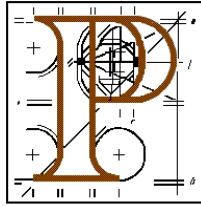


# An Bord Pleanála



## Inspector's Report

**Appeal Reference:** PL05E.246590

**Development:** Completion of 1 no. house and construction of 3 no. houses and all associated works at Droim Ard Avenue, Loughnagin, Letterkenny, Co. Donegal.

### Planning Application

Planning Authority Donegal County Council  
Planning Authority Reg. Ref. 16/50281  
Applicant: George Doherty Construction (IRL) Ltd.  
Type of Application: Permission  
Planning Authority Decision: Grant permission

### Planning Appeal

Appellants: Michael Ronayne  
Type of Appeal: Third Party  
Observer(s): None  
Date of Site Inspection: 29<sup>th</sup> July 2016

**Inspector:** Donal Donnelly

**Appendices:** Photographs and maps

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The appeal site is located in the townland of Loughnagin approximately 3.7km north-east of Letterkenny. Access to the site is off the R245 Regional Route at a location just inside the 60 kph speed limit zone. The road bends to the south of the site access and continues up-gradient to the north. There is a dedicated right turn lane into the estate where the development is proposed.
- 1.2 Droim Ard Avenue comprise an estate of 13 no. large detached dwellings located around a cul de sac. The appeal site includes all of the existing estate and an area to the rear (east) that is partially overgrown. There is a partly constructed access road down to this area. It appears that the second phase of construction would have occurred in this area. The entire site has a stated area of 4.0174 hectares.
- 1.3 The partly constructed road provides access to an occupied dwelling and the foundations of a dwelling have been laid to the east of this dwelling. Other sites for development are located at a turn in the road below the level of dwellings within the completed part of the estate. There is an overgrown area shown for additional dwellings to the east/ north-east of the proposed development sites.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development comprises the completion of 1 no. dwelling and the construction of 3 no. dwellings, together with all associated site works.
- 2.2 The foundations and ground floor slab of one dwelling is in place and it is proposed to complete this dwelling into a 4-bed unit with floor area of 228.72 sq.m.
- 2.3 The new dwellings will be situated to the rear of the estate adjoining an area of proposed open space. These dwellings are also 4 bed units with floor areas of 228.72 and 268.21 sq.m.
- 2.4 Access to the dwellings will be from a new cul de sac access from the existing estate road. This cul de sac will terminate to the east of the estate and is shown to provide access to four additional dwellings and another area of public open space.

## **3.0 TECHNICAL REPORTS**

- 3.1 The recommendation to grant permission, as outlined within the Planning Report, reflects the decision issued by the Planning Authority.
- 3.2 Under the assessment of the application, it is noted that the lands are zoned as "Established Development" in the Letterkenny & Environs Development Plan, 2009-2015 (as varied). The dwellings for which permission is now

sought were previously approved under Reg. Ref: 05/40389, which expired on 13<sup>th</sup> April 2016.

- 3.3 Reference is made to Development Plan Policy CS5, which provides further guidance with respect to development within areas of 'Established Development'. It is generally considered that the proposed development is a relatively small extension to an existing residential development that would be consistent with the policy provisions of the Development Plan. The Case Planner notes in particular that the house types are consistent with the established residential development within the site and that adequate separation would be provided between existing and proposed dwellings.
- 3.4 The Planning Department is satisfied that the 92m vision lines detailed on the site layout plan would be adequate to serve the proposed development. The site entrance is within the 60 kph zone and the Road Design Section and Area Engineer are satisfied with the visibility splays.
- 3.5 Development levies were paid previously for 17 no. dwellings and it is not considered reasonable to impose a second set of levies. However, new bond arrangements shall be put into place.

#### **4.0 PLANNING AUTHORITY'S DECISION**

- 4.1 Donegal County Council issued a notification of decision to grant permission for the proposed development subject to 11 conditions.
- 4.2 Condition 3 states that visibility splays of 92m shall be provided in each direction from the vehicular access onto the R245 Regional Road.
- 4.3 Other conditions are attached relating to the use of the dwellings, internal road gradient, infrastructure provision, drainage, open space and landscaping, maintenance of common areas, cabling and security bonding.

