

An  
Bord  
Pleanála

## Board Order ABP-315518-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 22/51735**

**Appeal** by John Gore of Halyon Village, Carrowhugh, Greencastle, County Donegal against the decision made on the 8<sup>th</sup> day of December, 2022 by Donegal County Council to grant subject to conditions a permission to Kieran and Eilis Cavanagh care of Gerard Gilligan of Carrowmena, Lecamy, Carndonagh, County Donegal in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of site works, including land filling, and permission for the construction of an extension, amendments to existing dwelling, demolition of existing derelict building, new wastewater treatment system and associated works, all at Carrowhugh, Greencastle, County Donegal.

### 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 pattern and character of development in the area, the design and scale of the development proposed to be retained and proposed development, and the provisions of the Donegal County Development Plan 2018-2024, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development 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 or traffic hazard, and would not be prejudicial to public health or the environment by reason of domestic effluent disposal. The development proposed to be retained and proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The 'rear yard' wall connecting the proposed side extension and the entrance wing wall shall be reduced to a maximum height of two metres. Proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Prior to commencement of development, proposals for the provision of maximum achievable sightlines from the site entrance shall be submitted to, and agreed in writing with, the planning authority. The proposals shall:
  - (a) not infringe on third-party lands unless written consent from the relevant landowner is included for the creation and maintenance of the proposed sightlines,
  - (b) clarify the gradient of the access road at the junction with the public road, and
  - (c) clarify proposals for the treatment of the area between the new roadside boundary and the edge of the public road.

**Reason:** In the interest of traffic safety.

4. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) 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 in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

5. The existing garage 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.

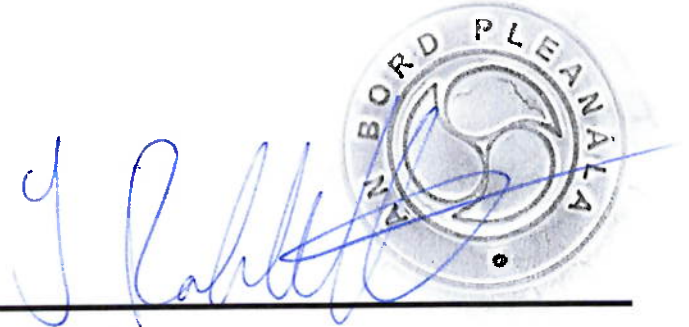
**Reason:** In the interest of orderly development.

6. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

7. Water supply and drainage requirements, 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.

A handwritten signature in blue ink is written over a circular seal. The seal contains the text 'AN BORD PLEANÁLA' around the perimeter and a central logo. The signature is written in a cursive style.

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**Tom Rabbette**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**

Dated this 9<sup>th</sup> day of Feb 2024.