

From: abbas chyad <abbaschyad@yahoo.com>
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5 Dun na Hinse
Lahinch Road
Ennis
Co. Clare

Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

via Email to: appeals@pleanala.ie

March 16th 2026

RE: Case Number ACP – 324036-26

Section 5 referral Reference R25-101, received by Clare County Council Planning Authority Merzvincka and Vladimir Ignatchuk - Is the structure under construction at 5 Dun na Hinse as currently built, considered development and if so, is it exempted development under the Development Act 2000.

Dear Sir/Madam,

Your 2 no letters of February 24th last in the above matter refers. Firstly, I was somewhat surprised to receive Ms Lila Clarkes letter advising that my response to yours of January 22nd was received outside the 4 week period. My understanding was that the 4 weeks period commenced on the date of your letter and ran for 4 weeks thereafter ceasing at CoB or midnight on Feb 19th which was the day you received my letter and therefore it was a valid and timely submission. Which or whether your second letter was intended to give me the opportunity to again respond to Ms Merzvincka submission to you dated January 19th 2026. I wish to take the opportunity to make this further submission in accordance with Section 131 of the Development Act 2000, as amended.

My overarching reaction to her submission is one of shock, horror, disbelief and disappointment. Her commentary is incorrect, untrue, extremely vexatious and written purely to cause trouble for me and my family. Her initial objection and subsequent complaint and referral to Cl is based on a personal issue she has with me going back a number of years. I wish to state that I have no personal animosity towards her and nothing that I said or did, caused it. As mentioned previously, I go about my business and am trying to raise my family in the family home which I have owned and live in for many years. I have not been involved in any business in Ennis town called Boreen.

I presume you will have the planning history of my case from the Council but in summary, it follows:

1. I sought and obtained Planning Permission approval for my house extension and development under Planning Ref P22/409 despite my neighbour lodging an objection at the time, though, I didn't agree with same, it was her right to do so. I thought that when I received approval, that would be the end of that but unfortunately it wasn't.
2. During the course of construction, she submitted a further vexatious and untrue complaint that I was putting in a window on the western elevation nearest her boundary which was the case at all. Unauthorised Development Ref UD 25-081 refers. I responded advising that the location, height, elevational openings, etc were all in keeping with the planning permission. A minor change from planning submission drawings were some internal walls to better create space for storage, home gym and ancillary shower. I confirmed that the building was for residential use and again reiterated that the External walls and openings are fully in line with Planning Drawings which were approved under P22/409.
3. Clare County Council seemed happy and advised of a follow up inspection before finalising the UD File on the matter.
4. My neighbour didn't accept the Council's findings in this regard and wasn't happy, so she issued a Section 5 Notice asking if the structure as built was exempted. I found this extreme as the Building had the benefit of full planning.
5. In responding to the Section 5 notice (Ref R25-101), and given the objections and comments received by my neighbour, I advised the Council that I had changed the door type or finish from the Roller Shutter type shown in the original design to a more aesthetically pleasing door which I hoped would pacify her somewhat. It was my understanding that the change wasn't a material change and could be deemed minor in nature and therefore asked the Council to be considered as acceptable within the parameters of the original permission.
6. In their findings to the Section 5 Notice in early January, the Council advised that the door type was not exempted development and therefore my choices were to reinstate the roller shutter type door or seek planning retention for the change, both options which I am currently considering.
7. Imagine my further shock and frustration when my neighbour notwithstanding the Council's findings decided to submit a further complaint/appeal to your good selves at An Coirde.
8. In her Statement of Grounds, she errs in Section 3.1 where she states that Clare Council's findings contradicts themselves from the earlier UD Enforcement File. The fact of the matter is that the height, location, elevations and openings are all as permitted or in substantial compliance with the original permission.
9. She is trying to rewrite history in Section 3.2 in the 4 points made. The fact of the matter is that the building benefits from full Planning Permission approval.
10. Re Section 3.2 I have referenced above that I am considering putting back in the original design.

In closing, I would respectfully ask that An Coimisiún Pleanála might dismiss her claims they are spurious and that she is being troublesome and vexatious. Alternatively and if greatly appreciated if ACP might consider that the new door type is a suitable and per the more industrious looking roller shutter doors and that the change is minor in nature parameters of the original planning permission granted for the structure.

The closing out of this matter once and for all and the end of the pain, suffering, frustration that she is causing to me and my family along with the nuisance and waste of officials time at Clare County Council and An Coimisiún Pleanála, would be very welcome indeed. In anticipation, a favourable response from you in this matter in due course once you have fully considered the details of the case. Thank you.

Yours sincerely,

Hasan Jiad

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