



An  
Coimisiún  
Pleanála

**Commission Order**  
**PL-500641-DL**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 25/61374**

**Appeal** by James McGowan against the decision made on the 19<sup>th</sup> day of December, 2025 by Donegal County Council to grant subject to conditions a permission to Michael McGonagle in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Refurbishment of existing derelict house and construction of a single storey flat roof extension and provision of a dormer window to the rear. Installation of a septic tank/sewerage treatment unit and constructed percolation area, public utility ducts and drainage network, access roadway and all associated site development works, all at Ballysaggart Townland, Dunkineely, 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 landscape objectives relating to the site, the provisions of the Donegal County Development Plan 2024-2030, and in particular Policies RH-P-7 and RH-P-9 with regards to replacement dwellings and refurbishment of derelict structures, the nature and extent of the proposed development both in terms of the refurbishment works, proposed extension and the access upgrade, 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, would not be likely to have a significant effect on European Sites, would not be prejudicial to public health or the environment, and would generally be acceptable in terms of design, access, and visual amenity. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 the planning authority on the 10<sup>th</sup> day of December, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

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 and surface water management.

4. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling. The dwelling shall not be used for short-term letting without a separate grant of planning permission.

**Reason:** To restrict the use of the dwelling in the interest of orderly development and residential amenity.

5. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development and the visual amenities of the area.

6. A Construction Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CMP shall include, but not be limited to, construction phase controls for asbestos removal measures, if required, waste management, protection of soils, groundwaters, and surface waters and site housekeeping.

**Reason:** In the interest of environmental protection.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2 of Part 1 of the Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** Having regard to the site location within an area of Especially High Scenic Amenity and to retain effective planning control in the interest of the amenities of the area.

8. Full details of boundary treatment and landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following details of all hard and soft landscaping and proposed planting and details of proposed boundary treatments at the perimeter of the site and within the site itself having regard to shared access matters. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

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

10. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the on-going maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

11. 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 Coimisiún 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.

*Mary Gurrie*

**Mary Gurrie**

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

Dated this *07* day of *May* 2026.

