



An
Bord
Pleanála

Inspector's Report ABP 316223-23

Development	Erection of a one and a half story dwelling house and associated site works including public space landscaping
Location	Rossnowlagh Lower, Rossnowlagh, County Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2350070
Applicant(s)	Breezy Point Capital Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Breezy Point Capital Ltd
Observer(s)	None
Date of Site Inspection	13/08/2023
Inspector	Rosemarie McLaughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located in Rosstown Lower, southwest Co. Donegal c 260 m east from the c 3 km long Rosstown beach which is popular for wind surfing. The settlement of Rosstown is c 6.5 km north of Ballyshannon Town, c 5.8 km south west of Ballintra village and consists of a dispersed settlement of holiday homes, permanent residences and caravan parks.
- 1.2. The appeal site is located immediately north of a residential scheme of detached houses known as Beach Cottages which are accessed from the east side of a local road that runs parallel to the beach (north-south). Opposite that scheme of houses is an established caravan park.
- 1.3. The application site outlined in red, is located within a larger blue line that consists of a new modern housing scheme of large, detached houses, known as Breezy Point. Within the Breezy Point development, 12 no. houses are accessed from the local road that runs on an east-west axis from the beach towards Ballintra village and 4 no. houses from the road that runs north-south, parallel to the beach. The appeal site is located to the south of the row of four dwellings, immediately south of No. 2 Breezy Point and is served by the eastern access road. To the south of the appeal site is No. 20 Beach Cottages and part of No. 16 Beach Cottages.
- 1.4. No. 20 Beach Cottages is built adjacent to the boundary of the appeal site with a large conservatory structure on the northern elevation adjacent to the boundary. The rear garden of No.16 Beach Cottages (north) is partially adjacent to the appeal site boundary.
- 1.5. The irregular shaped appeal site was designated as an open space associated with the Breezy Point housing scheme, as result of a proposed house being omitted from the scheme in the parent permission granted by the planning authority. The flat site is partially landscaped space along the roadside with the remaining site fenced.

2.0 Proposed Development

- 2.1. This is an application for the erection of a one and a half storey dwelling house and all associated site works including public space landscaping. It is proposed to discharge foul water to a public sewer and obtain a water supply from public mains.
- 2.2. The submitted application is for a 155.4 sqm detached, gable fronted, modern dwelling, on an application site of 0.082 ha. An irregular shaped, non-quantified landscaped area of public space is proposed between the public footpath and the proposed front garden area, ranging from c 10m to c 12m wide. Planting is illustrated along the north and south boundary. Access is proposed from the existing access road within the estate serving 4 houses.
- 2.3. The appellant has submitted revised drawings with the appeal which proposes rotating the proposed house slightly and setting the house slightly further back to 22.058m from the public footpath. A boundary fence between the public space and house is proposed.
- 2.4. No details are provided about the proposed management of the proposed public space within the appeal site red line.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was refused for the following one reason.
 1. It is a policy of the Council (Policy UB-P-11, County Donegal Development Plan 2018-2024 (as varied)) that proposals for individual dwellings shall be sited and designed in a manner that enables the protection of residential amenity of existing residential units and promotes design that establishes reasonable levels of residential amenity. Having regard to the mass, proximity and overshadowing that the dwelling has the potential to cause on the adjoining property, it is considered that to permit the development would be seriously injurious to the private residential amenities of the host environment and would set an undesirable precedent for similar developments which would serve to erode the amenities of this area. Accordingly, to permit the proposed

development would materially contravene the aforementioned policy provisions of the County Donegal Development Plan 2018-2024 (as varied) 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

The Planner's report (6/3/2023) recommended a refusal of permission for the reason stated above. The report considered the height and proximity of the dwelling has the potential to cause dominance and loss of natural light to the adjoining dwelling.

3.2.2. Other Technical Reports

None.

4.0 Planning History

4.1. The relevant planning history on the Breezy Point scheme and Beach Cottages scheme are summarised as follows:

PA ref: 1020469 (Parent permission) Permission granted for erection of fifteen detached houses (permission sought for sixteen houses) on 26/03/2012, subject to the 20 conditions of which the following are relevant.

