

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 22/50084

Appeal by Denis Doherty of Kilpheak, New Mills, Letterkenny, County Donegal against the decision made on the 28th day of April, 2022 by Donegal County Council to grant subject to conditions a permission to Mark Carbury care of Michael Friel Architects and Surveyors of Creeslough, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Refurbishment and extension to an existing dwelling house with installation of a new wastewater treatment system and all other associated site development works at Kilpheak, Newmills, Letterkenny, 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 modest nature of the proposed development, the short-term nature of construction work, and the arrangements for the upgrading of the proposed access lane, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity and would not endanger public safety by reason of traffic hazard. 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, as amended by the further plans and particulars submitted on the 11th day of April, 2022, 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. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water and front roadside drainage, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

4. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

5. The access road serving the subject site shall be surfaced with natural or coloured aggregate gravel and left with a natural edge.

Reason: In the interests of visual amenity and the rural environment.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details 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) additional planting along the western side of the access road to frame the entrance to the adjoining dwelling and reduce views of it from the access road,
- (b) retention of all sound trees, shrubs and hedgerows, except to provide for the construction of the proposed development, and
- (c) strengthening of the hedgerow along all side and rear boundaries of the site.

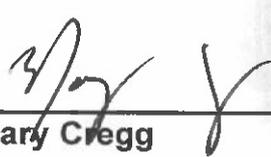
Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the proposed development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

7. (a) The secondary treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 26th day of January, 2022, and in accordance with the requirements of the document entitled "Code of Practice for Domestic Wastewater Treatment Systems" Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

- (e) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.



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



Dated this 26th day of September 2023.