



An
Bord
Pleanála

Board Order
ABP-311336-21

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/50075

Appeal by Bernadette McDaid of 1 Woodbrook, Kinnegar, Rathmullan, County Donegal and by Bernadette O'Donnell are of Francis Harvey and Associates Limited of 9a Castle Street, Letterkenny, County Donegal against the decision made on the 12th day of August, 2021 by Donegal County Council to grant subject to conditions a permission to Kate Carton care of Pasparakis Friel Architects of 3 Rathmullan House Cottages, Rathmullan, Letterkenny Post Office, County Donegal in accordance with plans and particulars lodged with the said Council:

Proposed Development: (1) Retention of concrete walls alongside the roadway, and (2) retention of amendments to roadway structure and road level, and (3) permission for construction of a new single storey dwellinghouse with septic tank, percolation area and all associated siteworks at Craigadarton, Rathmullan and Ballyboe, Rathmullan, Letterkenny Post Office, 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.

Reasons and Considerations

Having regard to the location of the site within the settlement boundary of Rathmullan, the provisions of the current Donegal County Development Plan, in particular policy TV-P-2, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would 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 retained and completed in accordance with the plans and particulars lodged with the application, as amended by additional information submitted on the 19th day of May 2021 and the 21st day of July 2021, 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 proposed house shall be used as a permanent home only and shall not be used as a holiday home unless authorised by a separate grant of permission.

Reason: In the interest of clarity and in accordance with policy UB-P-24 of the Donegal County Development Plan 2018-2024.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The design and layout of the access to the site from the L5442, including visibility splays, shall comply with the requirements of the planning authority. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of road safety.

5. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

6. 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.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interests of orderly development and the visual amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0700 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.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be

agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



John Connolly

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

Dated this 23rd day of MAY 2022.