1 (a) (ii) "Proposed dwelling No.1 is not hereby permitted. Prior to commencement of development, applicant shall submit revised plans for the prior written approval of the Planning Authority to provide for a levelled grassed open space area on the site of the proposed curtilage of dwelling No.1."... Reason: To clarify the terms of the Permission and thus to cater for orderly development.

12. "The area shown as public open space on the submitted plans shall be reserved for such use and shall be soiled, seeded, levelled and landscaped in accordance with details to be included in the aforementioned landscaping scheme. Reason: To preserve the amenities of the area."

PA ref: 1750192 Permission granted for an extension of duration of PA ref: 1020469, on 09/04/2017.

PA ref: 2051900 Permission granted for changes to parent permission to include inter alia, change of house design on 19/04/2021 subject to two conditions. The reasons and considerations in granting the amendments to the parent permission included having regard to the location of the subject site within the settlement framework of Rosstown, outside off and removed from any sensitive designations, to the nature and scale of the development and the policies of the current development plan, it was considered that the proposed amendments would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of traffic hazard.

PA ref: 2250967 Permission granted for completion of parent permission on 24/08/2022.

PA ref: 2251591 Permission granted for erection of two number domestic garages associated with dwelling numbers 15 and 16 of scheme on 14/12/2022.

- 4.2. **PA ref: 0039** Permission was granted for erection of 20 no. dwellings on foot of a grant of permission for site development works for housing scheme to south of appeal site (named subsequently Beach Cottages) on 02/10/2000. It may be noted No. 20 Beach Cottages to the south of the appeal site did not have the extension to the north of that house in the permitted drawings.

5.0 Policy and Context

5.1. County Donegal Development Plan 2018-2024

- 5.1.1. The County Donegal Development Plan 2018-2024, applies. Rosstown is designated as a Layer 3 settlement in the 'Rural Towns and Open Countryside' settlement Table 2A.3 as identified on Map 15.59. Generally, Layer 3 provides for small scale clusters of urban development in rural towns and one-off rural housing supported by specific water services provided in the main as individual and private systems. The core strategy recognises that Layer 3 settlements are a critical component of the County and provide an important and diverse resource for the county as a place to live; to express cultural identity; to establish and strengthen rural communities; to provide a unique quality of life; to provide a natural tourism

product; for health, recreation and wellbeing; for its natural resource potential and; for providing economic opportunities directly related to rural areas.

- 5.1.2. Rossnowlagh is in an area designated an “Urban Area” on Map 6.2.1. and is designated as an Area of High Scenic Amenity (HSA) on map 7.1.1. Policies in relation to residential development are broadly provided in policies UB-P 1 to 29.
- 5.1.3. The following summarised policies are the most relevant.
- 5.1.4. UB-P-10: New residential development shall demonstrate that a housing density appropriate to its context is achieved and provide for a sustainable pattern of development whilst ensuring the highest quality residential environment.
- 5.1.5. Policy-P-11: Residential development shall provide a mixture of house types and sizes.
- 5.1.6. UB-P-12: It is the policy 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.
- 5.1.7. UB-P-13: Multiple residential developments shall, in general on greenfield sites, include a minimum of 15% of the overall site area reserved as public amenity area.
- 5.1.8. UB-P-24: Multiple and single holiday home units will be considered within settlement framework areas provided that the proposed development would not result in the total number of existing and permitted holiday homes within the settlement framework area exceeding 20% of the total existing and permitted housing stock.
- 5.1.9. UB-P-29: Holiday home development will be considered within the settlement framework areas without the application of a restriction where the applicant can demonstrate that the site is a brownfield site.
- 5.1.10. The CDP elaborate on holiday home development is section 6.3.1. The Council consider new houses to meet the holiday home market only provides a short term benefit to the local economy, and it can add to the strain on local infrastructure and disproportionately affect the ability of members of the local community to acquire affordable sites for themselves. The focus in the Plan had been to manage the growth of holiday homes and focuses on satisfying the opportunity for holiday homes in rural areas only through the use/re-use of the existing housing stock or via the refurbishment of derelict buildings.

5.1.11. NH-P-7: Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', it is the policy 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.

