



An
Bord
Pleanála

Inspector's Report

ABP-321567-25

Development

RETENTION: First floor gable glass door which replaced a former window opening and permission for the addition of a first floor metal balcony.

Location

Ballyharry, Lecamey, Co. Donegal.

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

2461646

Applicant(s)

John McVeigh.

Type of Application

Retention and Permission.

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

John McVeigh.

Observer(s)

None.

Date of Site Inspection

4th March 2025.

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site refers to a single storey detached dwelling located within a rural area in the townland of Ballyharry, Co. Donegal. There is accommodation in the roofspace which is served by windows on the gable elevations. A single storey outbuilding is located to the side/rear of the dwelling. There are neighbouring properties on either side, both of which are similar in design and scale to the subject dwelling. The site is located in an area of High Scenic Amenity.

2.0 Proposed Development

- 2.1. Retention permission is sought for a first floor gable glass door and permission is sought for the addition of a first floor metal balcony.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Donegal County Council refused permission for the following reason:

1. The proposal is contrary to Policies RH-P-6 and RH-P-9 of the County Donegal Development Plan, 2024-2030 in that the proposed balcony is considered a suburban design feature which is not characteristic of the surrounding rural area and at odds with the Council's 'Rural Housing Location, Siting and Design Guide' and if granted, would impact the visual amenities of the surrounding area, and set a precedent for similar type development. Accordingly, to permit the existing and proposed development would materially contravene the aforementioned 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. The Planner's Report contains the following points of note:

- The existing door on the gable elevation is to provide onto a proposed balcony.

- This is a suburban design feature not in keeping with the rural character of the surrounding area and will be wholly visible from the public road.
- The development would not comply with the design of rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'.
- No residential amenity impacts are anticipated in relation to loss of privacy, overlooking or residential amenity due to the separation distance of c.12 metres.

3.2.2. **Other Technical Reports**

3.2.3. None.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

- 4.1.1. **Planning Authority Reference 97/2291**: Permission granted in October 1998 for the erection of a bungalow with septic tank.
- 4.1.2. **Planning Authority Reference 00/5226**: Permission granted in April 2005 for the erection of a dwelling house and septic tank.
- 4.1.3. **Enforcement UD24134**: Door to first floor gable, S.52 Warning Letter issued.

5.0 **Policy Context**

5.1. **County Donegal Development Plan 2024-2030**

- 5.1.1. The site is located within an Area of High Scenic Amenity (HSA). Areas of High Scenic Amenity are landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and are a fundamental element of the landscape

and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.

5.1.2. Policy RH-P-6: To consider proposals for the refurbishment, or replacement, or extension of an existing non-vernacular habitable dwelling for use as either a permanent dwelling or as a holiday home, subject to compliance with the terms of Policy RH-P- 9 below. The design, size, height and finishes of the finished dwelling must be of a scale and form such that the development integrates effectively into the host landscape.

5.1.3. 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.

- 5.1.4. **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.'
- 5.1.5. **TS-P-1:** To require compliance with the following technical standards, where applicable, in addition to all other relevant policy provisions of this Plan and relevant Governmental guidance and standards.

5.2. **Natural Heritage Designations**

- 5.2.1. The site is not located in or immediately adjacent to any European sites. The nearest European site is the North Inishowen Coast SAC which is approximately 550 metres to the north west at its closest point.

5.3. **EIA Screening**

- 5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First Party appeal has been submitted by John McVeigh against the decision of Donegal County Council to refuse permission for the proposed development. The grounds of appeal can be summarised as follows:

- Disagree that the balcony is not characteristic of the surrounding rural area, there are many new build dwellings of a modern style that have similar balcony features and this particular part of Ballyharry has a suburban style with 5 modern dwellings set in a row with large front and side gardens.
- There are several examples in the locality of similar balcony features on similar types of homes. These balconies are located on the front elevations whereas the proposed balcony is at the side.

6.2. Planning Authority Response

6.2.1. The Appellant claims that there are similar balcony features on similar types of homes in the locality and has provided photographs of four different properties to demonstrate same.

