



An  
Bord  
Pleanála

**Board Order**  
**ABP-302190-18**

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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 18/50554.**

**Appeal** by Aoife and Evan Wilkin of 39 Oak Grove, Kill, Dunfanaghy, Letterkenny, County Donegal against the decision made on the 3<sup>rd</sup> day of July, 2018 by Donegal County Council to refuse a permission to the said Aoife and Evan Wilkin for the proposed development.

**Proposed Development:** Erection of a 25 square metres single storey extension to single family home at 39 Oak Grove, 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 pattern of development in the area and the size, scale and positioning of the extension proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in overdevelopment of the site, would not seriously injure the visual or residential amenities of the area and would not be contrary to Policy UB-P-27 of the County Donegal Development Plan 2018-2024. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to omit the balcony use the Board had regard to the particular situation and position of the development located at the side of the house, with the balcony at the same level as the neighbouring rear garden, and bounded by a public footpath, and did not consider that it would be incongruous or visually intrusive in the context of the housing development.

## 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. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

4. The existing dwelling and proposed extension shall be jointly occupied as single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2018.**