#### **5.0 APPEAL GROUNDS**

- 5.1 A third party appeal against the Council's decision was submitted by the resident of Casablanca, Loughnagin, Ramelton Road. The appellant's dwelling faces onto Ramelton Road and is located approximately 200m north of the access to Droim Ard Avenue.
- 5.2 The grounds of appeal and main points raised in the appeal submission can be summarised as follows:
  - Exit from the estate occurs on a bend on the R245 which clearly limits the visibility at the junction.
  - Junction does not meet the minimum safety requirements in the Development Plan – minimum visual line distance and stopping sight

distance is 160m for an 80 kph speed limit. Speed limit on Ramelton side of the junction is 80 kph.

- Road Engineer's Report makes no reference to visual line distances and confines the submission to internal road gradients.
- Planner's Report is incorrect in stating that the site entrance is within the 60 kph speed limit zone – speed limit changes to 80 kph within 20m of the junction and as one travels towards Ramelton. Application does not therefore comply with national or Development Plan standards.
- Local residents find the junction unsafe and have stated this in their submission to the Council. It is understood that there have been three traffic accidents at this junction since January 2012.
- Unauthorised "for sale" signage significantly impairs visibility on the Letterkenny side of the junction and is in breach of the original planning permission.
- Increase by 30% of the number of dwellings within the estate will significantly increase traffic at the access junction, which is already inherently unsafe.
- A significant number of large vehicles will have to use this unsafe junction during the construction phase.

## 6.0 RESPONSES

### First Party

6.1 The applicant responded to the third party appeal with the following comments:

- The entrance is located on the Letterkenny/ Ramelton Road within a 60kph speed limit.
- Site is contained within the boundaries of the Letterkenny & Environs Development Plan, 2009-2015 and is classified as established development.
- Current planning application is merely a renewal of Reg. Ref: 05/40389, which was for 17 no. dwellings including those for which permission is now sought.
- Original permission conditioned sight lines of 92m from a point 3.05m back from the road edge at a height of 1.050m over ground level.
- Sight lines were and are in place and are in fact exceeded – there is a sight line of 96m in a southern direction and 108m in a northern direction.

- Management Company for Droim Ard Avenue is responsible for ensuring that the visibility provided by the developer is maintained – Management Company appears to be carrying out their duties in a diligent manner.
- Developer is in ongoing discussions with the Council regarding unauthorised signage and will regularise the situation – lower section of sign has been removed.
- All conditions of the original permission have been complied with in full and the vision lines requested and provided are compliant and adequate to serve the proposed development.

Second Party

6.2 The Planning Authority responded to the third party appeal with the following comments:

- Site entrance is within 60kph speed limit zone and vision line standards have been correctly applied.
- Notwithstanding the close proximity of the site entrance to the speed limit sign, drivers are obliged to be travelling at a speed of 60kph or less as they pass the site entrance.
- Proposed development is located on zoned and serviced lands and effectively constitutes a relatively small extension to an existing housing development.
- Planning Authority is of the opinion that the proposed development is compliant with the requirements of the Letterkenny & Environs Development Plan.

**7.0 PLANNING HISTORY**

Donegal County Council Reg. Ref: 00/6077

6.3 Permission was refused for the construction of 7 no. dwellings connected to septic tanks and biocycle systems in April 2000.

6.4 The reasons for refusal referred to the suburban form of development within a rural area; excessive concentration of septic tanks; the location of the proposed access road in too close a proximity to percolation areas; and the setting of an undesirable precedent.

Donegal County Council Reg. Ref: 05/40389

7.1 Woodlake Ltd. was granted permission on 4th April 2006 for construction of 17 no. houses and all associated site works, including pump station and connection to existing sewer, construction of new vehicular entrance to serve the entire site and the closing up of an existing approved entrance.

- 7.2 A total of 13 no. dwellings have been developed and an extension of duration of permission was granted until the 13<sup>th</sup> April 2016 under Reg. Ref: 11/40110. No further development occurred under the extension of duration permission.

Donegal County Council Reg. Ref: 07/40720

- 7.3 Permission was granted for the retention and completion of change of house type and domestic garage as per Reg. Ref: 05/40389 (dwelling now completed and adjoining site for which permission for completion is now sought).

