

An
Bord
Pleanála

Board Order ABP-320758-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 24/60062

Appeal by James Lynch of Moohane, Newmarket-on-Fergus, County Clare against the decision made on the 19th day of August, 2024 by Clare County Council to grant subject to conditions a permission to Jonathan Ahearne and Rebecca Earles care of Brian Foudy and Associates of Osprey House, Carmody Street, Ennis, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of side extension and fenestration changes to existing cottage. Construction of detached domestic garage together with all associated site development works and services, all at Mooghaun North, Newmarket-on-Fergus, County Clare.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the area, the existing residential use on site, and the provisions of the Clare County Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not exacerbate flooding, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. (a) The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23rd day of July, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.
- (b) This planning permission permits a side extension and fenestration changes to the existing cottage only. The proposed garage shall be omitted.

Reason: In the interest of clarity.

2. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise used as a separate dwelling unit.

Reason: In the interest of clarity and orderly development.

3. Details of the materials, boundary treatments, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. (a) The disposal of surface water shall comply with the requirements of the planning authority for such works and services.
- (b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge into the wastewater treatment system or onto the public road or adjoining properties.
- (c) The surface water management proposals as set out in the further information response received by the planning authority on the 23rd day of July, 2024 shall be implemented in full and shall be in place and operational prior to the occupation of the proposed development.

Reason: In the interest of the proper planning and sustainable development of the area and to prevent flooding.

5. Prior to commencement of any development works on site:

- (a) The developer shall submit to the planning authority for written agreement an assessment of the existing septic tank and the means of percolation on the site indicating the capacity and adequacy of the current system to satisfactorily treat anticipated effluent loading. The assessment shall also include details necessary to show compliance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, including any recommendations for amending and upgrading the current system on the site to comply with the Code of Practice.
- (b) The developer shall comply with all requirements and recommendations determined by the planning authority following the receipt of the assessment and, where necessary, shall submit any documentation required to indicate compliance with such requirements and recommendations.

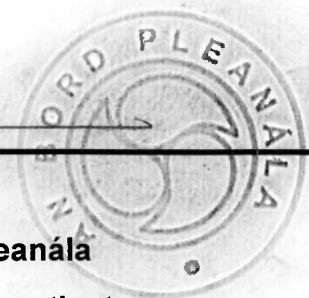
Reason: In the interest of safeguarding groundwater and the protection of public health.



Paul Caprani

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 19th day of March 2025.