

S2-133

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Siobán Mulcahy FRAI

B. Arch, M. Arch, Sc
M.C.I. Arb. Assoc. IPI



9.03.2022

Ref: 2203

The Planning Department,
Clare County Council,
Aras an Chontae,
New Road,
Ennis,
Co.Clare.

Clare Draft Development Plan 2023-2029 Application for rezoning of land

A Chara,

I am acting as Consultant for my clients, Pat and Marilyn Talty, ([REDACTED])

They have a portion of land adjacent to their house, which is shown on the attached copy of the Land Registry map ref "11" and "DQ587".

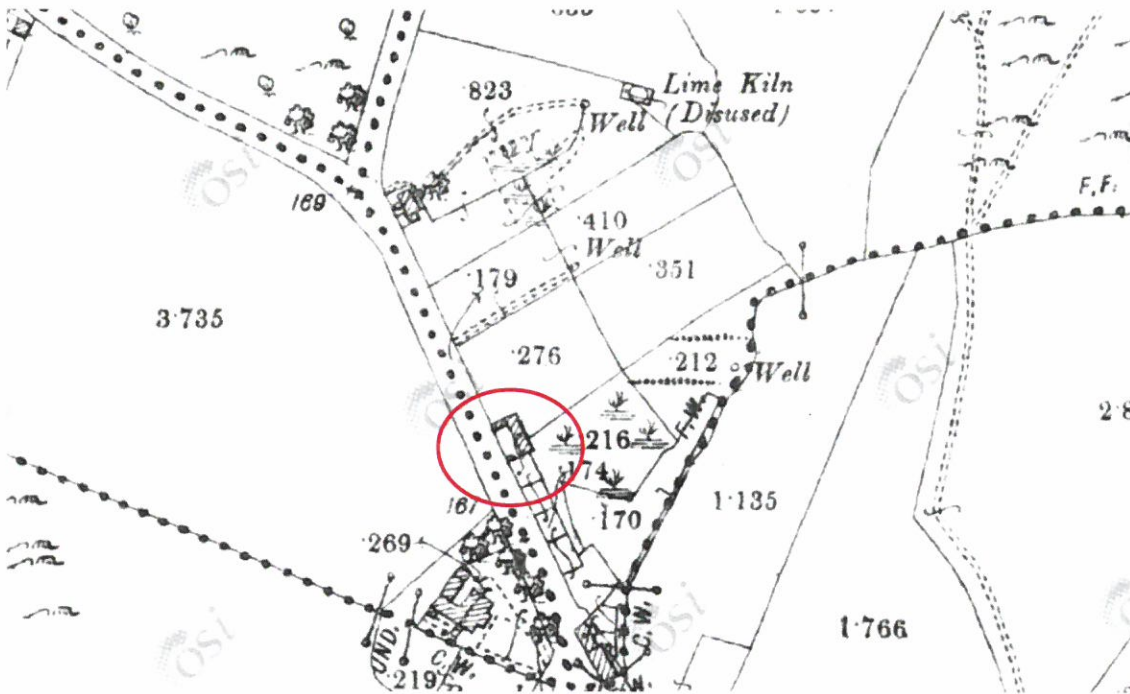
This land is zoned as Open Space in the Clare Development Plan 2017-2023, and it lies to the North of land zoned as Open Space ([REDACTED]) on the attached map.)

1. Background:

In 2015 my Clients applied for planning permission to construct a dwelling to the North East of their own house, however this application was refused on the grounds that " it constituted unacceptable back-land development." This land is designated as Low Density residential land in the 2017-23 Development plan, even though it is part of their own site which is zoned simply Residential.

My Clients have had a pre-planning consultation in relation to building a house on the land to the South of their house, which is the subject of this applicaiton for rezoning.

They were informed by the Planning Officer that the site should be deemed to be suitable for a house which would comply with planning guidelines before an application for rezoning could be considered.



The 1840 and 1880-1915 maps of Tulla show that there was a dwelling on this site prior to the building of early 20th century cottages on the land to the North West of the site, therefore evidence of a structure predates most of the other dwellings now in this area.

A small remaining portion of stone wall on the southern boundary of this site is possibly a 19th century dry stone wall which my Clients have restored and stabilised. The late 19th century map shows the adjacent land (which is zoned as open space in the 2017-23 plan) is poorly drained, but there is no such indication of this portion of land.

2. Current state of site.

Recently Clare County Council sought to extend a footpath from their housing development

at Doonaun into the village of Tulla.

