

An  
Bord  
Pleanála

**Board Direction**  
**BD-018369-24**  
**ABP-320308-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/12/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

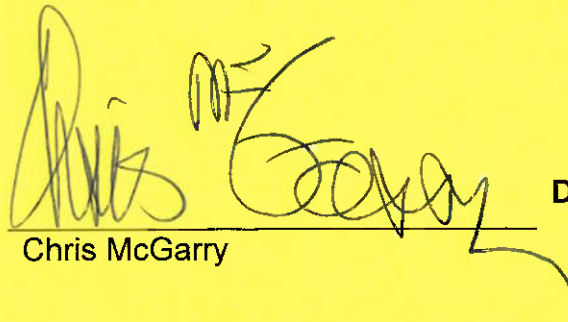
1. Having regard to the design, scale and siting of the proposed detached garage/home office to the rear of the overall property which currently accommodates significant built form and which is considered to be restricted in overall layout, it is considered that the development would contribute to over-development on the site. Furthermore it is considered that by reason of its scale including the ridge height, the proposed development would seriously injure the visual amenities of the area and contravene Policy RH-P-9(a)(iv) of the County Donegal Development Plan 2024-2030. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied, on the basis of the lack of information provided, that the existing effluent treatment system on the subject site has the capacity to effectively treat foul effluent arising from the additional loading from the proposed development which includes sanitary facilities, in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021).

It is considered that the proposed development would be at a variance with Policy RH-P-9(b)(iv) of the County Donegal Development Plan 2024-2030. In the absence of sufficient detail within the application documentation regarding wastewater treatment, the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the absence of information provided in the application documentation with respect to sightlines in a western direction, including lack of boundary height details and details regarding consent or otherwise to control landscaping etc. on adjoining lands outside the red and blue lines as shown on the application drawings, and having regard to the provision of a vehicular access and works carried out to the roadside boundary, the Board cannot be satisfied that the proposed development would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note:** the Board noted the commentary of the inspector that 'there is an unauthorised use of the appeal site....' (page 14 refers). Furthermore, the Board noted the assertions of the planning authority regarding unauthorised development on site, and the statement of the applicant at appeal stage that it is intended 'to scale down the letting of the property over the coming years....' In this regard the Board considered that, ordinarily, further consideration and potential information would be warranted to ascertain the authorised (or unauthorised) status of the use of the site and related works. However, having regard to the substantive reasons for refusal set out above, and noting that the planning authority has an enforcement function, it was decided not to pursue this issue in the context of the current appeal.

**Board Member**



Chris McGarry

**Date:** 03/12/2024