



An  
Bord  
Pleanála

## Inspector's Report ABP-300141-17

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<b>Development</b>	Demolition of existing dwelling and erection of a replacement dwelling with effluent treatment plant and domestic store.
<b>Location</b>	Umrycam, Bunrana, Lifford PO, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	17/51327
<b>Applicant(s)</b>	Darren O'Donnell
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Darren O'Donnell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25/01/2018
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of the R238 as it runs north out of Buncrana in north-western Donegal. The rural area is characterised by agricultural fields and a large number of one-off-houses.
- 1.1.2. The subject site is a large open field in grassland. Adjoining the western boundary and with access off the R238 is a single storey bungalow with a number of lean-to outbuildings. The dwelling appears to be vacant. A low privet hedge bounds this part of the site from the adjoining roadway. An area of rough hardstanding has been created to the east of the entrance to the cottage. This is fenced off from the remainder of the site by a low wire and post fence. To the rear of the cottage a concrete slab accommodated farm machinery.
- 1.1.3. The remainder of the site is in grassland, with an elevated section at the southern end. There is a pocket of mature trees in the south-eastern corner and a hedgerow forming the southern boundary. Further south-east is a watercourse. An ESB line crosses the site along the northern boundary with an ESB pole in the centre of the front boundary. The front boundary comprises a low hedge with a few trees. A watercourse runs along the length of the northern road boundary.
- 1.1.4. To the south-west of the site are two 1.5 storey detached bungalows. These dwellings are stated to belong to the applicant's family. To the north and north-west of the dwelling a series of one off house of varying styles, sizes and heights access the public road.
- 1.1.5. Photographs from the site visit are appended to this report.

## 2.0 Proposed Development

- 2.1.1. Permission was sought for the demolition of an existing dwelling (floor area not stated) and the construction of a replacement dwelling of 305sq.m. and a domestic store of 41.7sq.m. on a site of 0.93ha. It is proposed to service the site by means of a WWTP discharging to a watercourse and a connection to the public mains.
- 2.1.2. The application was accompanied by a Site Characterisation Form and a Supplementary Housing Application form.

### 3.0 Reports on file following submission of Application

- 3.1.1. **Environmental Health Officer:** No objection subject to 10 no. conditions.
- 3.1.2. **Planning Report:** Repeat application in line with planning history. Under permitted application applicant agreed to relocate the dwelling 20m to the west to maintain adequate separation distance from the western site boundary. Permitted dwelling had a FFL of 98.5m. Subject application has a FFL of 99m and is 40m from the western site boundary. Previously permitted dwelling would integrate well with the landscape. Permission should be refused for current proposal.

### 4.0 Planning Authority Decision

#### 4.1. Decision

- 4.1.1. On the 12<sup>th</sup> October 2017 the Planning Authority issued a notification of intention to **REFUSE** permission for the following reason:

- 1 The subject site is located in a rural area designated in the County Development Plan 2012-2018 (as varied). It is a policy of the Planning Authority to require that “proposals for individual dwellings shall be subject to the application of Best Practice in relation to the siting, location and design of rural housing as set out in Appendix B” – Policy RH-P-1 of the County Development Plan 2012-2018 (as varied). It is considered that the dwelling permitted under Plan Reg. no. 16/51629 was specifically positioned and sited in such a location and at such levels as facilitated the least extent of excavation or infilling of the site and provided for the integration of the development into the landscape insofar as possible. It is considered that the proposed dwelling house by reason of (i) its positioning at a more elevated level and further removed from the established spatial pattern of the area; (ii) the increased extent of excavation and infilling proposed; and (iii) poor landscaping, results in a development which overall fails to achieve Best Practice and which would constitute a haphazard form of development which fails to integrate into the receiving landscape. Accordingly it is considered that to permit the proposed development would be contrary to the said policy RH-P-1 of the County Donegal Development Plan 2012-2018 as varied and thereby be contrary to the proper planning and sustainable development of the area.

## 5.0 Planning History

- 5.1.1. Planning Authority reg. Ref.: **15/51040**: Permission refused for construction of a two storey dwelling with effluent treatment plant. Reason for refusal referred to the elevated ridge, extent of excavation required, the spatial patten of the area and traffic safety.
- 5.1.2. Planning Authority reg. ref.: **16/51629**: Permission granted for demolition of existing dwelling and erection of a replacement dwelling.
- 5.1.3. Planning Authority reg. ref.: **17/50671**: permission refused for change of house type and relocation of house from that permitted under 16/51629. Reason for refusal related to sites proximity to a Regional road, open exposed site, and excessive scale mass and height of proposed dwelling.