In order to facilitate this proposed development my Clients have agreed to set back the front boundary wall of the site and its entrance. The photographs below show the site during these works. As part of the agreement the Council will reinstate the entrance to the site as a 4m wide gateway, which would be used as the new vehicular entrance to the site of a house if this application to have the land rezoned is successful.



Site frontage to public road



Portion of original wall of 19thC house as part of site boundary.

3. Proposed development of single house on site.

- Subject to Planning Permission, my Clients hope to build a retirement house for their own use, which would be smaller than their present house.
- The house would be single storey only.
- The house could have a footprint of 7.8 X 11.8m (external measurements) = 92.m²
- It could have a simple rectangular plan form.
- There could be a space of 2m between the house and the North boundary wall (adjacent house).
- There would be only utility and bathroom windows on the North elevation.
- There would be a blockwork wall of approx 1.8m height between the private space of the proposed house and adjacent private open space associated with the dwelling to the North of this site.
- There are no high level windows in the adjacent house overlooking this site, therefore privacy is not an issue.
- There is a distance of 4m between the proposed house and the back boundary. As this

is a single storey house, there is no need for an 11m distance between this and the rear boundary as there are no high level windows proposed.

- As planning permission was already refused to build 'backlands development' on the adjacent land to the rear, and this space is landlocked, there is no likelihood of any future development which might overlook this site from the rear.
- The front elevation of the proposed house would be approximately 7m from the front boundary. This is half way between the building line of the adjacent house (10m) and that of the house on the corner (4m), There was an existing 4m gateway into this site from the public road, (prior to the Council removal of the boundary for footpath works) therefore reinstatement of this would allow a car to enter the site and turn within the site in order to exit onto the public road safely. The feasibility for parking space and turning areas are shown on the attached site plan.
- The area of the site is approximately 295m²
- The proposed footprint of the house would be 92m².
- The remaining open space on the site is 203m², of which approximately 100m² is private open space.
- There is a requirement that 25% of the area of the site should be open space. 25% of the area of the site comes to 73.75m², therefore this requirement can be met.

A proposal to build a house on this site (in principle, subject to Planning Permission) meets the design guideline requirements as follows:

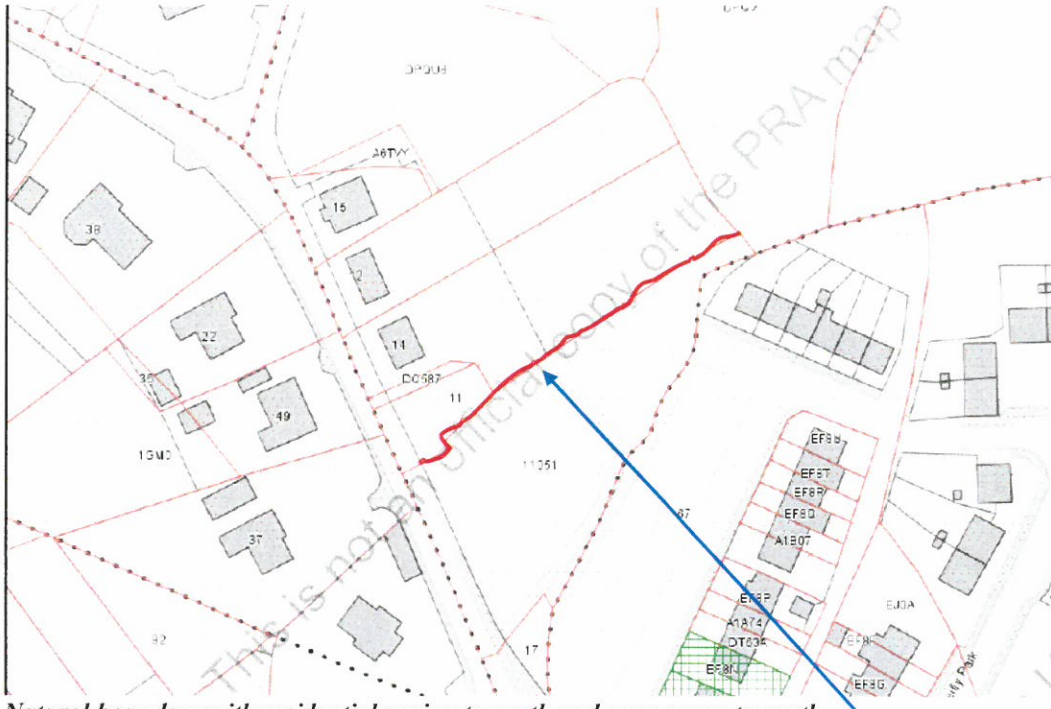
- ✓ Existing entrance from the public road, in a 50Kmph traffic zone.
- ✓ Provision of off-street parking for the occupants and visitors (2 car spaces)
- ✓ Turning space for cars onsite, with safe exit to public road
- ✓ Not overlooked by another property
- ✓ Not overlooking another property
- ✓ No possibility of housing being built to rear of site
- ✓ No possibility of housing being built to the South of the site (zoned open space and poor drainage)
- ✓ No diminishing of character or status of open space to South (at present overgrown and neglected)
- ✓ No drainage or flooding issues on site
- ✓ Existing public services: water, electricity, phone\broadband, sewerage, storm water, public footpath, public lighting.
- ✓ Not within ACA

