



An
Bord
Pleanála

Inspector's Report

ABP-320308-24

Development	Erection of an outbuilding for use as a home office and domestic garage adjacent to existing dwelling including all associated site development works.
Location	Dooley, Lettermacaward, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2460725
Applicant	Stephen Davenport
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant	Stephen Davenport
Observer(s)	None
Date of Site Inspection	18 th October 2024
Inspector	Matthew O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is 0.15ha and located in the coastal townland of Dooley, Lettermacaward, Co. Donegal. The appeal site comprises a single storey cottage named “The Beach House” along the L-6423-2 (Local Road) and a single storey outbuilding to the rear named “The Boat House”. The buildings are in use as short-stay accommodation.
- 1.2. The appeal site is rectangular in shape with the northern extent predominantly forming the existing residential curtilage and the southern portion being largely undeveloped. The site falls gently from the south to the north and continues to fall from the road to the coastline. The topography of the surrounding area is largely consistent with the site. The roadside boundary comprises a low level dry stone wall with gravel area adjacent to the carriageway. The eastern (side) boundary contains a dry stone wall and is generally unscreened from the neighbouring property. The western (side) boundary is largely undefined and the southern (rear) boundary contains a dry stone wall which divides the appeal site from the adjoining upland area.
- 1.3. The surrounding area is characterised by its coastal setting and the appeal site forms part of a linear row of one-off habitable units addressing the public road and overlooking Trawenagh Bay to the north. There are no Protected Structures or National Monuments within or immediately adjoining the appeal site.

2.0 Proposed Development

- 2.1. The subject development comprises:
 - Construction of an outbuilding (46sq.m) for use as home office and domestic garage.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority REFUSED permission for the following stated reasons:

1. *The proposed development for a domestic garage/home office is contingent upon an existing development comprising of two structures used for commercial purposes as short term lets. It is noted that works to these structures and associated development works within the site together with commercial use of same for short term rental does not have the benefit of permission. To permit the development as proposed would set an undesirable precedent of acknowledging, sanctioning, and facilitating unauthorised works and use. Furthermore, to permit the proposed structure would be premature and would provide for a disorderly development pending the regularisation of said existing structures and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development for a domestic garage/home office is contingent upon an existing development comprising of two structures used for commercial purposes as short term lets. Having regard to the nature of the proposed permission for domestic purposes ancillary to a domestic property and to the commercial use of the existing structures, it is considered that the nature of the development would be incompatible with the commercial use of the existing properties. To permit the proposed structure would provide for a disorderly development and would therefore be contrary to the proper planning and sustainable development of the area.*
3. *The proposed development is located in an area identified as Area Under Strong Holiday Home Influence under Policy RH-P-2 of the current County Donegal Development Plan, 2024-30, where new holiday homes will not be permitted and is subject to consideration under policy RH-P-7 of the aforementioned Plan which seeks compliance with policy RH-P-9 in respect of location, siting and design elements. Policy RH-P-9 requires that*
 - a. *(iii) a proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development*

and also the following criteria be assessed

- b. (iii) the site access/egress being configured in a manner that does not constitute a hazard to road users or significantly scar the landscape; (iv) the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice;*

Having regard to the works carried out to both structures without the benefit of planning permission including works to the roadside boundary and associated vehicular access and public health requirements, it is considered that to permit the development as proposed would materially contravene the above-mentioned policies of the Plan and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Planner's Report forms the basis for the decision to refuse permission.
- The report provides a description of the site and identifies the associated policy context from the Council Donegal Development Plan 2024-2030.
- Outlines the principle of development having regard to works carried out to buildings on site which do not appear to be exempted development and that the property is in short-term letting.
- The intended use of proposed home office/garage building is not warranted for the present use as a short term let.
- The increase in development footprint on site would not be acceptable having regard to existing buildings and would constitute over-development of a restricted site.
- No residential amenity issues arising in terms of over-looking or privacy but that the development would not provide for adequate private amenity space to existing buildings on site.

