

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Donegal County**

**Planning Register Reference Number: 16/50450**

An Bord Pleanála Reference Number: PL 05E.247546

**APPEAL** by Pauric Og and Charlene O'Flaherty care of AL Architects, Office 8b, The Courtyard, Lower Main Street, Letterkenny, County Donegal against the decision made on the 14<sup>th</sup> day of October, 2016 by Donegal Council to grant subject to conditions a permission to Michael and Breege King care of Michael Galbraith Associates of Millbrae House, Lower Main Street, Buncrana, County Donegal in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** The erection of a one and three quarter storey dwelling, connection to existing public services and all associated works at Ballymacarry Lower, Buncrana in the townland of Ballymacarry Lower, County Donegal.

## **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.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the prevailing pattern of development in the area with the site being surrounded by residential development and to the submissions on file supporting local housing need, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Buncrana and Environs Development Plan 2014 – 2020, would not seriously injure the amenities of adjoining properties or the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The 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 submitted on the 26<sup>th</sup> day of August, 2016 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. Construction of the proposed development shall not commence until connection to the public sewer is carried out to the satisfaction of the planning authority.

**Reason:** In the interest of orderly development and public health.

4. Details of the site entrance, roadside fence line and access roadway shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of traffic safety.

5.
  - (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water shall discharge onto the public road or adjoining properties.
  - (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent pollution.

6. Prior to the commencement of development details of entrance splays at the entrance to the regional road shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of traffic safety.

7. The external finishes of the proposed dwelling house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall include the use of obscured glazing in the north-facing windows and door and roofing in blue-black slate or tiles.

**Reason:** In the interest of visual amenity.

8. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2017.**