## 6.0 Policy Context

### 6.1. Donegal Development Plan 2012-2018

- 6.1.1. The subject site is located in an unzoned rural area, outside the town of Buncrana. The area is shown in the development plan Map of Rural Area Types as being an “area under Strong Urban Influence”. Section 5.3.3 of the development plan states that within such areas, it is necessary to manage the extent of development whilst facilitating those with genuine “rural generated housing need”.

- 6.1.2. Policies of relevance in the development plan include:

**RH-P-1** It is a policy of the Council that the following requirements apply to all proposals for rural housing:

1. Proposals for individual dwellings shall be subject to the application of Best Practice in relation to the siting, location and design of rural housing as set out in Appendix B and shall comply with Policy RH-P-2; 2. Proposals for individual dwellings shall not be located in a manner that would be injurious to the integrity and character of Areas of Especially High Scenic Amenity (EHSA), or adversely impact on designated habitats, prospects or views including views covered by Policy NH-P-14 or be non-compliant with Article 6 of the Habitats Directive having regard to the relevant conservation objectives, qualifying interests and threats to the integrity of Natura 2000 sites;

3. Any proposed dwelling, either by itself or cumulatively with other existing and/or approved development, shall not negatively impact on protected areas defined by the North Western International River Basin District plan;
4. Site access/egress shall be configured in a manner that does not constitute a hazard to road users or significantly scar the landscape, and shall have regard to Policy T-P-15;
5. Any proposal for a new rural dwelling which does not connect to a public sewer or drain shall provide for the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice;
6. Proposals for individual dwellings shall be subject to flooding Policy F-P-8 as set out in this plan;
7. In the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended).

**RH-P-2** It is a policy of the Council to permit a new rural dwelling which meets a demonstrated rural need (see Policies RH-P-3–RH-P-6) provided the development is of an appropriate quality design, integrates successfully into the landscape, and does not cause a detrimental change to, or further erode the rural character of the area. In considering the acceptability of a proposal the Council will be guided by the following considerations:

1. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;
2. A proposed dwelling shall not create or add to ribbon development;
3. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;
4. A proposed dwelling will be unacceptable where it is prominent in the landscape; and shall have regard to Policy T-P-15.
5. A proposed dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant

excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings (as elaborated below).

## 7.0 The Appeal

7.1.1. A first party appeal against the Council's decision to refuse permission was received by the Board on the 7<sup>th</sup> November 2017. The grounds of appeal can be summarised as follows:

- The applicant inherited the subject site from his father. He seeks to demolish his father's family home on the site and erect a dwelling as his place of permanent residence.
- The site is currently occupied by a derelict bungalow. Two detached<sup>1</sup> 1.5 storey dwellings to the west are occupied by the applicant's family members. These dwellings have ridge heights of 7.5m, FFL of 97m relative to the roadside datum of 96.37m, and a setback of 63.9m from the centreline of the road. The dwelling to be demolished has a set-back of 21.2m from the centre of the road. Dwellings in the wider area vary in footprint and height.
- Planning permission was refused under reg. ref. 15/51040 for 4 no. reasons, relating to elevated site, pattern of development in the area, traffic hazard (x2).
- Permission was granted for a replacement dwelling under 16/51629 after relocation of the proposed house. It is submitted that as the applicant was in Australia he did not understand the implications of the relocation request. An application to change the house type and location (17/50671) was refused on the grounds of the siting of the dwelling, its proximity to the regional road and the development being out of character.

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<sup>1</sup> The Board will note the appeal refers to semi-detached dwellings, whereas the two dwellings on site are actually detached.

- The proposed application is for the applicants preferred location within the site and is in keeping with the FFL of the permitted dwelling.
- The applicant submits that the permitted dwelling at 40m from his family home is too close and requests the proposed dwelling be granted at 65m from the family home.
- It is submitted that the Planning Authority's reasons for refusal are not merited. The set-backs along this road vary from 10m to 50m. The proposed dwelling relocated 25m to the east would have minimal impact on the landscape.
- The Board is requested to grant permission for the proposed development.

