



An
Coimisiún
Pleanála

Inspector's Report PL-501254-CE-26

Development	Retention of boundary wall and metal clad roofing of existing house planning ref.: 21/1105.
Location	Gortnamuck, Ballynacally, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	25242
Applicant(s)	Laura Corbett
Type of Application	Retention
Planning Authority Decision	Split Decision
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Laura Corbett
Observer(s)	None
Date of Site Inspection	23 rd of July 2026
Inspector	Caryn Coogan

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1.0 Site Location and Description

- 1.1. The subject site is 0.355Ha and is located in a rural area of Co. Clare. It is located in the townland Gortnamuck, which is approximately 2km northwest of Ballynacally village in Co. Clare.
- 1.2. There is a single storey contemporary dwelling on the site and a detached garage.
- 1.3. The Owenslieve River abuts the site along its western boundary.
- 1.4. The site is elevated above the level of the access road and the Clondagad Bridge.
- 1.5. The boundary walls for retention are obvious along the site boundaries,

2.0 Development

- 2.1. The development is to RETAIN the boundary wall as constructed and to RETAIN metal clad sheeting on the roof of existing dwelling house.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Clare Co. Co. decided a split decision:

The Council GRANTED planning permission for retention of the roof. This grant of permission included Condition No. 3 cited below:

Within 3 months of the date of this permission, the applicant shall remove the garden pathway and gabion baskets which extend into the riparian zone of the Owneslieve River and submitted photographs of the completed works to the Planning Authority for written agreement.

Reason; In the interest of environmental protection and to prevent flooding.

The Council REFUSED retention of the boundary wall for one reason:

It is considered that the boundary wall to be retained by reason of its spatial extent, its height, material finishes and use of railings, would constitute an inappropriate

form of development in this rural area which is injurious the visual amenities of the area and which would be contrary to Objective CDP 14.2 (Settled Landscapes) of the Development Plan which requires that structures reduce visual impact through a careful choice of forms, finishes and colours. The proposed development would therefore be contrary to proper planning and development of the area and would set an undesirable precedent for other such developments in a rural area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The alterations of roof materials to the standing seam metal finish does not have an adverse impact on the visual amenities of the area.
- Landscaping and planting is required along the walls to integrate them into the rural setting.
- A boundary wall has been placed where the permitted polishing filter is positioned. This requires clarification
- There is a pathway constructed along the riparian zone. This requires further clarification.
- Further Information was requested.
- Following further information, the location of the polishing filtered was considered to be in the permitted position and where trial holes were dug. The proposed planting considered to be acceptable.
- Recommendation to grant planning permission for retention of the entire development.
- AA Screening Report
- The Senior Planner recommended a split decision. The boundary wall is considered to be inappropriate at this rural location.

3.2.2. *Other Technical Reports*

- None received.

3.3. Prescribed Bodies

There were none received.

3.4. Third Party Observations

There were none recieved.

There was a political representation from a local County Councillor.

4.0 Planning History

4.1 *Planning Reference 21-1105*

Laura Corbett granted planning permission to construct a dwelling house and garage, new site entrance, wastewater treatment plant and connect to public services.

4.2 *UD25-035 Enforcement Notice*

Notice issued on 17th of April 2025 regarding river side rock armouring, decking and landscaping works. The site inspection revealed the pathway of the gabion baskets continues to extend into the riparian zone.

5.0 Policy Context

5.1 Development Plan

The Clare County Development plan 2023-2029.

The site is located within a 'Settled Landscape'. The objective relevant to Settled Landscapes is:

14.3.2.1 Settled Landscapes 'Settled Landscapes' comprise the network of farmland, villages and towns that make up the majority of the county. These landscapes are where the majority of the population live and work. They provide opportunities for enterprise, leisure and personal fulfilment. They contain the resources of land, soil, minerals and water that are used to sustain the economy. They accommodate the roads, powerlines, quarries and piped services that service settlements and industry. Settled Landscapes also contain areas of concentrated development – called

‘Working Landscapes’ which are considered in more detail below. Uses envisaged within Settled Landscapes include agriculture, energy, forestry, extraction, transportation, industry, commerce, tourism, recreation, leisure, education, residential, healthcare and social infrastructure.

