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Bord  
Pleanála

## Inspector's Report PL05E. 248467

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<b>Development</b>	House
<b>Location</b>	Newton Road, Magheracar, Bundoran, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	17/50274
<b>Applicant</b>	Collooney Developments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Collooney Developments Ltd.
<b>Observer</b>	None
<b>Date of Site Inspection</b>	3 <sup>rd</sup> August 2017
<b>Inspector</b>	Stephen J. O'Sullivan

## **1.0 Site Location and Description**

1.1. The site is near the edge of the town of Bundoran. The town centre is c750m to its north. The N15 by-pass road is c150m to its south. It has a stated area of 0.48ha. It consists of part of field under pasture and an overgrown access strip to it from the public road to the south, the Newtown Road. There is a line of detached house along most of that road in the vicinity of the site. There is a footpath on the opposite side of the Newtown Road from the site.

## **2.0 Proposed Development**

2.1. It is proposed to build a detached house on the site with a floor area of 456m<sup>2</sup> served by a 4m wide driveway from the Newtown Road. The floor level of the house would be 5m lower than that of the road. A detached garage of 90m<sup>2</sup> would also be erected.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority refused permission for one reason which stated that it was not satisfied that the development would not seriously compromise the ability to provide access for housing development on land that is zoned for residential development in phase 2 in the development plan. Accordingly it would materially contravene the zoning of the site and policy H5 of the development plan.

### **3.2. Planning Authority Reports**

#### **3.2.1. Assistant Planner's Report**

The site has been reduced from that of 16/51385. The vehicular access would not impede access to the zoned lands to the rear and the location and layout of the dwelling would not compromise the ability of the land to the north and east to facilitate residential development, subject to an appropriate condition. A grant of permission was recommend.

#### **3.2.2. Senior Executive Planner's Report**

This is a repeat application that presents no material change from that refused under 16/51835. There is no change in the potential impediment to an access point to the zoned lands and their orderly development. It was recommended that permission be refused.

#### **4.0 Planning History**

Reg. Ref. 16/51385 – the planning authority refused permission for a house on a site that encompasses the current site, for 2 reasons. The first stated that the proposed house would compromise the ability to provide access for the residential development of zoned land and would contravene policy H5 of the development plan. The second stated that no application for social housing exemption certificate had been submitted.

#### **5.0 Policy Context**

##### **5.1. Development Plan**

The Bundoran and Environs Development Plan 2009-2015 (as extended) applies. The site is zoned residential, phase 2. Policy H5 of the plan is that proposals for single dwellings on lands zoned residential shall only be permitted where it can reasonably be demonstrated that the location and layout of the dwelling would not compromise the ability of the land to facilitate the provision of comprehensive residential development and would not prejudice access or result in ransom strips.

##### **5.2. Natural Heritage Designations**

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The applicant considered that the issue of access had been resolved in pre-application meetings with the planning authority. It was unfair to refuse permission in this case.
- The proposed development is backland and not ribbon development. It does not encroach on access to other zoned land. So it would not contravene policy H5 of the development plan.
- The development plan shows an access point to the zoned lands which is not near the current site. The Newtown Road is not suitable to serve multiple-unit residential development due to its restricted width at the junction to the west of the site, so access for housing development would have to come from the Church Road. An application for permission for housing under 07/10047 was withdrawn due to concerns with access. If permission 17/50497 is granted in the vicinity of the graveyard it could provide another access to the zoned lands.

### 6.2. Planning Authority Response

The planning authority's response referred to its senior executive planner's report.

## 7.0 Assessment

- 7.1. The proposed development would be a large house occupying a substantial curtilage centrally located within an area zoned for residential development. The linear development along Newtown Road and Church Road has restricted the options for linking housing on the zoned land with the public road network. In this context the constraint that the proposed house (including the driveway, piped services and private space serving it) would place on future access to the zoned land would be significant. The proposed house would compromise the coherent development on the zoned lands in other respects. In itself it would occupy a large piece of zoned and serviced land in order to provide only one dwelling. Furthermore its location and

layout would present a significant obstacle to any attempt to design coherent residential development on this land with an attractive and permeable layout that could provide a range of housing units at a sustainable density with adequate levels of amenity. The proposed house would make the proper development of the zoned lands significantly more difficult, and as such would be contrary to the proper planning and sustainable development of the area. The planning authority's conclusion that it would materially contravene the provisions of the development plan, in particular policy H5, was therefore correct. The grounds of appeal which were based on suppositions regarding other proposed access points that might be available would not reasonably support a conclusion otherwise.

## **8.0 Recommendation**

8.1. I recommend that permission be refused.

## **9.0 Reasons and Considerations**

The proposed development of a single would, by virtue of its location, layout and size, compromise the coherent development of the lands zoned for phase 2 residential development by the Bundoran and Environs Development Plan 2009-2015 (as extended). The proposed development would therefore materially contravene the zoning of the site and policy H5 of the development plan and would be contrary to the proper planning and sustainable development of the area.

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Stephen J. O'Sullivan  
Planning Inspector

30<sup>th</sup> August 2017