



An
Bord
Pleanála

Inspector's Report

ABP 321150-24

Development	Change of use of existing domestic garage to residential use along with all other associated site works
Location	15 Rosemount Terrace, Letterkenny, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	24/60926
Applicant	Roisin Roche
Type of Application	Permission
Planning Authority Decision	To grant permission with conditions
Type of Appeal	Third Party
Appellant	Marina Carlin
Observers	None
Date of Site Inspection	10 th March 2025
Inspector	Trevor Rue

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Submissions	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plans	6
5.2. National Policy and Guidelines.....	7
5.3. Natural Heritage Designations	8
6.0 Environmental Impact Assessment Screening	8
7.0 The Appeal	8
7.1. Grounds of Appeal	8
7.2. Applicant Response	11
7.3. Planning Authority Response	13
8.0 Assessment	13
9.0 Appropriate Assessment Screening	17
9.0 Recommendation.....	17
10.0 Reasons and Considerations	18
Appendix 1 – Form 1: EIA Pre-Screening.....	19

1.0 Site Location and Description

- 1.1. The application site is in the town centre of Letterkenny and has a stated area of 0.015 hectares. It comprises a domestic garage to the rear of an end-of-terrace dwelling, 15 Rosemount Terrace. It is a 1½-storey structure with a stated floor area of 86 square metres and a ridge height of 6.443 metres. Its gable faces towards the rear of the dwelling and the public road and contains a rectangular door and two windows, one on each floor.
- 1.2. The garage is accessed via a driveway, 2.6 metres in width, which runs along the side of No. 15. There is a hard-surfaced area, 3.86 metres in depth, between the garage and No. 15, a small part of which is occupied by an oil tank and bin storage. A vestigial passageway along the rear of the rest of the terrace, terminating behind No. 10, is obstructed by a series of gates demarcating each property.
- 1.3. Rosemount Terrace is residential in character and comprises two terraces, a semi-detached pair of dwellings and three detached dwellings. There is a hard-surfaced area opposite Nos. 14 and 15 which is used for parking and bin storage.

2.0 Proposed Development

- 2.1. It is proposed to change the use of the domestic garage to residential. The floor plans show a living/kitchen/dining area and a toilet downstairs and one bedroom and a bathroom above.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 3rd October 2024, Donegal County Council decided to grant planning permission subject to six conditions. Condition 3 restricted the occupancy of the accommodation to the applicant only. Condition 2 required the applicant to enter into a legal agreement to the same effect.

3.2. Planning Authority Reports

Planning Reports

3.2.1. Reports by a planning officer dated 2nd August and 1st October 2024 provided the reasoning for the authority's decision. The main points were as follows:

- A domestic garage was approved and constructed on this backland site and subsequently converted without planning permission to a one-bed self-contained dwelling. Housing is acceptable in principle in any town centre, particularly in light of the current housing crisis, and Letterkenny is a centre where compact urban growth should be supported.
- With an overall floor area of 86 square metres, a combined living/dining area of 44 square metres and a double bedroom on the first floor, the unit exceeds the minimum standard for one-bed, two-person dwelling. The kitchen/diner and the first-floor bedroom have an outlook and natural light and there is a further window to the rear to serve the bathroom. The site has very limited capacity to provide for any private amenity space.
- The building would retain the character and appearance of a domestic garage, despite the removal of the garage door and the insertion of a domestic door. Due to its backland location and its limited height, the structure is not overly visible and does not have a visually dominant impact on the streetscape.
- The backland nature of the development results in a poor and cramped layout, with a substandard separation distance between the front elevation of the unit and the rear elevation of the host property, 15 Rosemount Terrace. The arrangement results in an unacceptable degree of overlooking and loss of privacy. Overshadowing and loss of light to No.15 are not at issue as the garage structure is already permitted. The design would not be considered acceptable for an independent detached dwelling but could be considered for an ancillary accommodation unit.
- Further information was sought about the identity of the intended occupant, that person's current abode and a statement from a medical practitioner detailing the intended occupant's health circumstances and the need to reside at this particular location. In response, the applicant confirmed that the residential unit

is ancillary accommodation and that the occupant would be a member of the applicant's family. An updated medical statement was submitted to confirm the need for ancillary living space. The authority is satisfied that the applicant has demonstrated a need for ancillary accommodation. It is appropriate that she signs an agreement under Section 47 of the Planning and Development Act 2000 in relation to occupancy.