5.2. National Planning Framework 2040

5.2.1. National Policy Objective 18b *Develop a programme for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.*

5.2.2. National Policy Objective 35 *Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*

5.3. Natural Heritage Designations

5.3.1. The site is not located within a European site. Durnesh Lough SAC, Site Code 000138 is located c. 350 m to the east of the appeal site consisting of a coastal lagoon. That SAC area is also designated as a pNHA. Donegal Bay SPA, Site Code 004151 is located c 340 m to the west.

5.4. EIA Screening

5.4.1. Having regard to the nature and modest scale of the proposed development, its location in a built-up area and the likely emissions therefrom, it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged by Breezy Point Capital Ltd., and may be summarised as follows:

- The key concern of the planning authority in the reason for refusal relates to the proximity, height, mass and consequently the impact on residential amenity through overlooking and overshadowing. The reason for refusal can be addressed by means of condition requiring a reduction in height and the reorientation of the development.
- A sunlight and daylight assessment accompanies the appeal which concludes there is no negative residential impacts. A revised set of architectural drawings are provided and a letter from the architect.
- Permission ref. 2250967 permitted amendments where typical distances between properties range from 4.89 metres to 5.5 metres. The closest point of the proposed dwelling with No. 20 Beach Cottages is 6.2 metre and this is considered a reasonable side to side separation distance and a significant improvement from the original parent proposal. Within an urban setting and with regard to the orientation of the properties, the proposal is considered reasonable and consistent with the proper planning and sustainable development of the area.
- In relation to dominance and overlooking, the proposal was revised and reorientated from the parent application. No windows are included on the southern side elevation facing the existing house to the south to ensure no direct overlooking of neighbouring properties. The proposed finished floor level is approximate with the neighbouring properties and the proposed ridge height is 0.8 metres lower than the property to the north.
- The proposed design changes included with the planning appeal rotate the proposal away from the adjacent house to the south in order to increase the separation distance and reduce possible overlooking and to reduce the overall

height, mass and visual impact. The applicant is happy to accept modification to the scheme requiring the above changes by way of conditions. The side to side separation distances are reduced. The overall height is proposed to be reduced by 0.3 metres to 7.36m above FFL, in the revised drawing submitted with the appeal. It is submitted the revised drawings will not cause overbearing or overlooking to the adjacent houses to the south or north. It is submitted the existing substantial boundary fence along the southern boundary provides good visual screening and will be augmented by further landscaping. The daylight and sunlight report concludes a negligible level of effect on No. 2 Breezy Point and No. 20 Beach Cottages.

- The proposed development is located within an existing settlement adjacent to existing dwellings and will reinforce a cluster of dwellings instead of extending linear development or additional one off houses.
- There are no objections from neighbouring properties.

6.2. Planning Authority Response

The Planning Authority response may be summarised as follows.

- In the initial application on this site, the dwelling the subject of the appeal, was omitted by condition by reason of the combined effect of the building line, mass, scale and proximity to third party dwelling and would result in a significantly detrimental impact due to overshadowing and over dominance. The dwelling was thereafter omitted from all planning applications. It is the position of the planning authority that the density and capacity of the overall site area has been appropriately and sustainably developed and to permit the additional dwelling would be contrary to the earlier permission.
- The proposed revisions contained within the first party appeal are noted. It is considered to permit the dwelling as proposed would cause overdevelopment of the site area, detract from existing permitted dwellings and result in a loss of open community space and the creation of an unusable area of open space adjacent to the roadside.

- The existing dwelling to the south is proximate to the site boundary and it is considered that any development within the site area will result in the loss of residential privacy and amenities that are currently available.

6.3. Observations

None.

6.4. Further Responses

The appellant responded to the Planning Authority response, summarised as follows.

