

An
Bord
Pleanála

Board Order
ABP-316223-23

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 23/50070.

Appeal by Breezy Point Capital Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 9th day of March, 2023 by Donegal County Council to refuse permission for the proposed development.

Proposed Development: Construction of a one and a half storey dwellinghouse and all associated site works including public space landscaping at Rossnowlagh Lower, Rossnowlagh, 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 location of the site within the settlement boundary of Rosstown, to the planning history of the wider site, to the pattern of development in the area and of the siting, design, and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would utilise part of an overall residential development area that in its current form functionally does not integrate with the surrounding area, would provide for a well-positioned and appropriately scaled dwelling of a high quality design, which would not materially contravene policy UB-P-12 (to protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures establishment of reasonable levels of residential amenity) or any other relevant provisions of the Donegal County Development Plan 2018-2024, and would otherwise constitute an acceptable use at this location. The proposed development would be in accordance with the relevant provisions of the development plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.



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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 An Bord Pleanála on the 5th day of April 2023, 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. The developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

4. Details of the external finishes of 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.

5. Details of the management of the open space adjacent to the roadside shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The entire site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

A plan to scale of not less than 1:500 showing;


- (a) The species, variety, number, size and locations of all proposed trees and shrubs along the boundaries of the site, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
- (b) Details of screen planting which shall not include cupressocyparis x leylandii.
- (c) A timescale for implementation.
- (d) Details of all boundary treatments.

All planting shall be adequately protected from damage until established. 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 the interest of residential and visual amenity.

6. 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


Chris McGarry

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

Dated this 15th day of February 2024.