- The structure is already in place and does not block the laneway to the rear of the terrace. The laneway could not accommodate an ambulance but could be used for a stretcher or pedestrian access. Parking for the terrace appears to be on-street. Use of the unit by a dependent relative may result in no additional traffic or vehicular movement. However, it could result in parking to the side of No. 15 or to the rear of the terrace, preventing access for deliveries, emergency vehicles or fire escape. Such parking could be prohibited by condition.
- The structure is already connected to the public mains which are maintained and upgraded as and when necessary. Storm and surface water connections were detailed in the previously approved application and no new issues arise. Some drainage works or water connection upgrades/repairs which may not have required planning permission may have been carried out prior to the submission of the planning application. These may have related to the existing connections to the existing toilet in the domestic garage.
- The application does not specify the location of fuel/oil tanks but if permission is granted, the placing of such tanks would be exempted development. If planning permission is granted, separate applications for fire certification, building regulations approval and disability certification would be required.

Other Technical Reports

3.2.2. There was no consultation response from the Area Roads Engineer.

3.3. Prescribed Bodies

3.3.1. Uisce Éireann did not respond to the planning authority's notification.

3.4. Third Party Submissions

- 3.4.1. The Council received nine submissions objecting to the proposal from residents of Rosemount Terrace, including one from the present appellant. All the objections were appended to the appeal statement and are incorporated into the summary at Paragraph 7.1.1 below.

4.0 Planning History

- 4.1. **09/80042:** On 26th August 2009, planning permission was granted for a 1½-storey domestic garage at the present application site.
- 4.2. **23/50755:** On 29th May 2023, the present applicant applied for planning permission for change of use of existing domestic garage to a dwelling house. The application was withdrawn on 18th July 2023.
- 4.3. **UD23103:** In June 2023, following a complaint, the subject site was investigated but no evidence was found of unauthorised development having taken place at that time.

5.0 Policy Context

5.1. Development Plans

- 5.1.1. Map 7.1 of the **Letterkenny Plan and Local Transport Plan 2023-2029** includes the site within the town centre boundary. The objective of this zoning, set out in Table 7.1 of the Plan is to sustain and strengthen the core of Letterkenny as a regional centre of residential, commercial, retail, cultural and community life and to support active travel and public transport provision.
- 5.1.2. **Objective LK-H-O-1** of the Letterkenny Plan is to ensure that an appropriate quantum and mix of housing types, tenures, densities and sizes is provided in suitably located residential areas and in appropriate brownfield/infill areas, in order to meet the needs of the population of Letterkenny, including the provision of private housing, social housing, affordable housing, student housing, traveller accommodation and appropriate residential care solutions designed for older persons and/or persons with disabilities. All housing developments will be subject to compliance with all relevant policies and standards contained in this plan and the County Development Plan.

- 5.1.3. **Policy UB-P-9** of the **Donegal County Development Plan 2024-2030** is 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 urban residential amenity.
- 5.1.4. **Policy UB-P-10** of the County Development Plan is to require layouts of residential development to be designed and constructed having regard to best practice in terms of Universal Design, including the guidance for housing development set out in the National Disability Authority publication “Building for Everyone: A Universal Design Approach”.
- 5.1.5. **Policy TC-G-P-3** of the County Development Plan is to positively support proposals for infill and backland residential and commercial developments where they would:
- Not have a significant adverse effect on existing residential and visual amenities.
 - Respect the existing character, scale and setting of the local built environment.

5.2. **National Policy and Guidelines**

- 5.2.1. In the **National Planning Framework 2040**, National Strategic Outcome 1 is compact growth. This is explained as follows:

From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people.

