



An
Bord
Pleanála

Inspector's Report ABP307760-20

Development	Demolition of existing house and construction of a replacement house.
Location	Figary, Fahan, Lifford, County Donegal.
Planning Authority	Donegal County Council.
Planning Authority Reg. Ref.	2050556.
Applicant	Adrian Sheridan
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant	Sharon Carey.
Observers	None.
Date of Site Inspection	2 nd October, 2020.
Inspector	Paul Caprani.

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1.0 Introduction

ABP307760-20 relates to a third-party appeal against the decision of Donegal County Council to issue notification to grant planning permission for the demolition of an existing dwelling and the construction of a replacement house at Figary, Fahan, County Donegal. The grounds of appeal argue that the proposed development will have an adverse impact on surrounding residential amenity and will also impact on the setting and context of a protected structure and will have an unacceptable impact on the natural environment.

2.0 Site Location and Description

- 2.1. The appeal site is located at Figary, Fahan, a small settlement approximately 5 kilometres south of Buncrana at the southern end of the Inishowen Peninsula. The appeal site is located on the grounds of what appears to be a former convent and is now used as a residential care home/nursing home. The site is located within the south-eastern corner of the grounds near the main entrance of the residential care home. The site is setback from the internal access road to the residential care home off the R328. Access to the dwellinghouse is located approximately 15 metres from the entrance to the care home off the R328. A one-way system prevails for access to the residential care home with the entrance located at the south-eastern boundary and the exit located at the south-western end of the site.
- 2.2. The site itself is roughly rectangular in shape and while its southern boundary runs along the Station Road (R328), as already stated, a single entrance to the site is taken off the internal access road serving the residential care home. The site has a width of c.30 metres and a depth of just less than 70 metres. It has a stated area of 0.19 hectares. It currently accommodates a single-storey rectangular dwellinghouse together with two small outbuildings. The existing structures are located to the rear of the site setback from the Station Road. The site also incorporates a notable slope downwards towards the road. A two-storey dwellinghouse is located to the immediate east of the site. This dwellinghouse incorporates a private amenity area including an outdoor seating area and glass patio doors along its western elevation

directly opposite the subject site and adjacent to the common boundary. The adjoining dwellinghouse is setback approximately 8 metres from the common boundary. A small single-storey cottage fronting directly onto Station Road is located approximately 35 metres to the south-east of the site. There are no other buildings within the immediate vicinity of the site. The nursing home is located approximately 190 metres to the north-west of the appeal site.

3.0 Proposed Development

3.1. Planning permission is sought for the demolition of the existing dwellinghouse and the construction of a large two-storey dwelling in its place together with a single-storey sunroom/orangery on the western elevation. The proposed dwellinghouse is large accommodating a floor area of 506 square metres. It is to accommodate living space at ground floor level with a garage attached to the rear of the dwellinghouse with the provision to park two cars. Six bedrooms are proposed at first floor level. The dwelling is to rise to a ridge height of 8.775 metres and is to incorporate a smooth plaster render finish. It is also proposed to provide an onsite wastewater treatment system to the front of the dwellinghouse in the front garden c.14.1 metres from the front of the dwelling. The proposed dwellinghouse is to utilise the existing access onto the internal access road serving the residential care home.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Donegal County Council issued notification to grant planning permission on 16th July, 2020 subject to 10 conditions.

4.2. Planning Authority's Assessment

- 4.2.1. A report from the Roads and Transportation Planning Department states that there is no objection to the proposed development subject to standard conditions.
- 4.2.2. Internal emails on file indicate that the proposal could have an impact on current greenway proposals along Railway Road (R328).

- 4.2.3. A report from the Environmental Health Service recommends that in the event that planning permission is granted, a number of conditions be attached in relation to the proprietary wastewater treatment system.
- 4.2.4. A report from the Conservation Officer states there is no objection to the proposal.
- 4.2.5. A letter of objection from the current appellant is contained on file. The contents of this letter been read and noted.
- 4.2.6. The planner's report sets out details of the site location and description and the proposed development and also notes the third-party observation contained on file. The report notes that the principle of development is acceptable as the proposal is for a replacement dwelling within the existing settlement limits of Fahan. It is considered that the proposed development has a similar architectural style to the adjoining dwellinghouse to the east. It is further noted that there are a number of first floor hallway windows proposed along the eastern elevation of the building that face onto the adjoining residential property. These windows will allow for direct views into the first-floor rooms of the adjacent property and therefore will need to be conditioned to incorporate opaque glazing so that there is no loss of property. The proposal is considered to be acceptable in terms of access, public health and appropriate assessment issues. On this basis it is recommended that planning permission be granted for the proposed development.

