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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Donegal County Council**

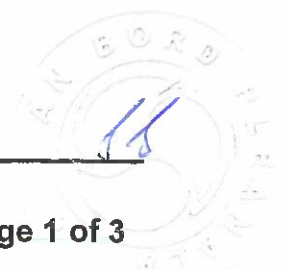
**Planning Register Reference Number: 20/51756**

**APPEAL** by William and Sheila Anderson of 101 Ashlawn, Letterkenny, County Donegal against the decision made on the 11<sup>th</sup> day of March, 2021 by Donegal County Council to grant subject to conditions a permission to WRE Premier Developments Limited care of Michael Friel Architects and Surveyors Limited of Creeslough, County Donegal.

**Proposed Development:** Refurbish and extend an existing dwelling house with all other associated site development works, all at 105 Ashlawn, Letterkenny, 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**

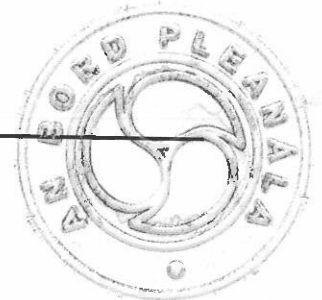
It is considered that, given the physical elements of the proposed development as set out in the submitted plans and particulars, including the increased car parking along the frontage, the applicant has not demonstrated that the proposed development would not have a negative impact on public safety and pedestrian convenience by reason of traffic hazard, and would not lead to serious injury to the residential amenity of the area. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.


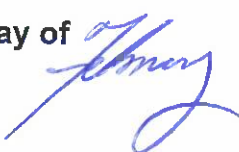
Furthermore, it is considered that the applicant has explicitly applied for planning permission to refurbish and extend a 'dwelling house', as indicated in the public notice, providing for a residential use. However, the intended use of the proposed development is to provide student accommodation, which is a commercial form of residential accommodation, subject to differing material planning considerations, which has not been referred to in the public notice. As such, the intended use of the proposed development would not be consistent with the public notice.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the applicant has not demonstrated that the proposed development would not have a negative effect on traffic safety and pedestrian convenience and would not lead to serious injury to the residential amenity of the area. Furthermore, the Board considered that the applicant has explicitly applied for planning permission to refurbish and extend a 'dwelling house', providing for a residential use, and not the provision of student accommodation, which is a commercial form of residential accommodation which is subject to differing material planning considerations and, as such, there is an inconsistency between the intended use of the proposed development and the use indicated in the public notice.

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



Dated this  day of  2022.