- 5.2.2. **“Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities”**, prepared by the Department of Housing, Local Government and Heritage, was published in January 2024. It is stated on Page 4 that in order to achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites.
- 5.2.3. Specific Planning Policy Requirement (SPPR) 1 of the 2024 Guidelines states that a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. In all cases, the obligation will be on the project

proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

- 5.2.4. SPPR 2 sets a minimum private open space standard of 20 square metres for a one-bedroom house. It goes on to say that for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (for example, sites of up to 0.25 hectares) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

5.3. Natural Heritage Designations

- 5.3.1. The application site is not in any Natura 2000 site of European nature conservation importance. The nearest such sites are the Lough Swilly Special Area of Conservation (SAC) and the Lough Swilly Special Protection Area (SPA), which are both about 1.3 kilometres to the east. The SAC was designated for estuaries, coastal lagoons, salt meadows, molinia meadows, old sessile oak woods, harbour porpoise and otter; and the SPA was designated for various bird species.

6.0 Environmental Impact Assessment Screening

- 6.1. Please see Appendix 1, pre-screening. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations 2001 applies and therefore the submission of an EIA report and the carrying out of an EIA are not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The appeal statement and its appendices may be summarised as follows:
- The existing garage is not constructed in accordance with the previous planning permission. There should be four roof windows, two first-floor windows in the front elevation instead of one, and a walk way round the building.
 - Prior to the present application being submitted, significant work commenced. A channel was cut and ducting inserted across the public road to an electricity

pole. According to the planning officer, the garage has already been converted to a dwelling. Should the application not have been for retention rather than change of use? On this basis, it should have been invalidated by the Council.

- The red-lined boundary on the site map is incorrect. The applicant does not own the access to the rear or side of 15 Rosemount Terrace. The “existing common access” illustrated in yellow is a right of way for the residents of Nos. 10 to 15. The existing garage occupies the entire width of the site and overhangs the garden of No. 14. As a result, maintenance of the proposed residential unit would be impossible without encroaching into third-party lands.
- The building is not of the standard required to serve as a dwelling and is not of a safe design for the dependent who would potentially be living there. The stairs leading to the bedroom have only 13 risers, which would likely be over 200 millimetres high, steep for anyone living in the converted space. The bathroom on the ground floor would be too small and have no circulation area for a wheelchair or for carers to be present. The shower room on the first floor would also be too small. It appears that natural lighting would be confined to the front of the building, insufficient to meet building regulations guidance.
- There is no rear fire escape available in an emergency. The wire fence at the rear of the garage is only 2 metres from a dangerous drop into adjoining property. There could not be any fire exit from the windows at the back of the building. This area is landlocked, impeding any possibility of escape.
- The building has not been designed and constructed with regard to best practice in terms of Universal Design, as the stairs do not comply with fire regulations and the final exit is further than 4.5 metres from the bottom of the stairs in the open-plan ground floor. Escaping from upstairs would necessitate travelling further than the fire regulations permit. The residential unit should have a secondary fire escape closer to the stairs. If a fire took place in the kitchen (where most fires begin), then according to the plan submitted, the occupant would potentially have to travel through the epicentre of the fire to arrive at the only exit. A fire could have serious or fatal consequences for residents of nearby houses given their proximity to the building.

- If the Board is minded to grant permission, conditions relating to disability access and fire certification should be attached to address these serious concerns and provide reassurance as to the safety of the residential unit.
- The right of way to Nos. 10 to 15 dates back to the early 18th Century and is used for delivery of oil, coal and gas, the movement and storage of wheelie bins and of other equipment pertaining to regular house maintenance, such as lawnmowers and ladders. Most large household items cannot enter these houses via their narrow hallways. It is essential to the health and safety of the residents that this right of way is kept clear at all times, as it is also an escape route in the event of fire. Anything that would impede it, for example parked cars, would cause grave anxiety to residents about being trapped in their houses. In the event of someone needing the use of a stretcher, any obstruction to the right of way could become a matter of life or death.
- Rosemount Terrace was built around 1908 or 1911 when there were no cars. Times have changed and most households have a car but the Terrace is still a very narrow cul-de-sac with limited on-street parking for residents. With the introduction of parking charges on nearby Main Street, people use Rosemount Terrace for free parking. Congestion has reached critical levels at certain times of the day. Parking becomes very difficult when there are bigger, industrial vehicles trying to get access. Parked vehicles have obstructed emergency services dealing with life-threatening situations on the Terrace.
- It is vital that children are protected whilst playing on the street. Controlling parking and the volume of traffic would contribute to their safety and that of the older members of the community.
- There would be additional traffic if this application were approved. Neither the owner nor carers live close by. No. 15 is not a family home. It is currently occupied by independent tenants and has been a rental property for several years before which it was unoccupied (a screenshot from daft.ie dated July 2024 advertising No.15 as a property to let was appended to the statement). Carers and family members would have to travel by vehicle. The occupant might have a vehicle and the occupant's friends might also have vehicles.

