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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 18/50671**

**Appeal** by Matthew and Lorraine Wild of 98 Scallen Road, Irvinestown, County Fermanagh against the decision made on the 15<sup>th</sup> day of June, 2018 by Donegal County Council to grant subject to conditions permission to Brian Campbell care of Micheal Friel of Creeslough, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing dwelling house and erection of a replacement dwelling house with attached domestic garage, connection to public sewer and all associated site works at Kill, Dunfanaghy, 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 nature and scale of the proposed development and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with existing development within the area, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would be in accordance with the provisions of the County Donegal Development Plan 2018-2024, including Policy RH-P-7 relating to replacement housing in rural areas. 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) Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including landscape proposals, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The existing timber fence along the site boundaries shall be replaced with a new dark-stained tanalised timber fence, back planted with a hedgerow of species native to the area.

**Reason:** In the interest of the visual amenities of the area.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

5. (a) The garage shall be used solely for domestic purposes only ancillary to the residential enjoyment of the parent dwellinghouse and shall not be used for any other purpose, without a separate grant of planning permission.
- (b) The garage shall be constructed concurrently with, or subsequent to, the parent dwellinghouse and shall not be constructed as a standalone structure or separate development.

**Reason:** To cater for orderly development.

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

**Dated this            day of            2019.**