



An
Bord
Pleanála

Board Direction
BD-007327-21
ABP-308364-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/01/2021.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Donegal County Development Plan, 2012-18 (as varied), to the pattern of development in the area and its design, scale and mass, the Board considered that, subject to compliance with the conditions as set out below, the proposed development would be acceptable in terms of the visual amenities of the area and represented a well-considered contemporary infill dwelling which respected its context. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed change of house type, having due regard to its design form, scale and proportions, and ridge height respectfully integrated into the rural landscape in this infill location.

Furthermore, the Board did not accept that the proposed development would further erode the rural character of the area. The Board accepted it differed in form and character from the more traditionally designed housing in the vicinity, however did not consider this warranted a refusal having regard to its sensitive design and infill nature.

Note : The Board noted that the planning authority had decided to refuse in part because it considered that the proposed development would constitute a material contravention of the Development Plan however , having regard to the provisions of Section 37(2)(B) of the Planning and Development Act 2000, as amended, and having regard to the to the pattern of development in the area and permissions granted since the making of the development plan, the board considered that planning permission should be granted for the proposed development .

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 19/01/2021

Paul Hyde