- A condition prohibiting parking on the right of way was mentioned in the planning officer's report but not included in the Council's decision. Such a condition would be crucial for safety and wellbeing and to reassure residents.
- The site layout plan shows the oil tank and bins for No. 15 located on the right of way but makes no provision for any oil tank or bins for the proposed unit. Such provision could compromise the right of way, while inadequate storage space would be a health and safety concern. The sewerage pipe for the Terrace was installed over 100 years ago and the impact of adding a new development is concerning.
- The residential re-use of an ancillary garage would represent piecemeal development and conflict with the established pattern and character of the area. Due to its backland location, it would cause a significant loss of amenity to existing properties, including overlooking. As No.15 is occupied by tenants not of the same family, their privacy would be breached and there would be potential for overshadowing and loss of light. There is no garden left for No.15 or the new residential unit and no outside space for any occupants. Approval of this development could set a dangerous precedent for further substandard backyard developments in Rosemount, adversely affecting the ambiance of one of the last remaining original rows of terraced houses in Letterkenny.
- Planning conditions must be enforceable. The Council's conditions relating to occupancy and to the ancillary status of the unit in relation to the existing dwelling are not enforceable and the application must be refused.

7.2. Applicant Response

7.2.1. The applicant's response may be summarised as follows:

- As the appellant knows, no works have been carried out to make this garage into living accommodation. The garage is still a garage and the application was correctly validated.
- It is accepted that the building is not of a high standard and there are substandard separation distances from adjacent development. It is also accepted that were it not for the particular medical needs of the applicant's son,

the Council may not have decided to grant permission. A letter from his doctor outlines that he lives with autism and the conversion of the garage to give him some semblance of independence would be of great benefit to him.

- The applicant has signed a Section 47 agreement to confirm that her son will be the resident and occupier when the garage has been converted. This means that if the accommodation solution does not work out, the unit cannot be resided in by anyone else. 15 Rosemount Terrace is the applicant's family home where she was born and reared. Her son is very familiar with the neighbourhood, having spent his childhood in this house. The provision of living accommodation at this location would be life-changing for him. He would have family support whilst also having independence to live as an adult and attend a part-time job which he has in the town of Letterkenny.
- The residential unit if approved would have to conform to the relevant building regulations. There is adequate turning area in the ground-floor and first-floor bathroom as per Part M of the regulations. It is acknowledged that the stairs are steep but this can be addressed by adding an extra step or small raised area without the need for additional planning permission.
- Fire concerns can be addressed during the construction stage. An outward-opening upstairs window could be installed which would be available to the occupier in the event of a fire. This would mean he would not have to travel through the kitchen area should a fire break out there whilst he is upstairs. The argument regarding the proximity of the proposed residential unit to neighbouring properties is not valid, as the garage is detached and not connected to any of the properties in the terrace.
- The red-line boundary of the application site is correct and there is no dispute in regard to the right of way which has been included within that boundary. The applicant is happy to give an assurance that the right of way will not be blocked and will remain open and unimpeded at all times so that the residents of Nos. 10 to 15 as well as No. 16 can use the right of way at any time. The narrowness of the right of way is such that a car could not be parked on it.
- Rosemount Terrace is a very compact area. The established garage has already reduced the space for a garden. The proposed development would

constitute compact growth, which is supported by the National Planning Framework. The residential unit could link via No. 15's existing connection to the public sewer; the new Letterkenny waste water treatment plant has more than adequate capacity. The occupant could avail of other public services such as water, footpaths and lighting whilst not increasing the volume of cars on the road network. He does not own a car and would walk to and from his proposed home in the town centre. The independence and routine would be good for his health and progression in life.

- There are particular pressures on rental properties in Letterkenny due to the housing crisis. This is compounded in Donegal by families affected by defective blocks that are crumbling due to high levels of the mineral mica seeking rental properties while their homes are repaired. Such is the applicant's eagerness to give her son this opportunity that she is prepared, should permission be granted, to accept any conditions including those proposed by the appellant.