- Open space considerations did not form part of the reason for refusal nor was there considered to be a shortfall in open space serving the development in the planners assessment.
- The development will result in the continuation of the existing pattern of development in the area and the completion of a gap in the line of permitted houses. The portion of open space to the front of the proposed dwelling and adjacent to the road was not designed or intended to serve as public open space for the development. This is a small decorative area of landscaping along the road. A large public open space of 2326 square metres, 13.95% of the total site area is provided to the north east of the proposed unit which proposes generous public open space for the development open space considerations did not form part of the parent permission.
- The removal of the house in the parent permission was not intended to provide quality public open space to serve the development. The appeal site is not laid out to be used as open space or designed to serve as public open space. The appeal site size and location relative to other adjacent houses does not lend itself to an area which will be well used or result in a pleasant open space.
- To refuse the subject development would result in a leftover area which would not be effectively utilised it is accessible only to the adjacent 4 units and would not be of a size and design that would provide an adequately supervised or pleasant space. To leave the site undeveloped would be

wasteful of the infrastructure in place and would leave a distinct gap in the building line.

7.0 Assessment

7.1. Main issues

7.1.1. The main issues in this appeal may be addressed under following headings.

- Principal of development
- Parent decision, open space and density.
- Design, layout and impact on residential amenity
- Appropriate Assessment
- Occupancy - potential New Issue

7.2. Principal of development

7.2.1. As the appeal site is located in Rossnowlagh, a designated layer 3 settlement, served by public water and mains drainage, and surrounded by housing, the principal of residential house on the site, subject to all other relevant criteria and the County Development Plan polices is acceptable in principle.

7.3. Parent decision, density and open space.

7.3.1. The permission PA ref: 1020469 (parent permission) omitted a house on the appeal site and required the applicant to submit revised plans to provide for a *“levelled grassed open space”* area on the site of the proposed curtilage of dwelling for the reason: *“To clarify the terms of the Permission and thus to cater for orderly development.”* The response to the appeal by the PA raises the issue that the *“initial”* application the dwelling was *“omitted by condition by reason of the combined effect of the building line, mass/scale and proximity to third party dwelling..”* and goes on to say, thereafter the house was omitted on later applications. I consider that the submission of the PA does not reflect the wording of the reason of the removal of the house in the parent permission. The planning report accompanying that decision from 2012 is not available on file.

7.3.2. The PA consider the density and capacity of the overall site has been developed appropriately and an additional house is contrary to the parent permission. The

omission of the house in the parent permission is a central point in the PA assessment, and response to the grounds of appeal.

- 7.3.3. In relation to density, the Breezy Point and Beach Cottages schemes consist of large, detached houses on individual plots. No density figures are provided. On the original site of 1.67 ha, the proposed additional house in the Breezy Point scheme would result in an overall density of c. 9.58 per ha which is not considered excessive, given the built up location and surrounding area. The County Development Plan and national policy promote higher density on serviced sites. I consider that an additional house reflects a satisfactory density.
- 7.3.4. It is the case, that the parent permission omitted the house leaving a residual open space to the rear of the Beach Cottages housing estate and to the side of the 4 houses in Breezy Point, fronting the local road. The PA required the site to be levelled and grassed but did not provide for any play equipment, seating, landscaping or other public open space features. It is not clear if the intention was for public open space or open space associated with the housing development. I consider the location, layout and shape of the residual open space associated with the parent permission as resulting in a poor quality open space layout. The houses could have been reconfigured by condition to absorb the appeal site, avoiding a left over parcel of land with no apparent function. The result of the condition from the 11 year old parent permission is a layout that is not optimum in terms of open space with no sense of purpose or good surveillance owing to the location, depth and shape.
- 7.3.5. The proposed section of landscaped area between the proposed house site and the road has been landscaped and is an attractive visual break to the front of the scheme. The Development Plan has an objective of the provision in "general", 15% of open space, in a residential scheme on greenfield site. There is a large open space areas associated with the Breezy Point scheme, fronting houses No.6 to No. 16 and the appellants state 13.95% open space is provided. Having regard to the quantum of open space and the location of the site beside the beach, I consider that the site is adequately served by open space.
- 7.3.6. Having regard to the above, I do not accept that the open space as stipulated in the 2012 permission has to be maintained and that the proposed density is appropriate.

While no appeal was lodged against the parent permission conditions, given the passage of time, I consider an application for development on the site is acceptable subject to the criteria of protecting existing and proposed residential amenity.

