



An
Coimisiún
Pleanála

Commission Order
ABP-322513-25

Planning and Development Act 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 24/61977

Appeal by Frank Murphy of Elmhurst, Porthaw Glen, Buncrana, County Donegal against the decision made on the 17th day of April, 2025 by Donegal County Council to grant subject to conditions a permission to Marie Hegarty Doherty care of MG Architects and Valuers of Millbrae House, Lower Main Street, Buncrana, County Donegal.

Proposed Development: Construction of a two-storey dwelling with wastewater treatment system and a percolation area, connection to existing public services and all associated works at Porthaw Glen, Tullyarvan, Buncrana Lifford PO, County Donegal.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the plans and particulars submitted with the planning application and the appeal, and in the absence of written confirmation from third parties to ensure that necessary sightlines between the private access road serving the proposed development and the local public road can be achieved in order to obtain adequate sightlines onto the local public road, the Commission is not satisfied that it has been demonstrated that the applicant can achieve the appropriate sightlines in accordance with the technical standards set out in Chapter 16 of the Donegal County Development Plan 2024-2030. The proposed development would endanger public safety by reason of a traffic hazard, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission had concerns that the applicant has not demonstrated that consent over third-party lands was forthcoming in order to achieve the requisite sightlines necessary in order to ensure that the proposed development could be carried out without constituting a traffic hazard. While the requirements of condition 2(a) of the planning authority's grant of planning permission were noted (as replicated in the recommended condition 5(a) of the Inspector's report), the Commission considered it more appropriate to ensure that all necessary requirements in order to execute the proposed development be put in place prior to granting planning permission, so as to enable and ensure that the proposed development can be carried out on foot of planning permission being granted.



Paul Caprani

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 12th day of September 2025.