## 7.2. Planning Authority Response

- 7.2.1. The Planning Authority state that the subject application is a repeat application as it provided for the repositioning of a dwelling in a location previously refused on grounds that it would represent an obtrusive and strident form of development (15/51040 refers). A more suitable location within the site was granted permission (16/51629 refers). The Planning Authority took the planning history of the site into consideration and determined that the previously permitted development was the most appropriate as it provided for the integration of the development into the site, involved the least excavation and infill. The proposed development at a more elevated level on the site and further removed from the spatial pattern of the area, involves more excavation and infilling and would constitute a haphazard form of development and would be contrary to policy RH-P-1 of the development plan.

## 7.3. Observations

- 7.3.1. None on file

## 8.0 Assessment

### 8.1. Principle of Development

- 8.1.1. The subject site has been the subject of a number of planning applications, culminating in a grant of permission for a 1.5 storey house (16/51629). During the course of that application the applicant was requested to relocate the dwelling to a point 20m from the western boundary (his family home) and to have a FFL of 99.5m.

The applicant responded to that FI request with drawing no. 1116-1224-01C, showing the dwelling relocated to the south-western corner of the site and with a FFL of 98.5m. Permission was granted subject to 14 no. conditions. Condition no 1 requires the permitted development to be carried out in compliance with the revised site layout plan submitted on the 18<sup>th</sup> January 2017.

8.1.2. The applicant now seeks a different location within the site. He states in his appeal to the Board that he does not wish to be within 20m of the family home and did not recognise the consequences of acceding to the FI request.

8.1.3. Dealing first with the house type. The permitted dwelling is a 1.5 storey dwelling of 305sq.m. It is typical of many one-off dwellings in the Irish countryside, with many examples in the immediate vicinity of the subject site. The permitted dwelling has a FFL of 98.5m and is located on the ridge of the site, in the south-western corner. The overall height of the permitted dwelling is 6.7m.

8.1.4. Permission is now sought for the same dwelling type, to be located in the centre of the site, along the southern boundary. The proposed dwelling has a FFL of 99m drawing no. 1116-1224-05C shows the removal of a 1.6m high bank and an undefined level of excavation and an infilling. The permitted garage to the east of the permitted dwelling is to be relocated to the west.

8.1.5. As the subject site has a relatively long planning history, the issue of housing need was addressed in the first application (15/51040). The applicant was deemed to be in compliance with the Council's rural housing policy RH-P-1. Given that the proposed development is for a change of location within the site and noting that should the Board decide to refuse permission, the applicant retains his right to develop under 16/51629, it is considered that the issue of housing need does not arise in the subject application.

8.1.6. The key issue at play is that of visual amenity. I note the development plan policy (section 5.3.3) which states that "*new buildings should be sited to take advantage of the opportunities afforded by any existing mature planting, hills, slopes or other natural features to assist with integration. Proposed housing that would read as skyline development or occupy a top of slope/ridge location or otherwise be a prominent feature in the landscape will be unacceptable. Similarly a new dwelling that relies on significant earth works, such as cutting into slopes, filling to create a*



*level “platform” for development or mounding to achieve integration, will all be unacceptable”.* The development plan acknowledges the wider impact of one-off housing, noting that when assessed cumulatively with other housing in the area, the rural character of an area can be detrimentally affected. Creating or extending a suburban pattern of development or ribbon development is specifically referenced.

- 8.1.7. The proposed 1.5 storey dwelling at the highest part of the site, involves a significant amount of both excavation and infilling. The resultant dwelling will be widely visible, exacerbating the pattern of ribbon development along this stretch of road into Buncrana. It is considered that the proposed development is contrary to policies RH-P1 and RH-P-2 which requires one-off housing to integrate successfully into the landscape, not further erode the rural character of an area and not require significant infilling and / or excavation.

## 8.2. **Appropriate Assessment**

- 8.2.1. Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

## 9.0 **Recommendation**

- 9.1.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Donegal County Development Plan 2012-2018 and all other matters arising. I recommend permission be REFUSED for the following reason:

- 1 The site of the proposed development is located within 'Stronger Rural Areas under Significant Urban Influence' as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in Policies RH-P-1 and RH-P-2 the current Donegal County Development Plan 2012-2018 (as varied), which is considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, together with the level of excavation and infilling required it is

considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Gillian Kane

Senior Planning Inspector

29 January 2018