CDP 14.2 It is an objective of Clare County Council:

To permit development in areas designated as Settled Landscapes to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- I. Conformity with all other relevant provisions of the plan and the availability and protection of resources;
- II. Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;
- III. Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate:

- a) That the site has been selected to avoid visual prominence
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

5.2 Natural Heritage Designations

The site is located c. 1km west of-

- the Lower River Shannon SAC (002165)
- the River Shannon and River Fergus Estuaries SPA (004077) and
- Proposed Natural Heritage Areas: Fergus Estuary And Inner Shannon, North Shore (002048).

6.0 EIA Screening

Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The refusal is being appealed under the following grounds:

- Laura Corbett was unaware there was a height restriction in relation to what constitutes exempted development. The wall height is generally 2m or less in one or two places and it goes to 2.3m on the house side. The outside wall is 1.2m above ground level. This wall is to be stockproof.
- Some planting has taken place and it is planned to have more concentrated planting, such as ivy and other fast-growing creepers)
- The land outside of the walls is owned by the applicant's father.
- The roadside boundary is already planted with native hedgerow species.
- The planning report stated the proposed planting should offset the visual concerns, therefore it is difficult to understand the refusal.
- The appeal has been accompanied by photographs from the site.

7.2. Planning Authority Response

Clare Co. Co. has made the following comments on appeal:

- The external finishes and railings associated with the boundary wall are considered to be inappropriate in a rural context by reason of their height and finishes.
- The landscaping proposals are not considered to be sufficient to screen the wall.

- The wall is considered to constitute an inappropriate form of development in this rural area which would be injurious to the visual amenities of the area and contrary to objective 14.2 (Settled Landscapes) in the county development plan.

8.0 Assessment

- 8.1 The original planning permission for the dwelling was granted to the applicant, Ms Laura Corbett, under planning reference 21/1105. The planning authority issued an enforcement notice in respect of alleged non-compliance with the permission in 2025. I note, UD25-035 Enforcement Notice issued on 17th of April 2025 regarding river side rock armouring, decking and landscaping works. The Council stated on the enforcement file, a site inspection revealed the pathway of the gabion baskets continued to extend from the site into the riparian zone along the western site boundary. The western site boundary is the Owenslieve River. The current appeal relates to a planning application that was submitted to Clare Co. Co. on 29th of July 2025, for retention of the boundary wall around the periphery of the site, and the metal roof on the dwelling house.
- 8.2 The Council granted planning permission for retention of the metal roof. The dwelling is single storey, and contemporary in design. The house is elevated above the level of the road. The roof profile is low profile, in my opinion, the roof is not the main feature of the dwelling. The gable design and fenestration are the main features of the contemporary façade. The walls of the dwelling are rendered and painted white, with dark windows to match the black roof. I consider the roof finish and specification to be appropriate to the design of the dwelling and the rural setting.
- 8.3 The retention of the boundary wall was refused for one reason:
- It is considered that the boundary wall to be retained by reason of its spatial extent, its height, material finishes and use of railings, would constitute an inappropriate form of development in this rural area which is injurious to the visual amenities of the area and which would be contrary to Objective CDP 14.2 (Settled Landscapes) of the Development Plan which requires that structures reduce visual impact through a careful choice of forms, finishes and colours. The proposed development would*

therefore be contrary to proper planning and development of the area and would set an undesirable precedent for other such developments in a rural area.

The section of the Clare County Development Plan 2023 cited in the reason for refusal is **CDP 14.2**, whereby it is an objective of the Council to permit developments within the Settled Landscapes designation that are appropriate to rural areas in Co. Clare, the applicant must demonstrate the following:

- a) That the site has been selected to avoid visual prominence
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

8.4 The subject site is located above the level of the road. The assessment of this case is not directed at the entire development, the issue under assessment is the boundary wall only. In my opinion, when viewing the site from the surrounding area in particular the approach from Clonegad Bridge, the boundary wall is very prominent and dominates the legibility of the overall development on the site. I except the design, height and finish of the subject wall is a subjective issue. However, in my opinion, the wall creates a significant visual impact when viewed from the public road. In terms of its height, extensiveness and finishes, including railings along the top of it, it is an incongruous feature on the rural landscape. I accept the applicant's proposal to provide landscaping along the inside of the wall may in time potentially soften it's appearance. There has been planting provided along certain sections of the wall, in particular at the entrance to the dwelling and the eastern site boundary. Other sections of the wall remain not landscaped. The landscaping provided consists of shrubs, evergreen trees and some creepers along sections. There is no indigenous planting apart from within a riparian area of the adjoining river on the western lower portion of the site. I consider the mitigation measures to reduce the overall visual impact to be insufficient. I consider the height, finish and the railings of the extensive boundary wall to be inappropriate in a rural setting. The visual qualities in the immediate vicinity of the site, in terms of the stone bridge, the river, the