6.2.2. It is not indicated where these properties are located in relation to the appeal site therefore the Planning Authority is unable to comment on them or determine the planning history of these properties.

6.2.3. The proposed balcony is a suburban design feature not in keeping with the design of rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'

6.3. Observations

6.3.1. None.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be design and residential amenity.
- 7.2. The Planning Authority consider that the proposal would be contrary to policy RH-P-9 of the CDP and by extension, the *Rural Housing Location, Siting and Design Guide* on the basis that the existing door on the gable elevation is to provide onto a proposed balcony and that a balcony is considered a suburban design feature not in keeping with the rural character of the surrounding area and which would be wholly visible from the public road.
- 7.3. The glazed door sought for retention is to provide access onto a proposed metal balcony that would be supported on posts, with the balcony space enclosed by metal railings to a height of 1.1 metres above the balcony surface, which itself would be c.2.9 metres above ground. The Planning Authority's argument is slightly undermined by the fact that the *Rural Housing Location, Siting and Design Guide* includes images of a dwelling incorporating a balcony. Nonetheless, there is a rural consistency to the design and appearance of the dwellings in the immediate site context and I find that the balcony would be a highly visible, prominent, and incongruous feature in terms of its location on the gable elevation directly facing the neighbouring property, the form and design of the host building, and the pattern of development in the immediate area. I have given consideration to the precedent examples provided by the Applicant, however, as noted by the Planning Authority, no locations have been provided. Certainly, at the time of my site inspection I did not come across any comparable examples of balconies in the area, with the exception of one example on a coastal property with a balcony located to the front elevation which did not negatively interact with any neighbouring dwellings. In any event, the examples provided do not alter my opinion that the proposed balcony would be an incongruous feature on this site.
- 7.4. I note that the Planning Authority do not consider that the proposed balcony would impact on the residential amenity of the adjacent property in terms of overlooking due to the separation distance and I also note that no observations were received. However, in my mind, the projecting nature of the structure directly facing the adjacent

dwelling and garden ground, in combination with its size and nature which would facilitate an external amenity space at first floor, would be unduly intrusive, would allow for increased and intensified level of overlooking, and would be injurious to the residential amenity of the adjacent property. The Board should note that this is a new issue and therefore may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

8.0 AA Screening

- 8.1.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is a residential property in the rural townland of Ballyharry, Co. Donegal, approximately 550 metres from the North Inishowen Coast SAC which is the closest European Site.
- 8.1.2. The proposed development comprises the retention of a first floor glass door and permission for a proposed first floor metal balcony. No nature conservation concerns were raised in the planning appeal.
- 8.1.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of works and the small scale domestic nature of the development.
 - Location-distance from nearest European site and lack of and meaningful connections relative to the development proposal.
 - Taking into account the screening determination of the Planning Authority.
- 8.1.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that the Board uphold the decision of Donegal County Council and refuse retention and planning permission for the reasons set out in section 10 below.

10.0 Reasons and Considerations

1. Having regard to the access door to be retained and the design of the proposed balcony, including its prominent and highly visible location on the gable elevation, the form and design of the host building, and the pattern of development in the immediate area, it is considered that the development would result in an incongruous feature that would be out of context with the character of the rural area and would be injurious to visual amenity. The development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed balcony, due to its nature, scale, and location directly facing the adjacent dwelling, would facilitate increased levels of overlooking, an elevated external amenity space relative to the adjacent property, and would be an intrusive element that would be injurious to existing residential amenities. The 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.

Terence McLellan

Senior Planning Inspector

31st March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321567-24		
Proposed Development Summary	RETENTION: First floor gable glass door which replaced a former window opening and permission for the addition of a first floor metal balcony		
Development Address	Ballyharry, Lecamey, 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	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
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	<input type="checkbox"/>		
No	<input checked="" type="checkbox"/>		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	<input type="checkbox"/>		EIA Mandatory EIAR required
No	<input type="checkbox"/>		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		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____