5.0 Planning History

- 5.1. The planner's report notes that there is no planning history associated with the subject site. On the adjoining nursing home site planning permission was granted for alterations to the nursing home under Reg. Ref. 16/50337.

6.0 The Appeal

- 6.1. The decision of Donegal County Council to issue notification to grant planning permission was appealed by Sharon Carey. The appellant states she lives next door to the dwelling proposed to be demolished. The grounds of appeal are outlined below.

- There are no plans for the existing dwelling to be demolished and there are no proper sections showing the existing dwelling in comparison with the proposed dwelling and it is therefore not possible to determine the full impact of the proposed dwellinghouse on the adjoining site. The application would appear to be deficient and therefore invalid in this regard.
- Furthermore, the layout drawings do not show all the septic tank and effluent systems in the vicinity which is required for the assessment of the proposal. Just because the proposal is for a replacement dwelling it does not absolve the applicant of the responsibility of providing all appropriate information.
- The proposed application is facilitating a new proposed greenway along the main road. It is hoped that any such facilitation would not have unduly influenced the decision-making process in this case.
- The subject site is located in an area of high scenic amenity as designated in the County Development Plan. Reference is made to various policy statements contained in the development plan which seek to protect, manage and conserve the character of areas of high scenic amenity. It is considered that the development of an oversized 6 bedroom two-storey dwelling would constitute a material contravention of these statements contained in the development plan. The proposal represents a form of overdevelopment that has no aesthetic subtlety and would constitute an intrusive and insensitive development on lands designated as sensitive.
- The subject site is located adjacent to Lough Swilly which is a designated Natura 2000 site. The application documentation does not include any environmental assessment or Natura Impact Statement which would assess the impact of the development on these Natura 2000 sites. The new dwelling proposes the incorporation of a secondary effluent treatment system to service a six bedroom and five bathroom dwelling which is more comparable to a large guesthouse. It is questionable whether the on-site wastewater treatment plant can cater for the size and scale of the proposal. Having regard to the scale of the development it is argued that the proposal could be prejudicial to public health and the Natura 2000 site. It is noted that the information submitted with the application indicates that the conventional

wastewater treatment system is not suitable due to the soil conditions. Reference is made to An Bord Pleanála decision on 306050-19 where the Board refused planning permission on the basis that the site was inherently unsuitable for a wastewater treatment plant. It is argued that a similar conclusion can be reached in the case of the current application.

- Concerns are also expressed in relation to the impact on residential amenity. The proposed replacement dwelling is five times greater in size than the existing dwelling on site. Any new dwelling on the site should be proportionate and sensitive to its surroundings. The site is too small to accommodate a dwelling of the size and scale proposed. The proposal would be closer to the common boundary than the existing bungalow is at present and will have an overbearing impact on the appellant's dwelling. The proposal will also overshadow the adjoining dwellinghouse. Furthermore, it will overshadow the principle amenity area associated with the house which is along the side of the common boundary. Lands to the rear of the appellant's property are north facing and are not readily usable amenity space. It is currently used for the parking of vehicles. The proposal will effectively block a significant amount of sunlight into the appellant's patio area and will also have implications in respect of daylight penetration to internal rooms. The proposed first floor windows along the western boundary will overlook both the appellant's dwelling and the amenity space. Whilst the planning officer has imposed a condition that such windows should be obscured indefinitely, it is considered that such a solution only demonstrates the unsuitability of the proposed dwellinghouse for the site.
- It is noted that Nazareth House, the residential care unit/nursing home to the north-west of the site is a protected structure. It is also designated as being of Regional Importance architecturally. The proposal is located within the original attendant grounds of the protected structure. Accordingly, the proposal would contravene the provisions of the Donegal County Development Plan including Policy BH-P1 which states it is the policy of the Council to conserve and protect all structures (or parts of structures and sites) contained in the Record of Protected Structures that are of architectural or historic interest. The proposed two-storey dwelling within the attendant grounds of Nazareth House

would be prejudicial to the setting and conservation value of the protected structure.