- Car parking would be exacerbated, and the new vehicular entrance created has not been detailed. The roadside boundary wall may not comply with exemptions.
- No details submitted regarding working order/age/condition of wastewater treatment system.
- No issues raised with respect to AA or EIA.

3.2.2. Other Technical Reports

- Water Services – No response received.
- Area Roads Engineer – No response received.

3.3. **Prescribed Bodies**

- Irish Water - No response received.

3.4. **Third Party Observations**

3.4.1. The Planning Authority received 1 no. third party submission whose objection indicated the following:

- The buildings on site were in a derelict and unoccupied condition prior to being refurbished without planning consent.
- Previously completed works are not Exempted Development.
- Buildings are let out separately for short-stay accommodation.
- 'Ancillary Accommodation' building was a derelict building which has been turned into accommodation and raised in height.
- A septic tank was installed during refurbishment works and is served by both buildings and a hot tub.
- Applicant has commandeered land adjacent to the road, filled in a drain and the works have impacted on views.

- Planning Authority should consider the appropriateness of development in terms of parking provision, access, and wastewater treatment.
- Proposed unit may be developed for additional self-contained short term rental.

4.0 Planning History

- There is no available planning history associated with the appeal site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The County Donegal Development Plan 2024-2030 is the relevant Development Plan for the subject site.

5.1.2. The appeal site is located in a rural area of County Donegal which is not within a designated/zoned settlement. According to Map 6.3.1: Rural Area Types of the Development Plan, the appeal site is located in an 'Area Under Holiday Home Pressure'.

5.1.3. Chapter 6 of the Development Plan relates to 'Housing' and contains policies and objectives in respect of residential development. Section 6.3 of the Development Plan contains commentary on Rural Housing and the following objectives are considered relevant to the subject proposal:

RH-O-2 To protect rural 'Areas Under Strong Urban Influence', rural 'Areas Under Strong Holiday Home Influence', and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.

RH-O-5 To facilitate the positive re-use of existing vacant rural housing stock in the County to seek to prevent further deterioration and dereliction.

5.1.4. The following policies are applicable to residential type developments:

'Areas Under Strong Holiday Home Influence'

RH-P-2 To consider proposals for new one-off rural housing within 'Areas Under Strong Holiday Home Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need (see 'Definitions') to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong holiday home influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policies RH-P-9.

This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated.

An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission.

New holiday homes will not be permitted in these areas.

'Refurbishment/Extension of Existing Traditional Building Stock'

RH-P-7 To consider proposals for the refurbishment of derelict traditional buildings (refer to definitions below) within rural areas, for use as either a permanent dwelling or as a holiday home, subject to (inter alia) the following criteria being satisfied:

a. The proposed development will provide for the retention of the majority of the existing building

b. Proposals for extensions shall respect the character and appearance of the traditional building. The design, size, height and finishes of the proposed refurbishment/ extension must respect the architectural character of the original building type unless otherwise agreed with the Planning

Authority, and the finished building must otherwise be of a scale and form such that the development integrates effectively into the host landscape.

c. Compliance with the terms of Policy RH-P-9 below.

Location, Siting and Design and Other Detailed Planning Considerations

RH-P-9 (a) Proposals for individual dwellings (including refurbishment, replacement and/or extension projects) shall be sited and designed in a manner that is sensitive to the integrity and character of rural areas as identified in Map 11.1: 'Scenic Amenity' of this Plan, and that enables the development to be assimilated into the receiving landscape. Proposals shall be subject to the application of best practice in relation to the siting, location and design of rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'. In applying these principles, the Council will be guided by the following considerations:-

- i. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;*
- ii. A proposed dwelling shall not create or add to ribbon development (see definitions);*
- iii. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;*
- iv. A proposed dwelling will be unacceptable where it is prominent in the landscape;*
- v. A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including*

the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.

(b) Proposals for individual dwellings shall also be assessed against the following criteria:

- i. the need to avoid any adverse impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy L-P-8;*
- ii. the need to avoid any negative impacts on protected areas defined by the River Basin District plan in place at the time;*
- iii. the site access/egress being configured in a manner that does not constitute a hazard to road users or significantly scar the landscape;*
- iv. the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice;*
- v. Compliance with the flood risk management policies of this Plan;*

(c) In the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended).

