



An
Bord
Pleanála

Inspector's Report

ABP-313678-22

Development	Construction of a detached domestic garage.
Location	Doaghbeg, Portsalon, Letterkenny PO, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2250442
Applicant(s)	Eamon Larkin.
Type of Application	Permission.
Planning Authority Decision	
Type of Appeal	First Party against conditions
Observer(s)	None.
Date of Site Inspection	7 th December 2022.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.63ha and is located in the townland of Doaghbeg, north of Portsalon. It is located on a private road that has seen limited residential development. The site toward the northern end of the road, where there are two other detached bungalows in the vicinity.
- 1.2. The topography of the area sees land falling to the east, towards the coast. The subject site has been regraded and sits below the level of north-adjoining lands. It contains a detached bungalow and a timber-built shed and is bounded along the roadside boundary by post and rail fence and hedge.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises the construction of a domestic garage.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on 6th May 2022, subject to 5 No. conditions.
 - Condition No. 2(a) required the garage to be relocated to provide a front building line in line with the front of the dwelling on the site.
 - Condition 2(b) required the garage door to be relocated to occupy a central location on the front elevation.
 - Condition No. 3 required the garage to be used for domestic purposes only.
 - Condition No. 4 required that the garage shall be finished in a material that is consistent with the dwelling on the site.
 - Condition No. 5 required that no surface water shall be permitted to discharge to the public road from the site.

3.2. **Planning Authority Reports**

3.2.1. A Planning Report dated 27th April 2022 has been provided, which reflects the Planning Authority's decision to grant permission. The report states that the proposal is acceptable, in view of the residential use of the site, the subordinate scale proposed and the sheltered nature of the site. The report identifies non-compliance with the Development Plan in respect of the setback from the public road and recommends that this can be modified and controlled by condition. The report recommends that permission be granted, subject to 5 No. conditions, which are consistent with those attached to the Planning Authority's decision.

3.2.2. A separate Appropriate Assessment Screening report is appended to the Planning Report, which determines that Stage 2 AA is not required.

3.2.3. Other Technical Reports

A **Roads** report dated 4th April 2022 has been provided, which does not express any objection to the development.

A **Sanitary Services** submission dated 25th March 2022 has been provided, which makes no comment on the application.

3.3. **Prescribed Bodies**

3.3.1. Irish Water made a submission on 1st April 2022, outlining no objection to the development subject to standard recommended conditions.

3.3.2. The Planning Authority referred the application to the Office of Public Works and Department of Housing, Local Government and Heritage but no responding submissions were received.

3.4. **Third Party Observations**

3.4.1. None received.

4.0 **Planning History**

4.1. I did not encounter any recent planning records pertaining to the site.

5.0 Policy Context

5.1. Donegal County Development Plan 2018-2024

- 5.1.1. The site is in a rural, unzoned part of County Donegal.
- 5.1.2. Map 6.2.1 'Rural Area Types' identifies that the site is in a Structurally Weak Area. According to Map 7.1.1 'Scenic Amenity' the site, is in an area of 'High Scenic Amenity'. Section 7.1.1 of the development plan discusses landscape designations. For areas of High Scenic Amenity states that these areas '*are landscapes of significant aesthetic, cultural, heritage and environmental quality that 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 scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.*'
- 5.1.3. Other relevant policies include: -

AB-P-12: It is the policy of the Council both to protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of residential amenity.

UB-P-27: Proposals for extension to a dwelling shall be considered subject to the following criteria: (a) The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement; (b) Provision is made for an adequate and safe vehicular access and parking; and (c) The proposal would not adversely affect the amenity of adjoining properties.

5.2. Natural Heritage Designations

- 5.2.1. The site is partly located within Fanad Head Special Protection Area (Site Code 004148) and abuts the boundary of Ballyhoorisky Point to Fanad Head SAC (Site Code 001975).
- 5.2.2. Ballyhoorisky Point to Fanad Head proposed Natural Heritage Area (Site Code 001975) also encroaches to the eastern-most part of the site.

5.3. EIA Screening

- 5.3.1. The subject development constitutes smallscale development, within the curtilage of house. This type of development does not constitute an EIA project and so the question as to whether or not it might be sub-threshold does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal concerns condition 2 of the Planning Authority's decision.
- The proposed siting has been carefully considered, to minimise visual impact, to utilise visual shelter provided by a steep embankment and to provide for straightforward vehicular access.
 - The access road serving the site is private.
 - Relocation of the garage would:
 - make it impossible to safely manoeuvre a vehicle into/out of it
 - would increase its visibility
 - would impact on views from the applicant's house

6.2. Planning Authority Response

- 6.2.1. The Planning Authority made a submission on the appeal on 24th June 2022, the contents of which can be summarised as follows: -
- Condition 2 was attached appropriately, in order to ensure compliance with the development plan, with reference to policy RH-P-1 and Appendixes 3 and 4. Given the extensive site area, it is considered more appropriate to locate the garage behind the main building line.
 - The road is not maintained by Donegal County Council but has been improved under a local improvement scheme grant and is regularly used by the public.
 - The Board is requested to uphold the decision.