- On the above basis it is respectfully submitted that the decision of Donegal County Council should be overturned and planning permission should be refused for the proposed development.

7.0 Appeal Responses

7.1. Planning Authority's Response to the Grounds of Appeal

- A response from Donegal County Council states that the majority of the matters raised by the appellant have been adequately addressed in the planning report and the accompanying AA screening report. The appellant has queried the validity of the planning application. However, the Planning Authority are satisfied that sufficient information was submitted in accordance with Article 22 of the Planning and Development Regulations 2001 in order to enable a proper assessment of the proposal. In response to a query over whether all septic tanks in the vicinity of the site were shown. The Planning Authority consulted with Environmental Health who had no objection with the proposal. The proposed greenway has not influenced the Planning Authority's decision-making process.
- With regard to the impact on landscape amenity, it is stated that mature vegetation exists along the northern boundary of the subject site. The design of the proposed dwelling is considered acceptable and will not detract from the character of the area.
- With regard to the impact on the environment it is stated that the Planning Authority would contend that the decommissioning of the existing septic tank and replacing it with a new wastewater treatment system will ensure that it complies with necessary standards and the EPA Code of Practice. The Planning Authority are satisfied having regard to the environmental health officer's report, that the effluent from the proposed development can be treated effectively and therefore does not have the potential to cause groundwater pollution.

- Reference to ABP306050-19 relates to a different set of circumstances than the current application before the Board (the case referred to did not relate to a replacement dwelling located in an urban area).
- With regard to the impact on residential amenity, the Planning Authority considers that the siting of the proposed replacement dwelling is not at odds with the existing development pattern in the area. The proposed replacement dwelling will be of a similar size and scale to the appellant's residential property and will be on a site 1.83 metres lower than the appellant's dwelling. In this regard it is not considered that the proposal will dominate or have an overbearing impact on the appellant's property. Given the location and orientation of the proposed dwelling, it is not considered that the proposal will have a significant impact on the amenity of the appellant through overshadowing.
- In relation to overlooking, the Planning Authority is satisfied that the installation of opaque glass will mitigate against any overlooking or loss of privacy of the appellant's property. It is also stated that there is usable private open amenity space to the rear of the property.
- With regard to the impact on the protected structure, it is stated that the application was referred to the Conservation Officer who had no objection to the proposal notwithstanding its proximity to Nazareth House which is on the National Inventory of Architectural Heritage. The established residential plot on which it is proposed to locate the dwelling benefits from mature screening and therefore there are no issues with regard to the proposal impacting on the context and setting of Nazareth House. #
- The Planning Authority therefore requested An Bord Pleanála to uphold the decision of Donegal County Council and grant planning permission for the proposed development.

7.2. Applicants Response to the Grounds of Appeal

- 7.2.1. It appears that the applicant has not submitted a response to the grounds of appeal.

7.3. Natural Heritage Designations

- 7.3.1. The site is not located within or contiguous to a designated Natura 2000 site. However, the Lough Swilly SPA (Site Code: 004075) and the Lough Swilly SAC (Site Code: 002287) envelop the coastal area approximately 120 metres to the south-west of the subject site on the opposite side of the Railway Road (R328).

8.0 Planning Policy

8.1. Donegal County Council Development Plan

- 8.1.1. The site is located within the settlement framework boundary for the settlement of Fahan as indicated in the County Development Plan (Layer 3 Town Maps). The site does not attract a specific land use zoning. The site is also located in an area designated as an area of 'High Scenic Amenity'. Areas of high scenic amenity are landscapes of significant aesthetic cultural heritage and environmental quality which are unique to their locality and are a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of a scale, design and use that will enable the simulation of the receiving landscape and which does not detract from the quality of the landscape subject to compliance with all other objectives and policies set out in the development plan.
- 8.1.2. Policy NH-P-7 of the County Development Plan states that "within areas of high scenic amenity and moderate scenic amenity as identified on Map 7.1.1 of the development plan and subject to 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.
- 8.1.3. There are no designated scenic views towards the site. However, views across Lough Swilly Bay in the environs of the site are designated scenic views.
- 8.1.4. Under WES-P-11 the plan states that proposals for a single dwelling (or equivalent) in an unsewered area will only be permitted where the Planning Authority is satisfied that the development when considered in addition to existing and previously approved development, would not adversely affect the ability to meet the objections

set out in the relevant river basin management plan. When making a planning application the applicant must submit information on the type of onsite treatment system proposed as evidence to the suitability of the site for the system proposed. The site suitability assessors must carry out all assessments in accordance with the most recent guidance provided in the Code of Practice.