5.1.5. As detailed in Map 11.1: 'Scenic Amenity' of the Development Plan, the appeal site is situated in an 'Area of High Scenic Amenity'. According to the definition contained in Chapter 11: 'Natural, Built, and Archaeological Heritage' of the Development Plan, these are *'landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form 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'*. The following objective and policy are relevant:

L-O-1 To protect, manage and conserve the character, quality and value of the Donegal landscape.

L-P-2 To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated site being the West of Adara/Maas Road Special Area of Conservation (Site Code: 000197) which is located approximately 1.34km to the southwest of the site. This site is also a pNHA. The appeal site is also located approximately 3.7km to the west of the Gannivegil Bog Special Area of Conservation (Site Code: 000142).

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party appeal has been prepared on behalf of the applicant. The grounds of appeal can be summarised as follows:

- The nature of works carried out to buildings on site were repair and refurbishment which do not require planning permission.

- Although the cottage was offered for short-term letting in the past, the applicant is planning their retirement and intends to spend more time at the property which is the rationale for the proposal.
- Refusal reason 3 does not apply to the subject property. The existing dwellings were originally constructed c. 1900s and are not new holiday home development. The dwellings were refurbished a number of years ago but the location, siting and design elements are unchanged.
- Policy RH-P-9 refers to “proposed” dwellings, the dwelling is existing.
- Changes to access/egress has improved the previous arrangement and do not constitute a hazard to road users or scar the landscape.
- Effluent disposal from the dwelling an existing septic tank does not pose risk to public health and accords with the EPA Code of Practice.

6.2. Planning Authority Response

- A response from the Planning Authority has been received on file whereby the Planning Authority confirms its decision with any issues covered in Planner’s Report.

6.3. Observations

- There are no observations.

7.0 Assessment

Having examined the application details and all other documentation on file, having conducted a site inspection and having regard to the relevant local/national policies, objectives and guidance, I am satisfied that the main issues for consideration are those raised by the First Party in their grounds of appeal. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following headings:

- Planning History
- Siting and Design
- Wastewater Treatment and Disposal

- Site Access
- Appropriate Assessment (Screening)

7.1. Planning History

7.1.1. There is no available planning history associated with the lands. Having reviewed the contents of the appeal file, I note the two existing buildings on the appeal site were previously vacant/idle and in poor condition. These buildings have been subject to extensive renovation works in recent years which includes extensions and alterations in terms of floor area, height and finishing materials. In addition, works have been carried out to the front of the property with the erection of a low level stone wall, provision of a vehicular access and roadside gravelling. The cottage building adjacent to the road is named “The Beach House” and the detached building to the rear of the cottage building is named “The Boat House”. According to the third party observation submitted at application stage, both of these buildings are currently available for short-stay accommodation use and can be booked separately via an online platform.

7.1.2. The assessment of the Planning Authority refers to the commercial use on the appeal site which is claimed to require the benefit of planning permission but that none has been sought. These contentions have formed part of the basis of the Planning Authority’s decision to refuse permission. The first reason for refusal indicates that the proposed domestic garage/home office relies on the existing development used as commercial short term lets and that approving the subject development would set an undesirable precedent of acknowledging and facilitating unauthorised works/use and would be premature pending the regularisation of the existing buildings. The second reason for refusal indicates that the proposal is incompatible with the current commercial use of the existing buildings on the appeal site and that permitting the garage/home office would provide for a disorderly form of development.

7.1.3. The First Party contends that the site works carried out to the existing buildings were repair and refurbishment which are exempted development and did not require planning permission. I note that the current/on-going use of the two buildings on the site has not been confirmed by the appellant however, it has been acknowledged in the appeal that the cottage building (“The Beach House”) was offered for short-term

letting in the past but the intended future use is for the First Party to spend more time at the property. This assertion is the rationale for the proposed garage/home office development. No reference is made to existing or intended future use of the other unit ("The Boat House") in the appeal.