curvature of the road and mature indigenous trees represent a high quality rural setting. The boundary wall completely detracts and mitigates against the preservation of this quality rural setting. I would agree with the Council's decision to refuse retention of the wall.

- 8.5 Condition No. 3 of the Council's decision refers to gabion baskets being laid within the riparian zone of the abutting Owenslieve River. The condition requires the removal of same within 3 months of the decision. The Council had issued an Enforcement Notice regarding the gabion baskets and pathway constructed within the riparian zone. The Council considered the boundary treatments had encroached into the flood zone area associated with the Owenslieve River. I consider the Council's concerns to be valid given the close proximity of the public road. I would recommend upholding Condition No. 3.f

9.0 **AA Screening**

9.1. Having regard to-

- the nature and scale of the development for retention in this rural area,
- the separation distances of the site to the nearest European sites (the Lower River Shannon SAC (Site code: 002165) and the River Shannon and River Fergus Estuaries SPA (Site code: 004077) both located approximately 1km to the east as the bird flies)
- the absence of any direct pathway between the appeal site and these European sites,
- the hydrological distance of indirect pathways to these European Sites via roadside drainage ditches, tributary streams and the Owenslieve River where any likely pollutant in surface waters would be sufficiently diluted and or dispersed

no Appropriate Assessment issues are considered to arise, and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

10.0 Water Framework Directive

10.1. The subject site is in a rural area and with a connection to the public water mains.

There is a sewage treatment system and polishing filter located along the northern site boundary, on the most elevated portion of the entire site to the rear of the dwelling. The works the subject of the retention application, comprise of minor alterations with no significant construction works anticipated.

There is a watercourse along the western boundary of the site. An assessment of the proposed development 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 for retention it is concluded that the proposal will 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, providing the conditions are complied with regarding the removal of the gabion baskets within the riparian zone, the development will 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 subject development is considered to be compliant with the requirements of Article 4 of the Water Framework Directive.

11.0 Recommendation

11.1. I recommend the planning authority's split decision be upheld by the Commission.

To grant planning permission for retention of the metal clad roof

And

To refuse permission for the retention of the boundary wall.

12.0 Reasons and Considerations

Reasons and Considerations (1)

Having regard to the:

a) the nature, scale and design of the dwelling house permitted under planning reference 21/1105

b) the policies and objectives of the Clare County Development plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the development would constitute an acceptable roof finish at this location, would not seriously injure the visual amenities of the area and would be acceptable in terms of rural house design. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the further information received on 19th of February 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Within 3 months of this decision, the applicant shall remove the garden pathway and gabion baskets which extend into the riparian zone of the Owneslieve River and submit photographs of the completed works to the Planning Authority for written agreement.

Reason: In the interest of environmental protection and to prevent flooding.

Reasons and Considerations (No. 2)

Having regard to the:

- a) the specification, extent, scale and height of the boundary wall to be retained
- b) Objective CDP 14.2 (Settled Landscapes) of the Clare County Development Plan 2023-2029, which requires that structures and construction on Settled Landscapes reduce their visual impact through a careful choice of forms, finishes and colours

it is considered that, the boundary wall to be retained constitutes an inappropriate form of development in this rural area and by reason of its prominence on an elevated site, the use of metal railings, the excessive height, and extensive length of the wall, and would be injurious to the visual amenities of the area and militate against the rural environment. The proposed development would therefore be contrary to proper planning and development of the area and would set an undesirable precedent for other such developments in a rural 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.”

Caryn Coogan
Planning Inspector

6th of August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501254-CE-26
Development Summary	Retention of boundary walls and metal clad roof on a dwelling permitted under planning reference 21/1105
Development Address	Gortnamuck, Ballynacally, Co. Clare
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

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?	
☒ 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.	
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)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____