7.3. Planning Authority Response

- 7.3.1. The planning authority considers that all matters raised in the appeal have previously been addressed in the planner's report. The Council wishes to rely on the content of same in response to the appeal.

8.0 Assessment

8.1. Issues

- 8.1.1. Having inspected the site and considered in detail the documentation on file for this Third Party appeal, it seems to me that the main planning issues are:
- the nature and validity of the application;
 - the acceptability in principle of the proposed change of use;
 - the impact of the proposed use on traffic, parking and access in the area; and
 - the suitability of the building for use as a residential unit.

8.2. Nature and Validity of the Application

- 8.2.1. This application is concerned with a proposed change of use of a building and not with the quite separate question of whether the building was constructed in accordance with the plans that were approved in 2009.
- 8.2.2. I inspected the building both externally and internally. It was laid out as a garage and as depicted on the submitted existing layout plans. The proposed change of use has not taken place and the application is correctly presented as a proposal for future development rather than retention. I therefore see no sound basis for the suggestion that the Council should have invalidated the application.

8.3. Acceptability in Principle

- 8.3.1. The applicant has not denied that she no longer lives at 15 Rosemount Terrace and that it is rented it out to tenants not of her family. The proposed residential use of the garage would therefore be independent of the use of No. 15 and would not be “ancillary accommodation” as described in the draft Section 47 agreement. The Council’s occupancy conditions are redundant and the application must be construed as involving the creation of a separate dwelling. The development would nonetheless be of benefit to the prospective occupant by providing him with independent living accommodation in an area with which he is familiar, thereby avoiding the need to search for scarce rental alternatives elsewhere.
- 8.3.2. The proposed change of use would be consistent with national policy and guidelines to the extent that it would deliver a new residential unit within the existing built-up area of a town and involve a more intensive use of an existing building. The development is acceptable in principle, therefore, but it must be shown that it would provide a reasonable level of urban residential amenity for its occupant and would not unduly affect the residential amenity of neighbouring properties.

8.4. Traffic, Parking and Access

- 8.4.1. At the time of my site inspection, which took place mid-morning on a Monday, Rosemount Terrace was not heavily congested and parking spaces were available. This may be due to a painted sign on the roadway at the entrance to the street which reads “Residents Only”. The status, precise meaning and enforceability of this restriction are unclear. However, I accept that due to its town-centre location,

Rosemount Terrace would be attractive to drivers seeking free on-street parking. There is unrebutted evidence that congestion occurs at certain times.

- 8.4.2. The proposed development would add incrementally to the potential for parking pressure and traffic congestion in Rosemount Terrace. It would eliminate an off-street parking facility. Even if the prospective occupant never acquires a car, it is likely that his presence in the street would generate some traffic movements by family and friends. However, I do not accept that the implications for road safety are in themselves of such significance as to warrant the withholding of planning permission.
- 8.4.3. Ownership of land by one person is not incompatible with the existence of a right of way across the same land by others. The applicant owns the entirety of the application site but acknowledges that the residents of 10 to 14 Rosemount Terrace have a right of way which includes the driveway of No. 15 and the hard-surfaced area between the existing dwelling and the building which is the subject of this appeal. The site location map and the site layout plan accurately portray the status of the lands concerned in accordance with the colour scheme set out in Article 22 of the Planning and Development Regulations 2001.
- 8.4.4. Residents' gates currently obstruct the right of way. Regardless of whether the appeal building is converted to living accommodation or remains a garage, the parking of a vehicle on the hard-surfaced area in front of the building or on the driveway (for which there is just about enough room) would also obstruct the right of way. It is reasonable to expect that any obstruction would be of short duration and would be swiftly resolved through co-operation between residents, especially in an emergency. While rights of way are ultimately enforceable in private law, in practice their day-to-day effectiveness depends on goodwill and neighbourly conduct.
- 8.4.5. The right of way is at its widest where it passes in front of the appeal building. In my judgement, another oil tank could be placed there and a bin storage area created to serve the proposed new dwelling, without causing a serious obstruction.
- 8.4.6. A continued or resumed garage use would entail regular vehicular movements along the driveway and could give rise to a temptation to park there. The proposed change of use could also result in parking on the driveway, particularly during periods of traffic congestion, but I do not consider that it would significantly increase the risk of an

obstruction. All in all, I am not persuaded that refusal of planning permission would be justified on grounds of traffic, parking or access.

