



An
Bord
Pleanála

Board Order
ABP-309775-21

Planning and Development Acts 2000 to 2020

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/50024

Appeal by Sharon Carey of Carrowmullan, Fahan, County Donegal against the decision made on the 4th day of March 2021 by Donegal County Council to grant subject to conditions a permission to Adrian Sheridan care of North West Modern Designs of 42 Marian Park, Bunrana, County Donegal in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for:

- (a) Demolish an existing dwelling,
 - (b) construct a replacement dwelling with attached garage and carport with connection to an on-site effluent treatment plant, and
 - (c) underground storage area
- and all associated site development works at Figary, Fahan, 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 location of the proposed development within the settlement framework boundary of the settlement of Fahan, and to the design and layout of the proposed dwelling, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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. Details of the materials, colours and textures of all external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. Drainage arrangements including the attenuation and 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. Details of the proposed entrance to the dwelling, including measures to prevent the discharge of surface water onto the public road, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent flooding.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

8. The proposed garage shall be used solely for domestic purposes only and shall be ancillary to the main dwellinghouse. It shall not be used for any commercial business or sold or let as a separate residential unit without the benefit of a separate grant of planning permission.

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

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) Contoured drawings to scale of not less than 1:500 showing a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal;
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment;
 - (c) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established;
 - (d) A timescale for implementation which shall provide for the planting of to be completed before the dwelling/building is first made available for occupation;

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

10. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 13th day of January, 2021, and in accordance with the requirements of the document entitled Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (PE less than or equal to 10) Environmental Protection Agency 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) 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 proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *19th* day of *July* 2021.