8.1.5. The following are also required:

- The wastewater treatment must comply with the latest revision of the Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses.
- The proprietary treatment system where required must have an Irish Agreement Board certification.
- Prior to the occupation of the dwelling, the Planning Authority shall be furnished with written evidence/certification confirming that the septic tank/wastewater treatment system has been installed in accordance with the terms and conditions of the grant of planning permission.
- Owners shall have in place a programme of regular operation and maintenance for the wastewater treatment system installed.

9.0 Planning Assessment

I have read the entire contents of the file and have had particular regard to the issues raised in the grounds of appeal. I have also familiarised myself with the policies and provisions contained in the County Development Plan and visited the subject site and its surroundings. I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Documentation Submitted with Planning Application
- Impact on the Visual Amenities of the Area
- Impact on Adjoining Amenity
- Impact on the Natural Environment

- Impact on the Setting of Protected Structures
- Appropriate Assessment Screening

9.1. Principle of Development

9.1.1. The subject site is located centrally within the settlement boundary framework for the settlement of Fahan. The principle of residential development has already been established on site with the presence of an existing dwelling and residential development is located in proximity to the site to the immediate east and south-east. What is proposed in this instance is the replacement of an existing dwelling within the confines of an existing settlement and therefore subject to qualitative safeguards which are assessed in more detail below, the principle of developing the subject site to accommodate a new residential dwelling is acceptable.

9.2. Documentation Submitted with Planning Application

9.2.1. The grounds of appeal contend that the planning application submitted to the Planning Authority is invalid principally on the basis that detailed drawings of the structure to be demolished were not submitted with the application and furthermore the drawings did not indicate proper sections showing the existing dwelling in comparison with the proposed dwellings. While it is open to the Planning Authority to request further information with regard to any plans, drawings, maps etc. as per the provisions of Article 23(4) of the Planning and Development Regulations 2001 (as amended) it is not a requirement under the Planning and Development Regulations that the applicant is required to provide detailed drawings of the structure to be demolished unless it is protected structures (see Article 22(5) of the said Regulations). Furthermore, there is no requirement to submit plans of the existing dwellings or proper sections showing the existing dwelling in comparison with the proposed dwelling.

9.2.2. I refer the Board to the site layout map which in my view provides adequate details in respect of the buildings, trees, drains and boundaries in the vicinity of the site. It is noted that details of septic tanks on adjoining lands are not indicated on the site layout map submitted. Although it is not altogether clear which dwellings in the vicinity are served by proprietary wastewater treatment systems. Should the Board consider it appropriate it could request that further details in relation to proprietary

wastewater treatment plants in the vicinity be submitted prior to determining the application.

- 9.2.3. I am satisfied that there is sufficient information submitted with the documentation and in particular the maps and drawings submitted with the application to enable the Board to determine the application before it. A proposed site section is indicated on the top left-hand corner of the site layout map.

9.3. Impact on the Visual Amenities of the Area

- 9.3.1. I acknowledge that the subject site is located in an area designated as an area of high scenic amenity. The development plan states that such areas can only absorb sensitively located development of a size, scale and design that will enable assimilation into the receiving landscape. It is likewise acknowledged that the overall footprint of the house is very large in excess of 500 square metres. However, the site is located on lands that currently accommodate a residential dwellinghouse within the settlement boundary of the village. While the site is located on elevated lands it is set in amongst mature landscaping particularly to the rear which will help soften the visual appearance. Furthermore, the size and scale of the building proposed is not dissimilar to the appellant's dwelling which comprises of an equally large two-storey double fronted A-shaped gabled dwelling. Furthermore, the subject site is located at a lower level than the appellant's dwelling and the ridge height of the proposed dwelling would be c.2 metres lower than the ridge height of the appellant's dwelling. On this basis it cannot be reasonably argued having regard to the size and scale of the existing dwelling on the adjoining site, that the proposed development would have an unacceptable impact on the visual amenities of the area. A precedent has been set with the construction of the appellant's dwelling, for a similar-type building of the size, scale and design on the subject site. Having regard to the existing environment therefore, it is not accepted that the proposed development would look incongruous or would adversely affect the visual amenities of the area to a significant extent.

