

An  
Bord  
Pleanála

Board Order  
ABP-319246-24

## Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 23/51761

**Appeal** by Donal Kelly care of Ronan Murphy Building Design of Craft Village, 26c Main Street, Finner, Belleek, County Fermanagh, Northern Ireland against the decision made on the 15<sup>th</sup> day of February, 2024 by Donegal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) Conversion of offices to five number self-contained apartments, with shared utility room in basement, (2) erection of three balconies to rear return, (3) modification of side elevation with insertion of windows and modification of rear elevation with insertion of patio doors, and (4) all other site works and landscaping at Bishop Street, Ballyshannon, County Donegal.

## Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the

An amendment to this  
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**Planning and Development Act, 2000 to ATTACH conditions numbers 1, 3, 4, 5, 7 and 9 and the reasons therefor, and to AMEND condition number 2 so that it shall be as follows for the reason set out.**

2. The proposed development shall be revised as follows:

- (a) The proposed layout of apartment number 1 at ground floor level shall be revised so the unit becomes a one bed unit rather than a two bed unit. The proposed partition wall between bedroom 1 and bedroom 2 shall be omitted from the scheme to facilitate this requirement.
- (b) The proposed bicycle store at basement level shall be replaced by additional storage space for residents and the bicycle parking area created external to the building.

Revised plans detailing the above amendments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.


**Reason:** In the interest of the residential amenity of future occupiers of the proposed development.

## **Reasons and Considerations**

In relation to retention of condition number 1, the Board considered its retention necessary to define the development approved and noted in particular 'save as hereunder otherwise required'.

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**In relation to amending condition number 2**, the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2024) allow for flexibility in relation to the provision of private and communal amenity space in refurbishment schemes, subject to the overall quality of the scheme being sufficient. The Board considered the overall quality of the scheme to be sufficient, subject to proposed apartment number 1 being amended. As such, it is considered reasonable to retain apartments numbers 1 and 2 within the scheme. In relation to proposed apartment number 1, at ground floor level, the Board considered that this unit is undersized, having regard to the requirements of (Specific Planning Policy Requirements) SPPR 3 of the Apartment Guidelines, and therefore a requirement to amend same to become a one bed unit is justified having regard to the Board's obligations to apply the provisions of SPPR 3.

**In relation to retention of condition number 3**, contrary to the Planning Inspector, the Board considered in relation to 3 (a), that the condition was required to provide for the satisfactory future maintenance of this development in the interest of residential amenity, and in relation to 3 (b), that the application specified that the intended use was for letting and that use for purposes other than letting such as Short-Term Rental would therefore require a new application to, and assessment by, the planning authority.

**In relation to retention of conditions numbers 4 and 5**, the Board considered that the residential amenity of both the proposed development and the surrounding properties is better protected through the retention of these conditions.

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**In relation to retention of condition number 7 (a) and (b),** the Board considered that in the absence of sufficient information, condition number 7 (a) should be retained as the heating system requiring an oil tank may be in use upon completion of the development. In relation to condition number (7) (b), in the absence of sufficient information on file condition number 7 (b) should also be retained as if the heating system is amended in the future, the removal of the oil tank is required if no longer required.

**In relation to retention of condition number 9,** the Board, in not agreeing with the Inspector in relation to the removal of condition number 9(c), considered that in the absence of any alternative information to allow access to the agricultural shed structure that it was not appropriate to facilitate development at this location.

  
**Liam Bergin**

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



**Dated this 19<sup>th</sup> day of June 2024.**

**An amendment to this  
Board Order has been made**

**Dated 15/10/24**

**Signed: Secretary** 