

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/52082

Appeal by Mairead Harkin of Carrick, Derrybeg, 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 Dympna Haughian care of Kenneth McCorkell of Drumlackagh, Carrigart, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Erection of an extension to existing dwellinghouse, upgrading of existing treatment system, and erection of domestic garage at Carrick, Derrybeg, County Donegal, as revised by the further public notices received by the planning authority on the 4th day of April, 2022.

Decision

GRANT permission for the above 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 County Donegal Development Plan 2018-2024, the domestic nature of the proposed development and its location within a residential cluster, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the landscape character of the area, would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety and public health. 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 received by the planning authority on the 3rd day of March 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. Prior to the commencement of development, revised details shall be submitted to, and agreed in writing with, the planning authority. These shall provide for:

- (a) the siting of the domestic garage further north within the site; and
- (b) a reduction in size of the domestic garage.

The revised domestic garage shall be associated with and subservient in scale and form to the existing dwellinghouse (as extended). The building line of the rear wall of the garage (southern elevation) shall not extend beyond the building line of the dwelling to the east of the site (southern elevation) and shall provide a two metre separation distance between the garage and adjoining boundary to the east.

Reason: In the interest of visual amenity.

- 3. Prior to the commencement of development, a Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority, to provide details of traffic management during construction.

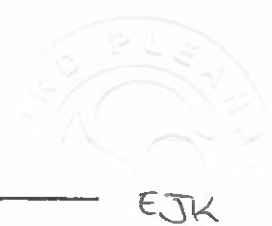
Reason: In the interest of traffic safety.

- 4. (a) The domestic garage shall be used solely for domestic purposes ancillary to the residential enjoyment of the parent dwellinghouse. It shall not be used in the absence of domestic use of the property.
- (b) The front elevation of the garage, containing roller shutter door, shall face north towards the parent building.
- (c) Roof shall be blue/black slates/tiles and external walls shall be render finish painted white or as otherwise agreed with the planning authority in writing.

Reason: In the interest of visual amenity and traffic safety.

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

Reason: In the interest of traffic safety.



6. (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 20th day of October 2021, and in accordance with the requirements of the document entitled "Code of Practice for Domestic Waste Water 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 extension 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 soak ways 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, subsequent to the upgrading of the wastewater treatment system, 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.

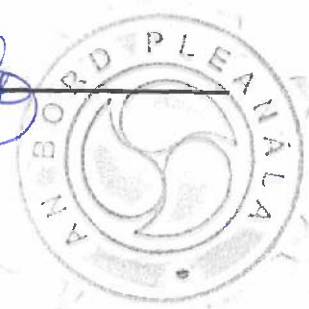
Reason: In the interest of public health.

7. 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 additional planting along the eastern side of the site to provide a visual barrier with the adjacent dwelling.

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 assimilate the development into the surrounding rural landscape, in the interest of visual amenity and biodiversity.

Eamonn James Kelly
Eamonn James Kelly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this *28th* day of *June*, 2023.

EJK