



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 17/51912

Appeal by Brian Mallon care of Michael E. Boyle of 20 Coolagh Road, Faughanvale, County Derry against the decision made on the 1st day of June, 2018 by Donegal County Council in relation to an application by Trevor Ferguson care of MH Associates of Convent Road, Letterkenny, County Donegal for permission for retention of flat roof garage and open sided fuel store, double doors and projecting balcony at first floor level, paved patio/garden area with surrounding rendered/brick low level walls and permission for construction of timber screen to side boundary of adjoining property, all at number 10 Finvola Park, Rinclevan, Dunfanaghy, County Donegal in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of flat roof garage and open sided fuel store, paved patio/garden area with surrounding rendered/brick low level walls and to refuse permission for retention of double doors and projecting balcony at first floor level and construction of timber screen to side boundary of adjoining property).

Decision

GRANT permission for retention of flat roof garage and open sided fuel store, paved patio/garden area with surrounding rendered/brick low level walls in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for retention of double doors and projecting balcony at first floor level and construction of timber screen to side of boundary of adjoining property based on the reasons and considerations marked (2) under.

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)

Having regard to the nature and scale of the garage to be retained, including the omitted parapet walls, external stairs and terrace, and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the retention of the garage would not be out of character with existing development within the area, would be acceptable in terms of visual impact and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed retention of the garage would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The garage shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 29th day of March, 2018 and further information submitted on the 4th day of April, 2018, 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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: In the interest of public health and to ensure a proper standard of development.

3. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Reasons and Considerations (2)

Having regard to the design and proportions of the rear balcony feature proposed to be retained and the proposed screen to the north side, and the character of the host dwelling, it is considered that the balcony would fail to complement the character and appearance of the host dwelling, would seriously injure the visual amenities of the area and would be contrary to Policy UB-P-27 of the Donegal County Development Plan 2018-2024, which requires extensions to reflect and respect the scale and character of the host dwelling. The proposed retention of the balcony feature and proposed screen would, therefore, be contrary to the proper planning and sustainable development of the area.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.