



An
Bord
Pleanála

Inspector's Report

ABP-305849-19

Development	Construction of a vehicular entrance, and access roadway in lieu of that permitted to service house previously approved and under construction under planning ref 14/51438.
Location	Ballynacor, Killygordon, Lifford, Co Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	1951290
Applicant(s)	Christopher and Martina McHugh.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Joseph Kelly.
Observer(s)	None.
Date of Site Inspection	12 th March 2020.

Inspector

Sarah Lynch

1.0 Site Location and Description

- 1.1. The subject site is located in a rural area, accessed from the northern side of a narrow country road, which runs southwards out of a settlement known as the Crossroads (approx. 1.8km to the north of the appeal), which is south of the N15 and the larger village of Killygordon in central Donegal.
- 1.2. The site, which has a stated area of 0.93ha, comprises a field with a bungalow (applicant's parent's home) on the southern portion of the site and a completed large two storey detached dwelling (subject of this appeal) on the northwestern portion of the site, permitted under 14/51438.
- 1.3. There are existing bungalow dwellings on either side of the entrance to the dwelling. There is an existing one and a half storey dormer dwelling to the north. The topography in the area is undulating, with the public road rising from Crossroads, north of the site, up to site and continuing to rise beyond this site. There is a drop in levels at the northern boundary between the appeal site and the adjoining site to the north.

2.0 Proposed Development

- 2.1. It is proposed to construct a vehicular entrance, access roadway, and associated site development works in lieu of that previously permitted under 14/51438.

3.0 Planning Authority Decision

3.1. Decision

Donegal County Council determined to Grant the proposed development subject to standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report is consistent with decision of the planning authority.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

A third-party submission was submitted by Joseph Kelly who resides adjacent to the appeal site. The concerns raised are outlined within the grounds of appeal.

4.0 Planning History

- ABP303926 Permission was **GRANTED** for the Retention and completion of a house previously approved under planning reference number 14/51438.
- 14/51438 – Permission **GRANTED** for construction of a dwelling house, garage and septic tank/sewage treatment system and decommissioning of an existing septic tank and relocation and replacement with a septic tank/sewage treatment system.

Adjoining site to the north:

- 06/60760 – Permission **GRANTED** for the construction of a house, garage and septic tank.

5.0 Policy Context

5.1. Development Plan

Donegal County Development Plan 2018-2024

Appendix 4 'Building a House in Rural Donegal - A Location, Siting and Design Guide'.

- The subject site is located in an area of Medium Scenic Amenity.
- Policy NH-P-7: Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the

development to integrate within and reflect the character and amenity designation of the landscape.

- Part B, Appendix 3 Section 2.3 Roadside Boundaries in Rural Areas.
- Part B, Appendix 3 Section 2.10 Vision Lines.

5.2. Natural Heritage Designations

The subject site is not located within or adjacent to a European site. The closest European site is the River Finn Special Area of Conservation (002301), which is approx. 1.7km south of the application site.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been submitted by the neighbouring property owner, located north of the appeal site, who submitted an objection to the planning authority in relation to this application. The grounds of appeal are summarised as follows:

- No regard has been given to the percolation area and drainage on the northern boundary of the site.
- Extensive rock breaking has occurred and filling of the northern boundary.
- FFL is 4.2 metres.
- Marsh drain in northern boundary is only suitable for run off from appellants dwelling.
- Appellant is concerned that property will be vulnerable to flood.

- Three entrances in short distance.
- Application is a creeping development.
- Schedule 7 does not permit discharge to a public road and this should not occur at appellants boundary either.

6.2. Applicant Response

The applicant submitted a response to the grounds of appeal stating that the revised access has to be built

- Application is required as a number of levels had been incorrectly identified on the site plan permitted in 2015 and the house has been constructed lower than the county road.
- Proposal will improve access to dwelling.
- All surface water will be piped to existing storm drain at public road.
- The proposed development does not seek to alter the previously approved percolation area or treatment tank.

6.3. Planning Authority Response

- Donegal County Council wish to rely on the comments within the planner's report.

6.4. Observations

- None

7.0 Assessment

7.1. This is a third-party appeal against Donegal County Council's decision to grant permission for the relocation of a previously approved access from the southern boundary of the appeal site to the eastern boundary. The site is located in the rural townland of Ballynacor south of Killygordan in an area of medium scenic amenity. The

issues for consideration before the Board pertain to suitability of the proposed access in terms the following:

- Sightlines
- Drainage
- Appropriate Assessment.

Sightlines

- 7.2. It is contended by the appellant that there are three entrances in a short distance and the proposed entrance should remain as previously permitted. I note that the previous entrance is an agricultural entrance currently utilised for the construction of the dwelling on site and is located in close proximity to a bend in the road to the east. The proposed entrance will be located within the eastern boundary of the appeal site on a relatively straight stretch of road with sight visibility of c. 70 metres to the north and 70 metres to the south.
- 7.3. The proposed entrance will access a road where the speed limit is 80kph, sight visibility requirements on such roads is 160 metres in both directions. Exceptions are permitted whereby the actual road speed is demonstrated as being significantly less. In such instances an applicant is required to submit a road speed survey to demonstrate recorded speeds on the road.
- 7.4. A Traffic Survey was submitted with the planning application and recorded an average speed of 42.02kph, with an overall average taking into account the 85th percentile speed of 49.46kph. The provision of 70m sight lines in both directions adequately caters for such speeds. I noted at the time of site inspection that the road is narrow in width and there is a steep incline on approach to the site and traffic was moving slowly.
- 7.5. Based on the information submitted I consider that the proposed entrance is acceptable and in accordance with the requirements of the Donegal County Development Plan 2018-2024.

Drainage

- 7.6. The appellant has raised concerns in relation to the impact that the proposed works will have on his property in terms of flooding. It is stated within the grounds of appeal that works have been carried out on the northern boundary and that there is a marsh

drain along this boundary which he utilises. It is further stated that the proposed access should not be permitted to drain into this ditch as there is no capacity for additional loadings within it.

- 7.7. I note from the plan submitted that it is proposed to direct surface water arising from the appeal site to the existing storm drain within the public road. I note that no comments were made by the Donegal Road Design office or area engineer in this regard and that the Council were satisfied that this issue could be dealt with by condition.
- 7.8. Having regard to the nature of the proposed works and that adequate internal surface water drainage is proposed I am satisfied that the proposed access will not give rise to surface water flooding of the appellants property. Details of drainage can be adequately dealt with by way of condition.
- 7.9. In addition to the foregoing, the appellant has made reference to potential impacts that the new access will have on the percolation area of the dwelling. I note that the proposed percolation area is located adjacent to the northern boundary of the site and is set back c. 10 metres from the proposed access. The proposal provides for an adequate separation distance from the percolation area and I am satisfied that the proposed works will not impact the functionality of the percolation area in any way.

Appropriate Assessment

- 7.10. Having regard to the minor nature of the development and the separation distance to any 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.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Donegal Development Plan 2018-2024, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out

below, the proposed development would not create a traffic hazard or seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Sarah Lynch
Planning Inspector

13th March 2020