7.4. Design, layout and impact on residential amenity

- 7.4.1. I consider this is the main issue in the appeal, having determined the proposed density and the removal of part of the open space is acceptable. The PA consider the proposed mass, proximity and overshadowing has the potential to be seriously injurious to private residential amenities and specifically references adjoining property. Minor revisions of the proposed scheme were circulated with the appeal and have been commented on by the PA. As the proposed amendments in the appeal are similar to the application documentation and respond to the reason for refusal by a slightly reduced height and increased boundary set back, I am satisfied that the revisions are not material and can be considered as part of this appeal case.
- 7.4.2. I will assess the specific design criteria raised in the reason for refusal in the order they appear in the reason for refusal.
- 7.4.3. The proposed massing of the house (form, height and bulk) is similar but slightly smaller, than the permitted developments to the north, No.s 2 to 5 Breezy Point and in that regard, the I consider the massing of the proposed house as amended in the appeal as satisfactory. The Breezy Point scheme consists of larger houses than the Beach Cottages scheme and in particular No. 20 Beach Cottages which abuts the boundary. No. 20 has a large conservatory type extension on the northern elevation almost directly onto the boundary which increases the massing of that building. Accordingly, I consider the proposed mass as acceptable.
- 7.4.4. In relation to proximity, and consequently, overlooking, the main issue is the relationship between the proposed house (as amended in the appeal documents) and No. 20 Beach Cottages and to a lesser extent No. 16 Beach Cottages and No. 2 Breezy Point. Owing to the large glass conservatory extension to the north of No.20, located on the boundary, there is significant overlooking of the front section of the appeal site from No. 20 Beach Cottages. This is not the same situation as two side by side semi-detached houses with limited openings in the gables but is full height glazed structure overlooking the appeal site. The permission for the Beach Cottages available on Council website, illustrated a dwelling set back from the boundary which

may have been extended at a later stage. The full height glazed northern elevation is notable for the significant number of blinds closed during the day preventing looking into the property from the footpath and road.

- 7.4.5. The revised location of the proposed house which swivels the orientation slightly more to the north west would result in the conservatory feature, not overlooking the proposed house but overlooking the front open space of the proposed house and the driveway to the front door. The conservatory would also overlook the remaining landscaped open space at the roadside as it does presently. A blank façade is proposed on the southern elevation of the house; therefore, no windows would be overlooked or would overlook No. 20 Beach Cottages. While this blank façade prevents any overlooking of No. 20, it does not prevent some overlooking from No. 20 to the side south facing open space of the proposed house and across the front proposed open space. It may be noted and is relevant to the appeal, that the front open spaces of No.s 2 to 5 Breezy Point are open with significant glazing in the houses allowing overlooking by the houses across the front areas of the neighbouring properties. The Beach Cottages scheme also has open frontages to the front properties allowing views into and out of the front of the houses.
- 7.4.6. On balance, I consider that the proximity proposed between the proposed dwelling and the surrounding properties is acceptable in terms of overlooking having regard to the general overlooking of the front of properties and having regard to the pattern of separation distances of the properties to the north. I am also cognisant that in the absence of the site being developed, the extension to No. 20 Beach Cottages will be adjacent to an open space with no clear purpose or rationale in the designed scheme. While it is not preferable in planning terms that No. 20 Beach cottages has built up against the side boundary of the appeal site, the two schemes are somewhat ad hoc when viewed together and were developed at separate times. I consider that the overlooking of the proposed front garden of the proposed development is preferable to the site being an ill-defined left over plot of land on a serviced site.
- 7.4.7. The rear proposed elevation (east) is c 22 m from the rear of No. 16 Beach Cottages and has ground floor openings and two bedroom windows at first floor. Given the distance between the proposed development and No. 16, I consider the overlooking of the rear garden of No. 16 Beach Cottages to be acceptable between suburban

type housing estate developments. I also consider that there is no significant impact on No.2 Breezy Point.