## **8.0 DEVELOPMENT PLAN**

Letterkenny & Environs Development Plan, 2009-2015 (as varied)

- 8.1 Pursuant to the provisions of Section 11 of the Planning & Development Act 2000 (as amended by the Electoral, Local Government and Planning and Development Act 2013), it was decided on 6<sup>th</sup> March 2014 not to review the Letterkenny & Environs Development Plan 2009-2015 (as varied). The existing Letterkenny & Environs Development Plan 2009-2015 (as varied) therefore continues to have effect to the extent provided for by that Plan and it shall be read together with the County Donegal Development Plan 2012-2018 (as varied) until such time as it is reviewed.
- 8.2 The appeal site is located within an area zoned as “*Established Development*” within the Letterkenny & Environs Development Plan where the objective is “*to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement.*”
- 8.3 Policy CS5 relates to development proposals within ‘Established Development’ where the Council shall assess the suitability of the proposed integration of the development with the surrounding area and the appropriateness of the proposed density. In this regard, a proposal shall demonstrate that it is appropriate in its context and setting, that the scale, massing, footprint and height are appropriate, and that it does not detract from the character, amenity and design of the surrounding neighbourhood including the character, amenity and design of surrounding buildings.

## **9.0 NATIONAL GUIDELINES**

Design Manual for Urban Roads and Streets

- 9.1 These Guidelines set out detailed advice on forward visibility and visibility splays from junction. Forward visibility is the distance along the street ahead which a driver of a vehicle can see. For a design speed of 60 kph the stopping sight distances is 59m.

9.2 Alternative visibility splays are illustrated for situations where there are no constraints on overtaking.

## 10.0 ASSESSMENT

10.1 In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle;
- Compatibility with surrounding development;
- Sight lines.

### Development principle

10.2 The appeal site is located in an area zoned “Established Development” within the Letterkenny & Environs Development Plan, where it is the objective *“to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement.”*

10.3 I would have concerns that the proposed development adversely impacts on the sustainable growth of the settlement. Whilst the site is situated within the Letterkenny & Environs Plan Boundary, it is nonetheless at the extreme periphery at a distance of approximately 3.7km from the town centre.

10.4 It is stated within the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities that *“when land is zoned in a development plan without the benefit of a more detailed local area plan designation, the development plan should identify where practicable the sequential and co-ordinated manner in which zoned lands will be developed, so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure.”*

10.5 Furthermore, the sequential approach to development as set out in the Development Plan Guidelines specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities.

10.6 Core Strategy Objective 3 seeks *“to encourage growth of the town in a sequential manner outwards from the core so as to make best use of existing and planned infrastructure and to consolidate and strengthen urban form.”* In addition, Policy CS1 relating to sequential growth states that *“it is the policy of the Council to guide development of Letterkenny in a sequential manner, outwards from the core area in order to maximise the utility of existing and future infrastructure provision, promote the achievement of sustainability, avoid ‘leap- frogging’ to more remote areas and to make better use of under utilised land.”*

- 10.7 A total of 66 hectares of land have been identified within Development Plan Variation 2 mapping referenced PR1-PR8 as 'Residential Phase 1' in conjunction with 'Opportunity Sites 1 and 10'. These lands will deliver the sequential growth of the town and provide for a quantum of land abutting the existing urban fabric that is suitable for development.
- 10.8 In my opinion, the development of 4 no. dwellings at one of the most remote locations within the plan area from the core of the town would be completely at odds with Policy CS1. I note that permission was granted previously for the dwellings in question and that this permission was extended and has recently expired for a second time. However, it should be noted that these permissions were decided before Variation 2 to the Development Plan was adopted in June 2013. Variation 2 introduces an evidence-based Core Strategy to show that the development objectives in the Development Plan are consistent, as far as practicable, with national and regional development objectives set out in the National Spatial Strategy and Regional Planning Guidelines. A key issue in Letterkenny having regard to the prevailing physical development trends, is the need to plan against urban sprawl and provide for the sequential growth of the town.
- 10.9 The proposal would continue the dispersed pattern of residential development along radial routes in an outer area of the town. Furthermore, the proposal would undermine the development of Phase 1 lands in closer proximity to the town centre. I consider therefore and permission should be refused.
- 10.10 Notwithstanding the above, should the Board be minded to grant permission for the proposed development, I have assessed the outstanding main issues below.