7.1.4. From my review of the appeal file and having conducted a site inspection, I am satisfied that renovation, refurbishment and extension works have occurred on the site in recent years to the existing buildings and that the buildings are in commercial use as short-stay accommodation. On this matter, I conclude that there is an unauthorised use of the appeal site and that the proposed development would facilitate the continued unauthorised use of the site. Notwithstanding, the contentions by the Planning Authority and the First Party relating to the short-stay accommodation use and the status of the use and associated works carried out as exempted development, are not matters for the consideration of the Board in this appeal.

7.2. Siting and Design

7.2.1. The proposed building has an indicated floor area of 46sq.m and rectangular in shape with a pitched roof and height of 5.625 metres. The submitted drawings indicate the building as containing a garage space for a vehicle (approx. 26.66sq.m) with roller shutter door on the side (west-facing) elevation; a home office room (approx. 10.8sq.m); a toilet; and, store room. The unit will be accessible from a door on the north-facing elevation and windows are proposed on the north, west and south elevations. The proposed building will be sited in an undeveloped part of the appeal site some 32.8 metres from the edge of the public road.

7.2.2. The Planning Authority considered that the site is restricted on account of the works carried out to the existing buildings and cars present at time of inspection. Furthermore, it was contended that the increased footprint from another building on the site would be unacceptable having regard to the ongoing commercial short-term letting use. I note the third refusal reason relates to the policy context of the Development Plan in relation to 'Areas Under Strong Holiday Home Influence' (Policy RH-P-2), the extension of Existing Traditional Building Stock (RH-P-7) and Location, Siting and Design and Other Detailed Planning Considerations (RH-P-9) respectively. The Planning Authority also considered existing site works including development to

the roadside boundary, associated vehicular access and public health requirements would contravene the Development Plan. The First Party contends that Policy RH-P-9 of the Development Plan is not applicable to the subject development as this policy relates to “proposed” dwellings only but the dwelling on site is existing.

7.2.3. Having regard to the above, I consider Policy RH-P-9 (Location, Siting and Design and Other Detailed Planning Considerations) of the Development Plan is of critical importance to the overall assessment of the proposal with the appeal site located in an ‘Area Under Strong Holiday Home Influence’ (RH-P-2) and with respect to ‘Refurbishment/Extension of Existing Traditional Building Stock’ (RH-P-7). Whilst I note this policy is primarily guided towards individual dwellings, it encompasses refurbishment, replacement and/or extension projects. Therefore, the proposed garage/home office must be assessed in accordance with this policy.

7.2.4. Policy RH-P-9 of the Development Plan requires that new development shall be designed in a manner sensitive to the integrity and character of rural areas and that development assimilates into the receiving landscape through best practice regarding siting, location and design of rural housing. The key considerations of this policy seek to avoid the creation/expansion of a suburban pattern of development; shall not be detrimental to the amenity of the area or other rural dwellers or constitute haphazard development; and, shall not be prominent in the landscape. Additionally, parameters for assessment also include avoiding adverse impact on Natura 2000 sites or other designated habitats/protected areas and views/prospects; site access/egress considerations; the safe and efficient disposal of effluent and surface waters; and, comply with flood risk management.

7.2.5. I contend that it is reasonable to accept the principle of a garage/home office on its own individual merits, subject to the normal planning and environmental considerations. That said, in considering the design and siting of the proposal, I am not satisfied that the garage/home office is of a minor scale which is clearly subservient to the existing buildings on the site or has been designed to integrate effectively within the host environment of the site. In this regard, for comparative purposes, the proposed scale of the unit at 46sq.m is such that it is larger than the minimum required size for a standard 1-bedroom apartment (45sq.m). In addition, the high-pitched

design of the garage/home office with a ridge height of 5.6 metres is not compatible with the low profiles of the 'Dwelling' and 'Ancillary Accommodation' buildings on the appeal site.

