

An
Bord
Pleanála

Board Order
ABP-314184-22

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 22/50037

APPEAL by Shamus Kelly care of Krys Kelly of 10 The Highlands, Rickmansworth, Hertfordshire, England against the decision made on the 30th day of June, 2022 by Donegal County Council to grant subject to conditions a permission to Debbie Goligher care of Corner Stone Architecture of Front Street, Ardara, County Donegal.

Proposed Development Erection of dwelling house with sewerage treatment system, domestic garage and all associated site development works, all at Kilkenny, Glenties, County Donegal.

Decision


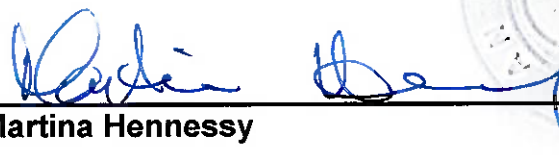
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Notwithstanding that the proposed development is located down slope and screened from the local road, it is considered that the proposed development, taken in conjunction with other buildings in the vicinity, would be visible from the N56 National Road, would introduce an undesirable new development line on this level of the hill and create an ad hoc and haphazard series of buildings viewed from the coastal road section of the N56 National Road which would fail to assimilate into the receiving landscape. Furthermore, it is considered that the length and layout of the proposed new access road to serve the proposed dwelling would create an unacceptable scar on the hillside. Accordingly, it is considered the proposed development would negatively interfere with the character and quality of the landscape which is designated as an area of High Scenic Amenity and would cause a detrimental change to and further erode the rural character of the area, contrary to planning policies RH-P-1, RH-P-2 and NH-P-7, as set out in the County Donegal Development Plan 2018 - 2024.
2. Having regard to the location of the access/egress point onto a local road of poor width and alignment, the close proximity to a national school, the proposed gradient of the access road, and the adequacy of the submitted traffic survey, the Board is not satisfied that the proposed minimum visibility lines are sufficient and would, therefore, endanger public safety by reason of a traffic hazard or obstruction of road users.



3. Having regard to the soil conditions and the proposed discharge of surface water into a watercourse (Code:MULNAMIN_BEG_010) which discharges into the West of Ardara/Maas Road Special Area of Conservation, (Site Code: 000197), the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the proposed development could be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system and the incorporation of site drainage improvement works, as the impact on the West of Ardara/Maas Road Special Area of Conservation (Site Code: 000197) and the high density of other effluent disposal units serving property in the vicinity has not been addressed. It is considered that the proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.



Martina Hennessy

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

Dated this 7th day of November 2023.