- 8.4.7. In my opinion, it would not be appropriate to impose a planning condition prohibiting parking on the application site. Such a condition would place a surveillance burden on the planning authority to protect a private property right and could be seen as unfair as it would not remove existing obstructions elsewhere on the right of way.

8.5. Suitability of the Building

- 8.5.1. The appellant has made a number of points about the layout of the appeal building which fall to be considered under other statutory codes. If the requirements of building control legislation, including provisions relating to fire safety and access for people with disabilities, are not met, then even if planning permission is granted residential use cannot lawfully be instituted. In my view, the Board is entitled to assume that these matters would be appropriately dealt with by the relevant authorities.
- 8.5.2. There is already a toilet in the existing garage and there is no reason to suppose that the existing public sewerage system would be unable to cope with the effluent from the proposed residential unit.
- 8.5.3. Construction of the existing garage deprived No. 15 of its private open space. According to the submitted site layout plan, the overgrown area to the rear of the appeal building is less than 10 square metres in size. It would be inaccessible to the occupant because the building fills the full width of the site and no rear exit is proposed. The development would therefore fail to meet the Sustainable Residential Development Guidelines minimum private open space standard of 20 square metres for a one-bedroom house. I see no good reason to dispense with that standard in this instance. To do so would in my view create an undesirable precedent which could lead to dwelling units taking up other rear garden spaces in Rosemount Terrace.
- 8.5.4. While the construction of a new building can cause overshadowing and loss of light to neighbouring properties, the current proposal is for a change of use, which would in itself not have such effects.
- 8.5.5. No alteration is proposed to fenestration on the front elevation of the appeal building. The first-floor window which would serve the bedroom of the proposed dwelling would be positioned less than 4 metres from the rear elevation of the existing house at No. 15 and directly opposite its large back first-floor window. The proposed bedroom

window would also have a close-up view of the rear areas of Nos. 14 and 13, including the large first-floor window of No. 14. Such views are already available from the garage. However, because a residential use would be more intensive, its introduction would in my opinion further diminish the privacy enjoyed by the neighbouring properties to an extent that would be unacceptable. The proposed development would have a significant negative impact on the amenity of occupiers of existing residential properties contrary to SPPR 2 of the Sustainable Residential Development Guidelines. I conclude that the garage building is not suitable for the proposed use.

8.6. Conclusion

- 8.6.1. Although the development would create a new residential unit within the existing built-up area of Letterkenny and would have benefits for its prospective occupant, in light of my findings on neighbouring amenity, private open space and precedent, I can only conclude that the development should not be authorised.

9.0 Appropriate Assessment Screening

- 9.1. Having considered the nature, location and modest scale of the proposed development, the nature of the receiving environment as a built-up urban area, the nature of the foreseeable emissions from the development, the availability of public piped services to accommodate the foul effluent arising, the distance from the nearest European site and the absence of any known direct hydrological pathway between the application site and any European site, I am content on the basis of objective information that the development is not likely to have a significant effect on any European site, alone or in combination with other plans or projects. I therefore conclude that the carrying out of an appropriate assessment under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Recommendation

- 10.1. I recommend to the Board that planning permission be refused.

11.0 Reasons and Considerations

- 11.1. There is no accessible private open space associated with the building to which the application relates and the proposed change of use would have a seriously detrimental effect on the amenity of neighbouring residential properties. Consequently, having regard to the relevant provisions of the National Planning Framework 2040, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Donegal County Development Plan 2024-2030 and the Letterkenny Plan and Local Transport Plan 2023-2029, it is considered that the building is not suitable for the proposed use.
- 11.2. It is also considered that a grant of permission would set an undesirable precedent for further substandard back garden developments in Rosemount Terrace, 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.



TREVOR A RUE

Planning Inspector

14th March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321150-24		
Proposed Development Summary	Change of use of existing domestic garage to residential use and associated works		
Development Address	15 Rosemount Terrace, Letterkenny, 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)		Partially Change of use: No Works: Yes	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
No	✓		No further action required



TREVOR A RUE

Planning Inspector

14th March 2025