7.2.6. I also have concerns with the siting and set back of the proposed development from the existing buildings on the appeal site. Although the proposed garage/home office would be sited in a partly undeveloped area to the rear of the existing buildings, in my view, it would create a clustering effect of three detached buildings in a relatively confined residential curtilage of the site that would result in an overbearing effect when read in the context of the surrounding area. In addition, I would have concern with the loss/reduction in open space which currently serves the buildings on the site as a result of the proposed development. The proposed garage/home office building will be part-situated in the raised area of grass which will be further reduced in order to facilitate both the proposed building and provide vehicular access to the rear area of the appeal site. As a further point, I am not satisfied that the applicant has sufficiently detailed or demonstrated the extent of open space which would remain to serve the property and the functionality of such open space given the extent of proposed works on this limited area. I consider that permitting an additional detached buildings of this scale on the appeal site would result in a haphazard form of development which would result in the over-development of the site having regard to the 2 no. existing buildings on the site.

7.2.7. Another aspect of the Siting and Design that needs consideration is the impact on visual amenity. The appeal site is located in a coastal environment which is within an area of 'High Scenic Amenity' where development will be facilitated subject to being appropriate in nature and scale so as to integrate and reflect the character and amenity designation of the landscape. During my site inspection, I observed a variety of established dwellings and associated outbuildings of various types and designs in an elongated linear or ribbon pattern along the southern side of the public road in the area of the appeal site. As such, I am of the view that the proposed development, in its own individual context, would not be highly visible in this coastal setting. Notwithstanding, having regard to my concerns raised regarding the design and layout of the proposal on a restricted site, I consider that approving such development would set an undue precedent for similar large domestic garages in this 'Area Under Holiday Home

Pressure’ and ‘High Scenic Amenity’, which consequently, would have a negative impact on the visual amenities of the area.

7.2.8. Accordingly, I do not consider that the proposed development is consistent with criterion of Policy RH-P-9(a)(iii) of the Development Plan which in turn would conflict with both RH-P-2 and RH-P-7 respectively. I recommend that the garage/home office be refused.

7.3. Wastewater Treatment and Disposal

7.3.1. According to the appeal file, the subject site is served by the existing septic tank which is indicated on the Site Layout Plan as being situated to the west of the proposed garage/home office development. The proposed garage/home office contains a W/C which will connect to the existing wastewater system. The assessment of the Planning Authority noted that no details were submitted as to the working order, age and nature of existing foul arrangement except the indication of a septic tank with no percolation area on the planning drawings. Refusal reason No. 3 refers to Policy RH-P-9(b)(iv) of the Development Plan requiring new developments to demonstrate the safe and efficient disposal of effluent. The First Party states that the effluent disposal does not pose a risk to public health and accords with the EPA’s Code of Practice but has not provided any further details or evidence of same.

7.3.2. On the day of my site inspection, I was unable to access the precise location of the septic tank on the appeal site to confirm its status/working condition or verify a percolation area. From the rear extent of the defined residential curtilage, I observed the general area where the septic tank is indicated and noted it to be largely undeveloped and generally covered with scrub and other vegetation.

7.3.3. In the absence of any supporting evidential documentation submitted with the appeal file on existing wastewater treatment, I would have significant concerns regarding the effective treatment of effluent arising from the existing ‘dwelling’ and ‘ancillary accommodation’ units or the additional loading from the W/C in the proposed garage/home office. This is particularly relevant given the site conditions which I have reviewed using data available from the Geological Survey of Ireland (GSI) and indicate the appeal site as being situated within a Poor Aquifer (PI) with bedrock at the surface and has an ‘Extreme Vulnerability’ where “Groundwater here has natural

characteristics that make it extremely vulnerable to contamination by human activities.”

7.3.4. I therefore consider that the proposed development would be at a variance with the County Donegal Development Plan 2024-2030, namely Policy RH-P-9(b)(iv) which require that proposals for refurbishment/extension projects provide safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with EPA's Codes of Practice. It is my view that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area. Permission should be refused on this basis as the First Party has not adequately demonstrated that the proposed development can be appropriately served.

