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes ☐	Screening Determination required (Complete Form 3)
Yes X ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 7th July 2026