



An
Bord
Pleanála

Inspector's Report ABP-316221-23

Development	Construction of new domestic dwelling, detached storage shed, connection to public sewer and all associated site works.
Location	Bachelor's Walk, Coolcholly TD, Ballyshannon, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2251261
Applicant(s)	Catherina McGowan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Catherina McGowan

Date of Site Inspection

23rd September 2023

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0537 hectares, is located to the north of Ballyshannon. The appeal site is located on the northern side of Bachelor's Walk. The appeal site is a vacant site with boundaries defined by a low wall along the public road and hedgerow along the north eastern and north western boundaries. Adjoining uses include a vacant site to the south west with a single-storey semi-detached dwelling further south west. To the north east is a two-storey dwelling. To the north west is agricultural lands.

2.0 Proposed Development

- 2.1 Permission is sought for the construction of a two-storey dwelling, detached storage shed, connection to the public sewer and associated site works. The proposed dwelling has a floor area of 142sqm and a ridge height of 6.18m. The dwelling features a flat roof profile and external finishes of painted plaster at ground floor level and corten steel cladding at first floor level and part of the ground floor front elevation. The detached storage shed has a floor area of 65sqm and ridge height of 2.9m and features a flat roof and painted plaster external finish. The proposed development includes provision of a new vehicular entrance off Bachelor's Walk.
- 2.2 The design of the dwelling was revised in response to a further information request with the first floor reconfigured (overall floor area of dwelling remains unchanged at 142sqm).

3.0 Planning Authority Decision

3.1. Decision

Permission refused based one reason...

1. The subject site is located in an area of Ballyshannon characterised by dwellings of relatively simple form and traditional design. The streetscape to the immediate

west and opposite the site is designated as an Area of Townscape Character. It is a policy of the Planning Authority (Policy BY-EH-2, Seven Strategic Towns (Ballyshannon) Local Area Plan 2012-2018, (as varied) that 'New proposals reflect the proportion, scale and massing of the existing streetscape'. The proposed dwelling house is considered inappropriate in terms of design, does not reflect the traditional vernacular style of the area and would be inconsistent with the general character and appearance of existing residential development in the vicinity. Accordingly, to permit the development would give rise to an incongruous form of development in this Heritage Town, would contravene Policy BY-EH-2 of the Seven Strategic Towns (Ballyshannon) Local Area Plan 2012-2018 (as varied), create an undesirable precedent for similar development and would thereby be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (25/08/22): Further information required including submission of revised plans having regard to the context of the site and Policy EH-BY-2 of Seven Strategic Towns (Ballyshannon) Local Area Plan 2012-2018 (as varied).

Planning Report (26/05/23): The design of the dwelling was considered inappropriate in its context adjacent to an Area of Townscape Character and the policies of the current Development Plan. Refusal was recommended based on the reason outlined above.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Ref. 19/51419: Permission granted for 2 no. two-storey detached dwellings and associated site works. The appeal site is one of the two sites subject to this permission with the other site located to the south west.

Adjoining site

Ref. 21/51064: Permission granted for construction of off-street car parking to front of an existing dwelling.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the County Donegal Development Plan 2018-2024 (as varied).

Seven Strategic Towns (Ballyshannon) Local Area Plan 2018-2024 (as varied).

The site is zoned Established Development with a stated objective 'to conserve and enhance the quality and character of the area, to protect residential amenity and to allow for development appropriate to the sustainable growth of the settlement'.

Policy BY-EH-2: It is a policy of the Council to protect and enhance the character and integrity of the 'Area of Townscape Character' (Map 4 refers), including the promotion of a higher quality built environment and to carefully consider all elements, which make this up including lighting, benches, paving, bins, signage, parking, wirescape as examples. The following principles shall guide the consideration of proposals for development within the 'Area of Townscape Character':

- (i) Buildings identified within the 'Area of Townscape Character' shall be reused/refurbished as a preference to demolition.
- (ii) Traditional railings, stone kerbing, steps, gates and boundary condition shall be retained.
- (iii) Use of appropriate heritage range colours will be encouraged. Bright neon colours shall not be permitted.
- (iv) New proposals shall respect the context and setting of key existing buildings that contribute to the character of the area. Key existing buildings are those referred to on the Record of Protected Structures and on any survey/data on the National Inventory of Architectural Heritage.
- (v) Existing building lines shall be retained.
- (vi) Buildings included on any National Inventory of Architectural Heritage listing are to be reused/refurbished as a preference over demolition.
- (vii) New proposals reflect the proportion, scale and massing of the existing streetscape.
- (viii) The protection of amenity and open space associated with buildings and groups of buildings.
- (ix) Traditional shop fronts shall be retained where they exist.