7.4.8. The PA raised the issue of overshadowing as part of the reason for refusal. The proposed house is set back, with the proposed front building line close to the rear building line of No.20. Beach Cottages at the closest distance of 6.539 m. No. 2 Breezy Point is located on a similar building line to the north of the proposed development with c 5.6 m separation. The proposed development vis a vis No. 2 Breezy Point is the same as No. 2 vis a vis No. 3 to the north of that site. A daylight and sunlight assessment accompanies the appeal which in summary concludes that the effect of the vertical sky component and the annual/winter probable sunlight hours and on the buildings to the north and south is negligible. The impact on the garden to the north is also negligible. Having examined the report and visited the site, I concur that the proposed development would not have any significant overshadowing of the adjacent properties.

7.4.9. I consider a condition regarding boundary treatment and planting is appropriate. The management of the open space should also be agreed with the PA. Access has not arisen in the appeal which is proposed off the existing access road within the estate and is considered satisfactory.

7.5. Occupancy - potential New Issue

7.5.1. The planning application is for a house which is indicated on the planning application form as a dwelling house use as "sale" and as such, may be sold as a main residence, a second residence or as a holiday home. This is not an issue in the refusal of permission or raised in the appeal but is referred to in the planning report where the PA indicate they may have sought further information but they refused permission. Policy UB-P-24 provides multiple and single holiday home units will be considered within settlement framework areas provided that the proposed development would not result in the total number of existing and permitted holiday homes within the settlement framework area exceeding 20% of the total existing and permitted housing stock. According to the CSO, holiday homes are dwellings which are unoccupied at the time of the census and are only occupied periodically during the year, typically during the summer. The CSO enumerators class unoccupied dwellings as holiday homes based on information sourced locally. In the 2016

census, the small area population statistics for the area (which includes the townlands of Rosstown Lower and Upper), records that out of 353 dwellings, 241 were unoccupied holiday homes, which is c 68 % of the 2016 total. While the new census figures are unavailable at this level, it is reasonable to assume that there is over 20% of holiday homes in the census area and particularly in the settlement area of Rosstown.

- 7.5.2. Having regard to policy UB-P-24, which is considered reasonable, the census information available and the clear pattern of holiday home development in the area, I believe that any permitted house on the appeal site should not be used as a holiday home in order to achieve an appropriate balance of housing mix in accordance with the stated planning policy and that the appropriate manner of dealing with this is by an occupancy condition. As this was referred to in the planning assessment but was not raised in the appeal and did not form part of the reason for refusal, the Board may wish to circulate the issue with the parties.

7.6. **Appropriate Assessment Screening**

- 7.6.1. The site is not located within a European site and it is noted that Durnesh Lough SAC, is located c. 350 m to the east of the appeal site and Donegal Bay SPA, is located c 340 m to the west. The proposed development is not directly connected with or necessary to the management of a European site and the proposed development is served by mains water and sewage and is located within and adjacent to developed housing estates.
- 7.6.2. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built up suburban area and the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 **Recommendation**

- 8.1. Recommendation to grant permission. Please note condition No.2 relates to occupancy as raised in section 7.5 above and section 48 contributions are required for dwellings over 2000sqm which does not apply in this case.

9.0 Reasons and Considerations

9.1. Reason and Consideration

9.1.1. I recommend permission be granted for the following reason:

Having regard to the location of the site within the settlement boundary of Rossnowlagh, the 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 seriously injure the amenities of the area or property in the vicinity, would represent an appropriate density, and would utilise part of an open space area that functionally does not integrate with the surrounding area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 5th day of April 2023, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The development hereby permitted shall not be used for short term rentals and shall be occupied by person(s) as a sole or main residence unless planning permission is obtained for a change of use.</p> <p>Reason: To comply with Policy UB-P-24 in the County Donegal Development Plan 2018-2024, which is considered reasonable, where further holiday home development would result in the total number of existing and permitted holiday homes within the settlement framework area</p>

	<p>exceeding 20% of the total existing and permitted housing stock, to manage the growth of holiday homes in the area and to maintain a balance of meeting housing need and tourism potential.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Details of the management of the open space adjacent to the roadside shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The entire site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs along the boundaries of the site, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii.</p> <p>(iii) A timescale for implementation shall be provided.</p>

	<p style="text-align: center;">(iv) Details of all boundary treatments.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
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I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Rosemarie McLaughlin
Planning Inspector

20th August 2023