



An
Bord
Pleanála

Board Order
ABP-315127-22

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 22/51262

Appeal by Noreen McGee of Trentaboy, Convoy, Lifford, County Donegal against the decision made on the 27th day of October, 2022 by Donegal County Council to grant subject to conditions permission to Sharon McGee care of McCullagh Architecture and Surveying Limited of Glenfinn Road, Ballybofey, County Donegal in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of (a) a self-contained annex extension to the side of existing dwellinghouse, (b) a detached domestic garage, and (c) associated site development works, all at Trentaboy, Drumkeen, Lifford PO, 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 pattern and character of development in the area, the design and scale of the development to be retained, and the provisions of the County Donegal Development Plan 2018 – 2024, including Policy RH-P-8 which allows appropriate ancillary accommodation for dependant relatives in rural areas, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual amenities of the area or the residential amenity of surrounding properties, would not endanger public safety or convenience by reason of traffic generation, and would not be prejudicial to public health or the environment by reason of domestic effluent disposal. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board determined that this grant of permission would require a new section 47 agreement to be put in place with the planning authority, as set out in condition 2(b) below.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5th day of October 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The self-contained annex extension shall be used as ancillary accommodation for a dependant relative and shall revert to use as part of the main dwelling on the cessation of such use. It shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.
- (b) Within two months of the date of this order, the applicant shall enter into a new written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to restrict the occupancy of the annex extension in accordance with (a) above.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To protect the amenities of property in the vicinity and to regulate the use of the development.

3. The garage proposed to be retained shall be used solely for domestic purposes only ancillary to the enjoyment of the existing dwellinghouse as such and shall not be used for any other purpose including commercial use or human habitation, and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: In the interest of proper planning and sustainable development of the area.

4. Water supply and drainage arrangements, including surface water collection and disposal, 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 proper standard of development.



Mary Cregg

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

Dated this 2nd day of April 2024.