# An Bord Pleanála



### PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## **Donegal County**

Planning Register Reference Number: 16/51292

An Bord Pleanála Reference Number: PL 05E.247770

**APPEAL** by James Donaghey care of Harley Planning Consultants Limited of 1 Melmount Park, Strabane, County Tyrone against the decision made on the 25<sup>th</sup> day of November, 2016 by Donegal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of all house types previously granted under planning register reference number 07/70956 together with minor alterations to site road layout. The new housing mix will comprise of eight number two-storey three bedroom semi detached, 16 number two-storey four bedroom semi detached and 15 number two-storey four bedroom detached houses at Ludden, Buncrana, Lifford, County Donegal as amended by the revised public notice received by the planning authority on the 2<sup>nd</sup> day of November, 2016.

#### **DECISION**

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reason set out.

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- 2. (a) Development shall otherwise be carried out in strict accordance with conditions number 2 9 and 13 20 of parent permission granted under planning register reference number 07/70956 save as hereinunder otherwise required.
  - (b) This permission will expire on the 27<sup>th</sup> day of March, 2018 when the permission to which the change of layout and house type refers, will expire."

## **REASONS AND CONSIDERATIONS**

Given that this application is for a change of house type and layout, it is not considered appropriate to amend the conditions attached to the parent permission granted under planning register reference number 07/70956 from which the changes are being made. Deleting condition number 2 of the present permission would effectively have done this and its deletion would, therefore, not be in accordance with proper planning and sustainable development.

#### **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.

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

Dated this day of 2017.

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