The site is therefore capable of accommodating development of one single storey house.

4. Rezoning of land.

- The site falls within a natural boundary in which it makes more sense for it to be zoned as residential, rather than open space. (see attached map below)
- This site lies between an area zoned as open space and a residential zoning.
- There is a boundary wall and ditch between this site and the other larger open space, so even if the land to the South was redeveloped as landscaped open space, this site is likely to remain as waste ground and there is no obligation on the applicant to landscape this area for public use.
- It is adjacent to an existing house in an area where there are other houses in low density development.
- It lies to the South of a housing scheme with approximately 17 houses which are nearing completion.
- The site is owned by the applicant.

- It is capable of accommodating a single house.
- There is evidence of former dwelling on this land.
- It is close to the town and no additional infrastructure is required for a house in this location, therefore it is a sustainable option with no burden on existing services.
- There are no overhead or underground services to interfere with development of this site.



Natural boundary with residential zoning to north and open space to south.

Conclusion.

On the basis that we can demonstrate that this site can accommodate a small single storey dwelling house within current development standards and guidelines and there is therefore a viable site, and that the natural boundary of the zoned land should be to the South of this site, we respectfully request that this piece of land is rezoned as “Residential” land in the new Development Plan (2023-2029).

Should further information be required please contact us on the number attached.

Le meas,

Suibhán Mulcahy

S. Mulcahy, FRIAI, Registered Architect.

Ref: h:\Current\T\Talty\L-CCC rezoning 9.03.2022

Land Registry Compliant Map

CENTRE COORDINATES:
ITM 548799,680111

PUBLISHED: 14/10/2018
ORDER NO.: 50029494_2

MAP SERIES: 1:2,500
MAP SHEETS: 4268-A

Memorandum
Gler..., Feakle,
County Clare V94 NPV
0868014844
fergusjb@gmail.com

Folio CE 11052 (existing)
Area 'A' = 0.0389 ha.
Folio CE 11052 (areas 'A'+ 'B')
(edged in Red): 0.0445 ha