6.3. Observations

6.3.1. None.

6.4. Prescribed Bodies

6.4.1. The appeal was circulated to An Taisce, The Heritage Council and the Department of Housing, Local Government and Heritage but no responding submissions were received.

7.0 Assessment

7.1. This is a first party appeal against condition 2 of the Planning Authority's decision to grant permission for application Reg. Ref. 2250442. Under Section 139 of the Planning and Development Act, 2000, as amended (the Act), the Board has the discretion over whether to consider these conditions in isolation from the remainder of the development.

7.2. Having considered the information on file, in particular the planning authority's report and first party grounds of appeal, I consider that determination by the Board as if the application had been made to it in the first instance would not be warranted in this instance and the appeal can be assessed under the provisions of Section 139 of the Act.

7.3. Condition 2

7.3.1. The condition states thus: -

2. *(a) Garage shall be relocated to provide for front building line of same to be in line with front building line of dwelling.*
- (b) Garage door shall be relocated to occupy central position on front elevation, facing public road.*
- (c) Prior to the commencement of development revised plans drawn to a scale not less than 1:100 and 1:500 shall be submitted to the Planning Authority for written agreement in accordance with Condition No.2 (a) & (b). The development shall thereafter proceed in strict conformity with the agreed plans.*

- 7.3.2. The appellant states that the proposed garage has been carefully sited, in order to take advantage of the visual shelter provided by the natural slope of the land immediately to the north and in order to provide straightforward vehicular access and that the effect of the condition would increase the visibility of the garage and make it impossible to safely manoeuvre a vehicle into/out of it.
- 7.3.3. The Planning Authority's report states that the garage does not comply with Section 2.11 of Appendix 3 of the development plan. The said section states thus: -
'A minimum of 25m setback will be required from centreline of carriageway on Regional Roads and 15m setback will be required from centreline of carriageway on Local Roads. Where existing buildings have formed an established building line, new buildings may follow the established building line, and the proposed set back may not be required.'
- 7.3.4. In its submission on the appeal, the Planning Authority further states that condition No. 2 was attached appropriately, in order to ensure compliance with policy RH-P-1 and Appendixes 3 and 4 of the development plan, and that it is more appropriate to locate the garage behind the main building line.
- 7.3.5. I have given consideration to the information provided with the application and appeal.
- 7.3.6. Regarding the requirement of Section 2.11 of Appendix 3 of the development, the applicant points out that the road in question is a private road and this appears to be accepted by the Planning Authority. The requirements of Section 2.11 of Appendix 3 of the development therefore do not appear to apply.
- 7.3.7. Section 4.6 of Appendix 4 of the development plan states that annex buildings and garages should be subordinate and sited to complement the main dwelling. In this instance, the proposed garage incorporates a ridge height of 5.6m and is sited c.3.5m in front of the main house. I am satisfied that its scale and massing are subordinate to the house and whilst the garage clearly encroaches beyond the front building line of the house, I acknowledge, as the applicant states, that the location benefits from a high degree of visual screening provided by the natural slope of the land immediately to the north. The Board will note in this regard that there is currently a timber-built shed structure in the area, which is housed on a concrete base.

- 7.3.8. I also note, as the applicant states, that relocation of the garage in the manner required by the condition is likely to result in the garage being inaccessible to cars. Relocation further east, to an area where vehicular access could be provided, would also impact on the enjoyment of the house as the garage would impede the principal view from the main living area of the house.
- 7.3.9. Thus, taking a balanced view, whilst the garage encroaches beyond the front building line of the house, I agree with the applicant that its visual impact would be limited and it allows for straightforward vehicular access. In this context I consider it is acceptable in the proposed location.

8.0 Recommendation

- 8.1. I recommend that condition 2 should be omitted from the Planning Authority's decision on Reg. Ref. 2250442.

9.0 Reasons and Considerations

The proposed garage would not have any significant or unacceptable impact on the visual amenities of the area or neighbouring residential property and accords with guidance provided within Appendix 4 of the Donegal County Development Plan 2018-2024, which advises that garages should be subordinate and sited to complement the main dwelling

Barry O'Donnell
Planning Inspector

7th December 2022.