

An
Bord
Pleanála

Board Order
ABP-314245-22

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 22/50193

Appeal by David, Anne and Jean Stevenson of Ballyraine, Letterkenny, County Donegal and by Anne O’Kane and others care of Anne O’Kane of 94 Ashlawn, Letterkenny, County Donegal against the decision made on the 21st day of July, 2022 by Donegal County Council to grant subject to conditions a permission to Laura Black care of P. Canning and Associates of Ballylawn, Manorcunningham, County Donegal in accordance with plans and particulars lodged with the said Council.

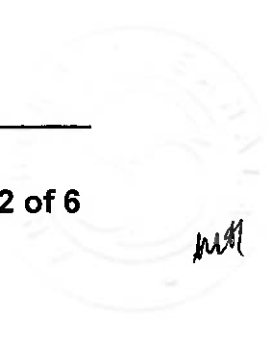
Proposed Development: Construction of an extension to existing dwellinghouse consisting of 10 ensuite bedrooms and all associated works to facilitate student accommodation with connection to all existing services at Oakland Park, Letterkenny, County Donegal, as revised by the further public notices received by the planning authority on the 29th day of June, 2022.

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 nature and scale of the proposed extension, and the character and pattern of development within the Ashlawn Estate, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the scale and character of both the existing house on the site and other housing in the immediate area, would not seriously injure the residential amenities of the area or of property in the vicinity and would not result in the creation of a traffic hazard. The proposed development would be in accordance with the provisions of the Donegal County Development Plan 2018-2024 and the draft Letterkenny and Local Transport Plan 2023-2029 and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The proposed 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 25th day of May, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development hereby permitted shall be used as student accommodation only and shall not be used for any other purpose, unless authorised by a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to ensure that adequate car parking and services are provided to serve the proposed development.

3. Prior to commencement of construction on site, the developer shall submit for the written agreement of the planning authority revised drawings of the student accommodation incorporating the following amendment:
- The rear-most ground floor bedroom within the existing house shall be omitted and the resultant space shall be provided as additional living accommodation for the use of residents. This additional living accommodation shall be made directly accessible from the kitchen/dining/living area.

This work shall be carried out prior to the occupation of the additional bedrooms.

Reason: In order to ensure that a satisfactory level of accommodation is provided for residents.

4. Prior to commencement of development, the developer shall submit details of the external finishes proposed for the written agreement of the planning authority.

Reason: In the interest of the preservation of visual amenities.

5. The development hereby permitted shall incorporate a maximum of three number off-road car parking spaces.

Reason: To ensure that adequate parking facilities are available to serve the proposed student accommodation use.

6. Prior to commencement of development, the developer shall submit a parking and mobility management plan for the written agreement of the planning authority, which shall include proposals for the provision of safe bicycle storage facilities for residents.

Reason: To ensure that there is adequate parking available to serve the development and in the interest of promoting the use of sustainable transport modes.

7. Existing vegetation and mature trees on the north site boundary shall be retained as part of the proposed development and the developer shall incorporate all necessary measures to ensure their protection during the construction phase.

Reason: In order to protect the residential amenity of neighbouring occupiers.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

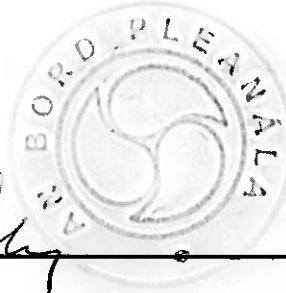
Reason: In the interest of public health and to ensure a satisfactory standard of development.

9. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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

10. 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.



Mary Henchy

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

Dated this 24th day of November 2023.