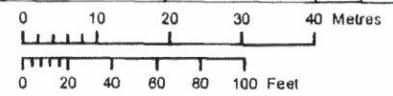
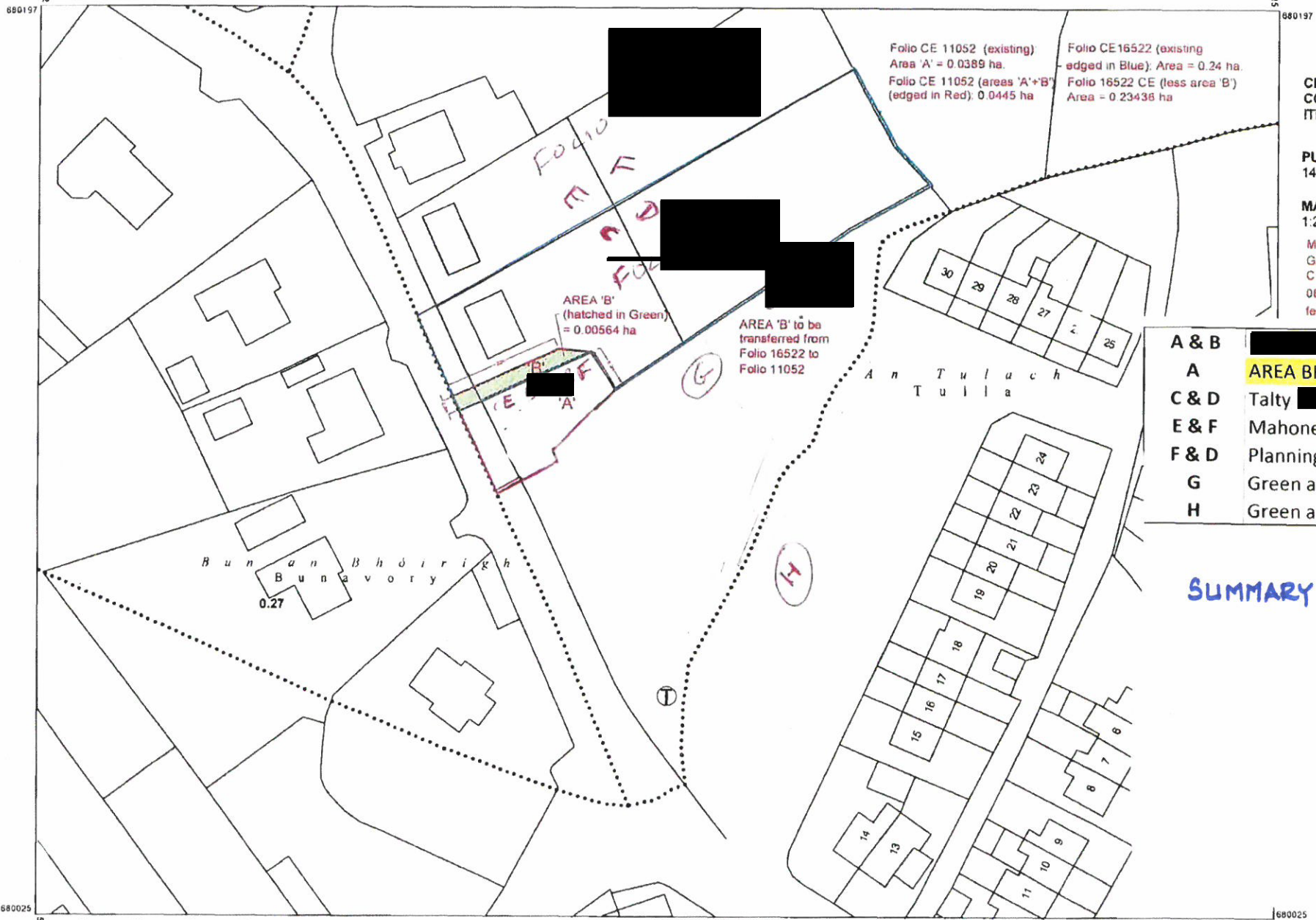
Folio CE16522 (existing
edged in Blue): Area = 0.24 ha.
Folio 16522 CE (less area 'B')
Area = 0.23436 ha

AREA 'B'
(hatched in Green)
= 0.00564 ha

AREA 'B' to be
transferred from
Folio 16522 to
Folio 11052

A & B	[REDACTED]
A	AREA BRACKETED WITH [REDACTED]
C & D	Talty [REDACTED]
E & F	Mahoney [REDACTED]
F & D	Planning app 15/56
G	Green area wild
H	Green area mowed

SUMMARY OF FOLIOS



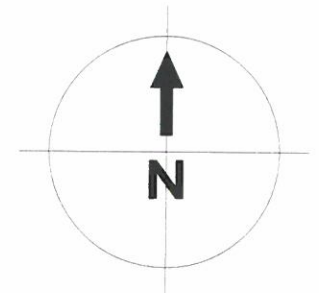
OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie>, search 'Capture Resolution'



LEGEND:
<http://www.osi.ie>, search 'Large Scale Legend'

— EXISTING HOUSE + SITE OWNED BY APPLICANT
 — SITE FOR PROPOSED REZONING.



These drawings are to be used for planning purposes. They are not construction drawings.

Written dimensions to be used, drawing not to be scaled off. The building contractor shall be responsible to ensure compliance with all aspects of Building Regulations and planning permission.