*Compatibility with surrounding development*

- 10.11 Under Policy CS5, proposals for development within areas zoned as 'Established Development' shall be considered subject to all relevant material planning considerations and policies of this Plan. As noted above, I am of the opinion that the proposed development fails to comply with a fundamental aim of the Core Strategy.
- 10.12 Where the location of the proposed residential development is considered acceptable, proposals shall also be assessed under Policy CS5 with respect to its suitability and integration with the surrounding area, and the appropriateness of the proposed density. It is stated that a development should be appropriate in its context and setting, that the scale, massing, footprint and height are appropriate, and that it does not detract from the character, amenity and design of the surrounding neighbourhood including the character, amenity and design of surrounding buildings.
- 10.13 I have examined the layout of the proposed additional dwellings within the context of the overall housing estate. It is envisaged that the estate will include a total of 22 no. dwellings within an area of 4.0174 hectares. At approximately 5.5 dwellings per hectare, this represents an extremely low density of development. Policy H14 states that densities of 35 units per



hectare will be considered but that lower density ranges may be required having regard to the density and spatial pattern of development on lands that abut the site.

- 10.14 The proposed development of 4 additional dwellings would see a continuation of the density of development within the existing estate. The proposal would also include areas of open space that would have the effect of lowering the overall density. Having regard to the established pattern of development, I consider that the proposed layout and density would be appropriate in this case.
- 10.15 The proposed house designs, footprints, scale and private open space provision would also be compatible with the existing dwellings on Droim Ard Avenue. Overall, I would be satisfied that the proposed dwellings can be successfully integrated within the surrounding area when the time comes that Phase 1 lands have been built out and the remainder of available sites within Established Development lands in closer proximity to the town core are developed. In the meantime, I consider that it would be most inappropriate for Phase 1 designated lands to be undermined by remote developments such as this.

#### Sightlines

- 10.16 The appellant is concerned that the exit from Droim Ard Avenue occurs at a bend on the R245, which limits the visibility at the junction. It is considered that the junction does not meet the minimum safety requirements, as the minimum visual line distance and stopping sight distance is 160m for an 80 kph speed limit.
- 10.17 The access junction from the estate onto the R245 is located within the 60 kph speed limit zone. The 80 kph speed limit zone commences a short distance to the north of the access junction. Sightlines of 92m in both directions are shown from the junction. However, the sightline to the north would extend into the 80kph zone.
- 10.18 Notwithstanding, a southbound motorist passing the access junction would have been expected to slow to a 60 kph speed. The R245 is down-gradient in this direction which would require greater application of brakes. I note, however, that the sign for the 60kph zone would become visible to the approaching motorist at the time of entry into the 92m visibility splay. There are also right turning lanes that could have the effect of slowing traffic. Furthermore, the stopping distance for a design speed of 60 kph as outlined in the Design Manual for Urban Roads and Streets is 59m.
- 10.19 Having regard to the above, I would be satisfied that the access to Droim Ard Avenue complies with the minimum stopping distance requirement of 90m set out in the Development Plan for a 60 kph speed zone.

### Appropriate Assessment

10.20 The appeal site is located as close as 1km from the Lough Swilly SAC (site code: 002287) and the Lough Swilly SPA (site code: 4075). Having regard to the nature and scale of the proposed development, and/or nature of the receiving environment and/or proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **RECOMMENDATION**

I have read the submissions on file, visited the site and paid due regard to the provisions of the current Donegal County Development Plan and Letterkenny Development Plan. I recommend that planning permission be refused for the proposed development based on the reasons and considerations hereunder.

### **REASONS AND CONSIDERATIONS**

The appeal site is located within an area zoned as *“Established Development”* within the Letterkenny & Environs Development Plan, where the objective is *“to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement.”* It is the policy of the Council (CS1) *“...to guide the development of Letterkenny in a sequential manner, outwards from the core area in order to maximise the utility of existing and future infrastructure provision, promote the achievement of sustainability, avoid ‘leap- frogging’ to more remote areas and to make better use of underutilised land.”* The proposed residential development, by reason of its location along a radial route in an outer area of town, would contravene the zoning objective and Policy CS1, and would contribute to a dispersed pattern of development that would inhibit the sustainable growth of the settlement. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

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**Donal Donnelly**  
**Inspector**

11<sup>th</sup> August 2016