



Planning and Development Acts 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 25/61460

Appeal by Martin Doherty against the decision made on the 9th day of October, 2025 by Donegal County Council to grant, subject to conditions, a permission to Irene McDermott in accordance with the plans and particulars lodged with the said Council.

Proposed Development: The development will consist of the retention of (1) revised front elevation, (2) first floor attic conversion to include gable windows and skylights, (3) domestic shed to the rear of the existing dwelling and (4) permission for a new septic tank system, together with all associated site development works, at a site in the townland of Kinnea, Clonmany, County Donegal.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development and the development proposed to be retained, the relevant policies and objectives contained in the County Donegal Development Plan 2024-2030, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the visual amenities of the area, would not impact Local Improvement Scheme (LIS) funded infrastructure and would not undermine the rural character of the area. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and retained 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 carried out and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing dwelling and the attic extension to be retained shall be jointly occupied as a single residential unit and the extensions shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

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3. Drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4.
 - (a) The existing septic tank and associated infrastructure and pipework shall be decommissioned and removed from the subject site under the supervision of a suitably qualified person.
 - (b) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 25th day of August, 2025, shall serve a population equivalent of eight number and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤10)"- Environmental Protection Agency, 2021. Details of the treatment system in accordance with this condition shall be agreed with the planning authority prior to commencement of development.
 - (c) Treated effluent from the septic tank/wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment System (Population Equivalent ≤10)"- Environmental Protection Agency, 2021.

(d) Within three months of the installation of the new septic tank system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

Eamonn James Kelly

Eamonn James Kelly

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 29th day of January, 2026.

