



An
Bord
Pleanála

Board Order
PL 05E. 248546

Planning and Development Acts 2000 to 2017

Planning Authority: Donegal County Council

Planning Register Reference Number: 17/50357

Appeal by Noel Crossan care of AL Architects of Office 8b, The Courtyard, Lower Main Street, Letterkenny, County Donegal against the decision made on the 27th day of April, 2017 by Donegal County Council to grant subject to conditions a permission to Peter O'Donnell care of McCullagh Architecture and Surveying Limited of Glenfinn Road, Ballybofey, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwellinghouse, domestic garage, septic tank/sewage treatment system and associated site development works including extension of existing access road at Ballykeeran, Kilmacrennan, 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 provisions of the Donegal County Development Plan 2012-2018 and the siting and design of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would not be likely to have a significant effect on any European Site. The proposed development 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, 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 occupancy 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 rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of orderly development and the visual amenities of the area.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled “Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)” – Environmental Protection Agency, 2009.
- (b) Treated effluent from the septic tank system shall be discharged to a raised percolation area. The invert level of the percolation pipes, shall be located at 0.6 metres below existing ground level. The percolation area shall be installed in accordance with Table 7.3 of the “Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)” issued by the Environmental Protection Agency in 2009. The maximum length of percolation trench shall be 72 metres and no individual percolation trench length shall be more than 18 metres.

- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. The site shall be landscaped in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall use species native to the area and shall be carried out by the end of the first planting season following occupation of the house. Any plants that die or are removed within the following five years shall be replaced.

Reason: In the interest of visual amenity.