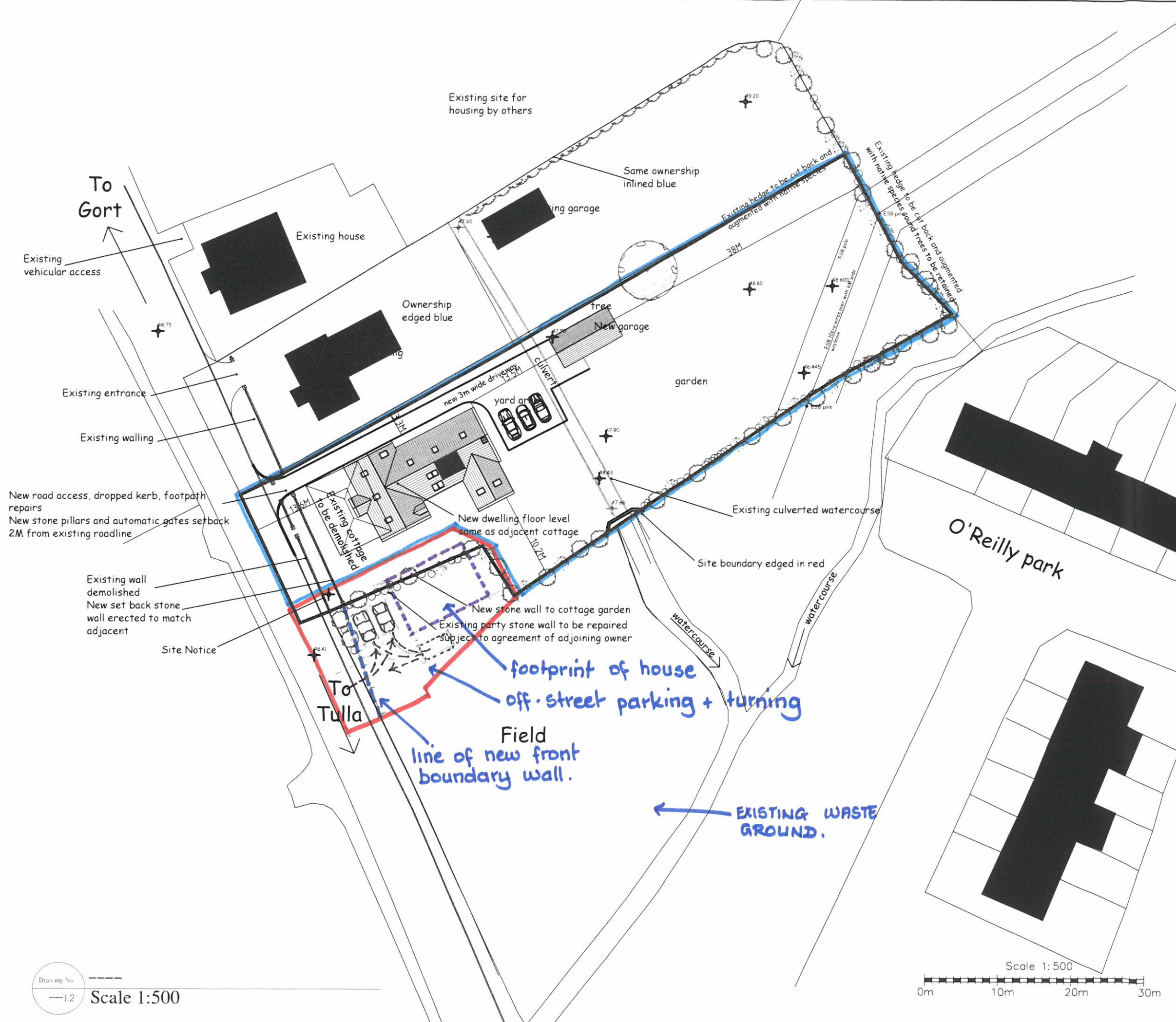
Building contractor shall comply with all requirements of Health Safety & Welfare Regulations.

The Structural Engineer shall carry out soil tests & percolation tests and shall be responsible for the design of foundations and structure to ensure compliance with building regulations.

Building construction & details to be in accordance with the "acceptable construction details" and Homebond house building manual unless otherwise directed by engineer.

Note: All measurements to be checked on site. All inaccuracies are to be reported to the architects upon discoveries.

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New road access, dropped kerb, footpath repairs
 New stone pillars and automatic gates setback 2M from existing roadline

Existing wall demolished
 New set back stone wall erected to match adjacent

Site Notice

To Tulla


Field line of new front boundary wall.

footprint of house
 off-street parking + turning

EXISTING WASTE GROUND.

Drawing No. ---
 ---1.2 Scale 1:500



PROJECT		 RIAI
LOCATION		
Client		
Drawing		Dwg. no.: ---1.2
Date: 7-Feb-2022		Dwg. ref.: ---2 of 2
Plot date: 7-Feb-2022		Scale: 1:500 at A3
File ref.: #####		
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