7.4. Site Access

7.4.1. The third reason for refusal refers to Policy RH-P-9(b)(iii) of the Development Plan which requires that site access/egress serving new developments be configured in a manner that does not constitute a hazard to road users or significantly scar the landscape. The Planning Authority noted that a new boundary wall and vehicular entrance was created on foot of the refurbishment/extension of the existing buildings and that these works do not have the benefit of planning permission. It is also noted that there are no formal parking arrangements on the subject site to serve the existing buildings and the commercial use. Additionally, concern was raised by the Planning Authority that the roadside boundary wall may not constitute exempted development due to its proximity to the public road. The appellant claims that the changes to the access/egress have improved the previous arrangement to road users but has not specifically detailed the previous arrangement or how this access has been improved.

7.4.2. As indicated in section 7.1 of this report, I note that the front curtilage and roadside area of the appeal site, and the opposing side of the public road, have been adapted without the benefit of permission. These works have not been included as part of the subject development however, I note that the proposed development requires access from this vehicular entrance in addition to considerable groundworks/site adaptation to the rear extent of the property to facilitate the development the garage/home office.

7.4.3. Following an inspection of the appeal site, I note the narrow setback of the boundary walls at the entrance from the road edge which I estimate to be less than 1 metre in depth and the presence of a utility pole on to the westward view. Whilst I am of the view that the L-6423-2 is a lightly trafficked local road with reduced traffic speeds due to the overall condition, width and alignment of the carriageway; I am not satisfied adequate provision of sightlines have been demonstrated by the First Party which would assure road safety and does not have the potential to create a traffic hazard. Furthermore, it is unclear as to the extent of vehicular movements associated with/generated from the appeal site having regard to the existing short-stay accommodation use on the site in addition to the required number of on-curtilage car parking spaces in the gravelled area to the rear of the buildings.

7.4.4. In conclusion, I consider that site access and parking arrangements further highlights the overall constraints of the appeal site which in my view has restricted sightlines, limited car parking and restricted turnabout/manoeuvrability in the rear curtilage area. Based on the lack of information provided, the proposed development could potentially create an unacceptable traffic hazard risk due to additional and conflicting traffic movements which could endanger public safety. Therefore, I do not consider that the proposed garage/home office is consistent with criterion of Policy RH-P-9(b)(iii) of the Development Plan and I recommend that the subject development be refused.

8.0 Appropriate Assessment (Screening)

8.1. Having regard to the scale and nature of the works proposed, it is concluded that no Appropriate Assessment issues arise as the subject development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that permission be refused for the reasons and considerations outlined below.

10.0 Reasons and Considerations

1. Having regard to the design and siting of the proposed detached garage/home office to the rear extent of the property, it is considered that the development would be non-subservient to the existing buildings and represent an excessive level of over-development on the site which would seriously injure the visual amenities of the area and contravene Policy RH-P-9(a)(iii) of the County Donegal Development Plan 2024-2030. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied, on the basis of the lack of information provided, that the existing effluent treatment system on the subject site has the capacity to effectively treat foul effluent arising from the additional loading from the proposed development in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). It is considered that the proposed development would be at a variance with Policy RH-P-9(b)(iv) of the County Donegal Development Plan 2024-2030 and would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
3. It is considered, based on the lack of information provided with respect to sightlines in a western direction and having regard to the provision of a vehicular access and works carried out to the roadside boundary, that the proposed development would endanger public safety by reason of traffic hazard. The proposed development would also result in the intensification of use of access to the lands and create additional and conflicting traffic movements which would interfere with the safety and free flow of traffic on the public road. Therefore, the Board is not satisfied, that the proposed development would comply with Policy RH-P-9(b)(iii) of the County Donegal Development Plan 2024-2030 which requires that site access/egress be configured in a manner that does not constitute a hazard to road users. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Matthew O Connor
Planning Inspector

28th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-320308-24		
Case Reference			
Proposed Development Summary	Erection of an outbuilding for use as a home office and domestic garage adjacent to existing dwelling including all associated site development works		
Development Address	Dooley, Lettermacaward, Co. Donegal.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____