9.4. Impact on Adjoining Amenity

- 9.4.1. The grounds of appeal express concerns that the proposed development will adversely impact on adjoining residential amenity by virtue of overlooking, being overbearing and will result in excessive overshadowing. I have inspected the subject

site and have duly noted that the area of open space along the common boundary to the immediate west of the appellant's dwelling is an important amenity space containing a decking area/outdoor seating area and large patio sliding doors which allow for considerable daylight and sunlight penetration into the kitchen area. The provision of a large two-storey return with three windows at first floor level overlooking this amenity area would in my view be problematic. The Planning Authority have sought to address this issue by incorporating obscure glazing along the windows serving the internal corridor for bedrooms 4, 5 and 6. While this may allay concerns in relation to overlooking, it is in my opinion less than ideal to incorporate extensive opaque fenestration arrangements in a domestic dwelling. In my view a more appropriate solution to address the potential impact of overlooking would involve relocating the footprint of the building further away from the common boundary including relocating the rear return further away from the common boundary, and reconfiguring the rooms within the rear return in order to ensure that no windows overlooked the appellant's amenity area at first floor level. There is ample scope to reconfigure the building layout and fenestration arrangements to significantly reduce the potential for overlooking, overshadowing and being overbearing. The Board will also note that there are a number of windows at first floor level within the appellant's property which are c.10 metres from the proposed development. There is sufficient scope within the site to reconfigure the proposed development to ensure that separation distances between opposing windows are increased in order to obviate against the potential for overlooking. A reconfiguration and relocation of the footprint of the building would also eliminate the need for incorporating largescale obscure glazing at first floor level.

9.4.2. Furthermore, it is my considered opinion that the relocation of the footprint of the building to a point further west within the site would also increase separation distances so as to ensure that the overbearing nature of the two-storey structure in such close proximity to the common boundary would be much diminished and the relocation of the building would also reduce the potential for overshadowing during the evening time and would allow greater levels of daylight and sunlight penetration into the habitable rooms located along the western side of the appellant's dwelling.

9.4.3. Therefore, it is my considered opinion that the layout and location of the building proposed would have a material impact on the appellant's residential amenity and

that a simple relocation and reconfiguration of the structure within the site could adequately address these concerns. However, as proposed it is considered that the size, scale and location of the building within the site and in such close proximity to the common boundary would have an unacceptable impact on the appellant's amenity.

9.5. Impact on the Natural Environment

9.5.1. Concerns are expressed that the size and scale of the residential dwelling which incorporates six bedrooms could give rise to environmental pollution on the basis that the onsite wastewater treatment system located in such a confined area could result in environmental pollution problems. Having consulted the information contained in the site's suitability assessment report I would have less concerns in relation to the ability of the proprietary wastewater treatment system to cater for the dwelling proposed. What is proposed under the current application is to demolish the existing modest-sized dwelling and provide a large six bedrooled dwellinghouse with five bathrooms. The percolation test carried out on site yielded relatively high T values whereby a modified T test was required. The modified T test yielded a result of 67.8. The subject site therefore can be considered borderline for the accommodation of a proprietary wastewater treatment system. The high T value is attributed to the compact nature of the subsoils. The applicant in this instance propose to provide a proprietary wastewater treatment system incorporating secondary and tertiary treatment where effluent will be pumped to a polishing filter with a pump distribution pipework system pumping discharge onto intermittent gravel and sand layers 2 metres in depth. The provision of an engineering solution such as that proposed could in my view adequately attenuate effluent even from such a large dwellinghouse, particularly as there are no drains or small streams in the vicinity of the percolation area which could potentially be polluted. I note the report of the Environmental Health Officer on file and I would be in general agreement that, providing the proposed wastewater treatment system and sand polishing filter is constructed fully in accordance with the drawings submitted, and in accordance with the additional requirements of the environmental health officer, I would be satisfied that the proposed development will not give rise to groundwater pollution in the vicinity of the site.

