



An
Bord
Pleanála

Board Order

PL 05E.248889

Planning and Development Acts 2000 to 2017

Planning Authority: Donegal County Council

Planning Register Reference Number: 17/50217

Appeal by Gerald Kelly care of Brendan P. Gallagher of 10 Crest Road, Enniskillen, Northern Ireland against the decision made on the 23rd day of June, 2017 by Donegal County Council to grant subject to conditions a permission to Jonathan and Nicola Burke care of Dominic Whoriskey Building Design and Surveying of Main Street, Newtowncunningham, Lifford, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwelling house, detached domestic garage, septic tank with percolation area and all associated site works at Carrowen, Speenogue, Lifford PO, County Donegal.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The site of the proposed development is located within “Area Under Strong Urban Influence” as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current [Appendix B] Rural House Design Guidelines, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed dwelling, together with its depth and scale, the division of an agricultural field and the removal of the entirety of the front boundary hedging, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the soil conditions on the site, the information contained in the site characterisation form submitted with the application (which does not comply in full with the requirements of the EPA Code of Practice) and the waterlogged condition of the proposed percolation area (as noted by the Board's Inspector during her site inspection), which indicate poor percolation, and having regard to the location of the subject site within an area categorised by the Environmental Protection Area in the Domestic Waste Water Risk categories as at very high risk, it is considered that the site is not suitable for the safe disposal of effluent from the development. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018