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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 23/50406**

**Appeal** by Olive Durning care of Gerard Convie of Unit F, 15 Lower Main Street, Letterkenny, County Donegal against the decision made on the 18<sup>th</sup> day of May, 2023 by Donegal County Council to grant subject to conditions a permission to Aoife Hanna care of Thornton O'Connor Town Planning of 1 Kilmacud Road Lower, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development to be retained consists of the construction of the ground floor level extension (72.2 square metres) within the undercroft area to the rear (east) of the permitted and part constructed dwelling (beneath the permitted master bedroom and upper level external terrace), the provision of an extension to the entrance/lobby area to the front (west) elevation (6.3 square metres), the omission of the permitted chimney, and associated elevational changes and internal alterations and permission for the construction of an external terrace on the northern elevation at first floor level (25.8 square metres), addition of an external staircase to provide access from ground level to the permitted rear external terrace at first floor level, and all associated development works above and below ground. Permission is also sought to omit condition number 3 attached to Donegal

County Council register reference 19/51842 (relating to the modification of the site entrance) and to omit condition number 10 (a) attached to Donegal County Council register reference 19/51842 (relating to the removal of materials), all on a 0.25 hectare site at Lurgabrack, Hornhead, Dunfanaghy Letterkenny PO, County Donegal. The development part amends a permitted residential development as granted under Donegal County Council register reference 19/51842.

## **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**

The Board considered that the proposed development would be in compliance with the provisions of the Donegal County Development Plan 2024-2030, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered having regard to the source - path - receptor chain, the scale and location of the development, and the information submitted by the applicant on the 12<sup>th</sup> day of April 2023, that it is reasonable to consider that that the development will not impact on water quality.

The Board concurred with the Inspector's assessment regarding the design amendments, the impact on adjoining property, and amendment to condition number 3 and condition number 10(a) of planning permission reference 19/51842.

## **Appropriate Assessment**

In completing the screening for Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment Screening and conclusions in the report submitted by the applicant, prepared by Greentrack Environment Consultants, in respect to the identification of the European sites which could potentially be affected and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects. The Board was satisfied the proposed development would not be likely to have a significant effect on European Sites, the Hornhead and Rinclevan Special Area of Conservation (Site Code: 000147) or the Hornhead to Fanad Head Special Protection Area (Site Code: 004194) or any other European site, in view of the sites' conservation objectives.

This screening determination is based on the following: the source path receptor chain, the likely source of influence for adverse effects, the nature, small scale and location of the development, and the absence of mitigation. Therefore, a Stage 2 Appropriate Assessment is not required.

## **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 particulars received by the An Bord Pleanála on the 12<sup>th</sup> day of April 2024, 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.

2. All external finishes shall match those of the existing dwelling in terms of colour, texture and materials, or as otherwise agreed by the planning authority in writing.

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

3. (a) No surface water from the site shall be permitted to discharge to public road and the applicant shall take steps to ensure that no public road water discharges onto the site.  
  
(b) Storm water/surface water disposal shall be piped to existing services on site.

**Reason:** To prevent flooding and ensure the protection of waters.

4. Condition numbers 3 and 10 (a) as attached to grant of planning permission for parent dwelling reference number 19/51842 shall cease to apply.


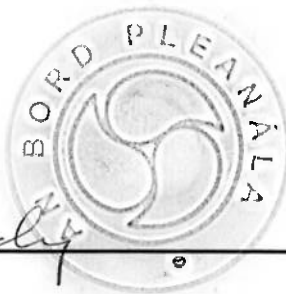
**Reason:** To define the permission.

5. Within three months of this Order, optimum visibility splays shall be provided at the point of access onto the private road serving the subject dwelling. Visibility in the vertical plane shall be measured from a driver's eye - height of 1.05 metres and two metres positioned at the setback distance in the direct access to an object height of between 0.26 metres and 1.05 metres. Vision Splays shall be calculated and provided as per Figure 2 of Appendix 3 (Development Guidelines and Technical Standards) of Part B of the County Donegal Development Plan 2018-2024 (as varied).

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

6. The extension to the polishing filter as proposed in the information submitted to An Bord Pleanála on the 12<sup>th</sup> day of April 2024, shall be completed within three months of this Order. All aspects of the wastewater treatment system as amended by way of this permission shall otherwise accord with the requirements of condition number 10 (b) (i) of planning reference number 19/51842.

**Reason:** In the interests of orderly development and public health.

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

Dated this 25<sup>th</sup> day of September 2024.