9.6. Impact on the Setting of Protected Structures

9.6.1. Nazareth House nursing home is listed on the Record of Protected Structures of Donegal County Council (Ref. No. 40903809). It is described as a detached four bay two storey former house of marked Scottish character built in 1870. It is rated as being of 'regional importance'. Nazareth House is located approximately 190 metres to the north-west of the subject site and it is considered that the proposed dwellinghouse is located sufficiently far away from the subject site and is visually detached from the subject site so as to ensure that any redevelopment of the subject site will not impinge on the context, setting or character of the nursing home. The subject site is secluded and surrounded by mature landscaping particularly along its rear boundary to ensure that there is no coherent visual connection between the subject site and the protected structure in question. I am therefore satisfied that the redevelopment of the subject site for residential purposes will not adversely affect the integrity of the protected structure. In determining the impact of the proposal on the setting of Nazareth House the Board should be cognisant of the fact that a house currently exists on the site.

9.7. Appropriate Assessment Screening

9.7.1. Two Natura 2000 sites are located approximately 120 metres to the south-west of the subject site at Lough Swilly. Lough Swilly SAC (Site Code: 002287) and Lough Swilly SPA (Site Code: 004075) share a common boundary along the coastline to the south-east of the subject site.

9.7.2. The qualifying interests associated with Lough Swilly SAC include:

- *Estuaries.*
- *Coastal lagoons.*
- *Atlantic salt meadows.*
- *Molinia meadows on calcareous peaty or clayey – silt – laden soils.*
- *Old sessile oakwoods with ilex and blechnum in the British Isles.*
- *Otter.*

9.7.3. Lough Swilly SPA incorporates 22 bird species which are qualifying interests associated with the Natura 2000 sites. These include:

- *The Great Crested Grebe.*
- *The Grey Heron.*
- *Whopper Swan.*
- *Greylag Goose.*
- *Shelduck.*
- *Widgeon.*
- *Teal.*
- *Mallard.*
- *Shoveler.*
- *Scaup.*
- *Goldeneye.*
- *Red Breasted Merganser.*
- *Coot.*
- *Oystercatcher.*
- *Knot.*
- *Dunlin.*
- *Curlew.*
- *Redshank.*
- *Greenshank.*
- *Black Headed Gull.*
- *Common Gull.*
- *Sandwich Tern.*
- *Common Tern.*
- *Greenland Whitefronted Goose.*

- *Wetland and water birds.*

- 9.7.4. My site inspection indicated that there were no rivers, streams or drainage ditches in the vicinity of the site which drain into Lough Swilly. I would therefore conclude that there is no surface water connection between the subject site and the Natura 2000 sites in question.
- 9.7.5. With regard to the Lough Swilly SAC I note that five out of the six qualifying interests associated with the SAC specifically relates to habitats. The proposed development, located outside the boundary of the SAC, will not result in the reduction or fragmentation of those designated habitats. The final qualifying interests relates to the otter. The population of otters could be adversely affected with any deterioration in water quality associated with the SAC. The only potential conduit between the subject site and the SAC in question relates to groundwater. However, I am satisfied having regard to my assessment above, that the subject site is suitable to accommodate a tertiary wastewater treatment plant and the installation of such a treatment plant will not result in any groundwater contamination. Therefore, I consider that there is no potential for the proposed development to impact on the Lough Swilly SAC.
- 9.7.6. The replacement of an existing house with a new house will likewise have no impact on any of the species of bird associated with the Lough Swilly SPA.
- 9.7.7. In conclusion therefore the proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out screening for appropriate assessment, it is concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002287 or European Site No. 004075 or any other European site, in view of the site's conservation objectives and appropriate assessment (and the submission of an NIS) is therefore not required.

10.0 Conclusions and Recommendation

Arising from my assessment above I consider that the development as proposed in such close proximity to the appellants dwelling, would adversely affect the residential amenities associated with the house to the immediate east of the subject site and on this basis I recommend that planning permission be refused for the proposed development for the single reason set out below.

11.0 Decision

Refuse planning permission for the proposed development based on the reasons and considerations set out below.

12.0 Reasons and Considerations

It is considered that the proposed development by reason of its overall size and scale together with its proximity to the eastern boundary of the site would have an unacceptable impact on adjoining residential amenity through overlooking, being overbearing and overshadowing. The proposed development would therefore seriously injure the amenities of adjoining properties and would be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

23rd November, 2020.