Map 4 outlines the extent of the area designated as 'Area of Townscape Character'.

5.2 Natural Heritage Designations

None within the zone of influence of the project.

5.3 EIA Screening

- 5.3.1 Having regard to the nature and scale of the proposed development, comprising of the construction of a dwelling, storage shed and associated site works, it is

considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Catherina McGowan. The grounds of appeal are follows...

- The application was accompanied by a 'Design Report' outlining context and justification for the proposed design. It is requested that Board have regard to such as part of the grounds of appeal.
- The context of the site is that surrounding structures date from mid-to-late 20th century with no structures of significant historical or heritage value.
- The site is not within the designated of 'Area of Townscape Character' and the policy is clear that such only applies to development within the area with the appeal site outside of the designated area. The appellant also questions the heritage value of the dwellings in the vicinity within the designated area, noting that they are of recent enough period with a mix in character and type. There is a degree of separation between the appeal site and the areas designated (public road to the south and vacant site to the west).
- The appellant refers to a relevant precedent considered by the Board within the designated area (ref no. 220194) in which the Board overruled a decision to refuse permission.
- The design of the dwelling has adequate regard to its setting and the design was revised to respond to the further information with reconfiguration of first floor level. The design is modest in scale and an appropriate design at this location.

- The appellant refutes the claim that an undesirable precedent will be set and has outlined a number of examples of structures of contemporary character permitted and constructed in the area.

6.2. Planning Authority Response

6.2.1 Response by Donegal County Council.

- The PA state that although not within the designated Area of Townscape Character the development shall be read as part of the streetscape and that any future dwelling should reflect some elements of the vernacular in the area. The PA request that the Board uphold the decision to refuse permission.

7.0 Assessment

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Visual impact, Design context in relation to architectural character

7.2 Visual impact, Design context in relation to architectural character:

7.2.1 The proposed development by virtue of its proximity to an area designated as being an 'Area of Townscape Character' under the Seven Strategic Towns (Ballyshannon) Local Area Plan 2018-2024 (as varied) was considered inappropriate in terms of design and architectural character failing to reflect the traditional vernacular style of the area, and would be inconsistent with the general character and appearance of existing residential development in the vicinity. The proposal was deemed to contravene the policy BY-EH-2 relating to 'Areas of Townscape Character'.

7.2.2 The appeal site is a vacant site and is one of two sites at this location on which permission was granted for a two-storey dwellings on each plot. The site is not located within the Area of Townscape Character with the structures on the opposite side of the road being within such as well as the existing dwellings to the south west. Having inspected the site, the area is residential area on the outskirts of Ballyshannon with the area characterised by a mixture of single-storey and two-storey dwellings. I would consider the area including the adjoining area within the designation does not exhibit a significant level of architectural character or structures of significant heritage value. As pointed out by the applicant/appellant the appeal site is not with the designated area and is therefore not contrary the provisions of such as the wording of this policy clearly states that the guiding principles relate to development proposal within such areas.

7.2.3 In terms of overall design and scale the proposed dwelling is two-storeys, which is in keeping with the scale of existing dwellings in the surrounding area, the design proposed is a contemporary design which is simple in form and is of relatively modest scale in terms of overall size, footprint and height due to its flat roof profile. The choice of external finishes is also simple in nature featuring painted plaster at ground floor level and corten steel at first floor level and for part of the ground floor elevation. I would consider that the overall design and scale of the dwelling proposed is acceptable in the context of visual amenities of the area is of a scale and massing that is not out of scale with existing residential properties. I would of the view that overall design and scale does not diminish the status of the nearby area designated as and 'Area of Townscape Character' and provides for an acceptable design with adequate regard had to be the visual amenities of the area and the amenities of adjoining properties.

7.2.4 The proposal was revised in design in response to further information. The original proposal has more slender first floor portion that ran on a south east/north west axis. The revision in response to further information provided for a change with wider and less deep first floor section. I would be of the view both the original proposal submitted and the revised proposal are satisfactory in terms of overall design and

scale in the context of the visual amenities of the area and the amenities of adjoining properties. In this regard I would recommend a grant of permission for the original proposal as sought.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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.

9.0 Recommendation

I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities, character or built heritage of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 22nd day of July 2022, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The external finishes of the proposed dwelling shall be as outlined in the submitted plans and elevations.

Reason: In the interest of visual amenity.

3. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

4. Surface water runoff shall be discharged on site and shall not be allowed to discharge onto the public road or any adjoining properties.

Reason: In the interest of public health and surface water management

5. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interests of clarity and public health.

6. The construction of the development shall be managed in accordance with a Demolition and Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenities, public health, and safety.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Colin McBride
Senior Planning Inspector

25th September 2023