



An
Bord
Pleanála

Inspector's Report

ABP-321793-25

Development	Construction of a two-storey granny flat and a front and rear first floor extension, replacement of existing front porch and all associated site works.
Location	7 Harbour Heights, Croaghross, Portsalon, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2461830
Applicant(s)	Éamonn Mac Suibhne
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Éamonn Mac Suibhne
Observer(s)	Patrick Sharkey, John Overend, Raymond Gilroy, Arthur Lowry, Sonya McKay and Sarabjeet Singh, Willy Hunter, Adrain Campbell, Rockmount House Owners Management

Company c/o Michael Crawford and
Arthur Lowry.

Date of Site Inspection

10 April 2025

Inspector

Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site, No. 7 Harbour Heights with a stated area of 0.042ha¹, is located within the coastal settlement boundary of Portsalon, County Donegal approximately 28 km north of Letterkenny. Harbour Heights is a cluster of holiday homes overlooking Ballymastocker Bay accessed via the L-1052-1 off the R246 (Wild Atlantic Way) and along a private estate laneway.
- 1.2. The existing (storey and a half) detached dwelling has a stated gross floor area of 146 sq.m. It is noted that the rear garden /yard area is limited in depth and that a steep bank is positioned to the rear between the dwelling and the R246. No. 7 is located between nos. 6 and 8 Harbour Heights, within the block of four dwellings.

2.0 Proposed Development

- 2.1. The proposed development comprises (1) the construction of a two-storey extension to provide a granny flat and a front and rear first floor extension to the existing dwelling and (2) replacement of existing front porch, internal alterations, refurbishment and all associated site works.
- 2.2. The gross floor space of proposed works is stated as 87 sq. m on the application form. I note for the Board that the planner's report states that the extension will provide an additional 98.5 sq.m to the existing dwelling and a further 47 sq.m to accommodate the granny flat. The applicant's appeal also confirms that the proposal seeks to extend the existing dwelling by 98.5 sq.m and 47 sq.m. I note for the Board that the observers dispute the proposed increase in floor area.
- 2.3. The proposal seeks to use the existing services for wastewater and water supply.
- 2.4. A revised indicative site plan is appended to the appeal statement to show the provision of three carparking spaces, as an option for inclusion by way of condition.

¹ Planner's report states that the application site is 0.035ha.

3.0 Planning Authority Decision

3.1. Decision

On the 9 January 2025 the planning authority decided to refuse permission for the following reasons:

1. Having regard to the overall scale, mass, detailed design and footprint of the proposed extension relative to the existing dwelling, it is considered that to permit the proposed development which fails to integrate with the character and form of the parent dwelling house constitutes a discordant and substandard form of development. Accordingly, it is considered that to permit the proposed development would by itself and by the disorderly precedent it would set, be seriously injurious to the visual amenity of the adjoining properties. Accordingly, it is considered that to permit the proposed development would by itself and by the disorderly precedent it would set, be contrary to best practice, contrary to County Donegal Development Plan 2024-2030 and contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale and massing of the development proposed, and in such close proximity to the properties located immediately southwest and northeast of the development, it is considered that the development would have an unacceptably detrimental impact on the residential amenity of third parties by virtue of the over dominance of the proposed extensions. Accordingly, it is considered that to permit the development proposed would result in a disorderly form of development, seriously injure the residential amenities of the adjacent properties and would therefore be contrary to the proper planning and sustainable development of the area.
3. It is policy within the County Donegal Development Plan 2024-2030 that proposals are assessed to ensure that '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 the Environmental Protection Agency Codes of

Practice' (Policy RH-P-9.b.iv). Having regard to the proposed management for the disposal of foul water from the development and to the lack of information regarding the condition and capacity of the existing private WWTS, the planning authority is not satisfied that the applicant has adequately demonstrated that proposed wastewater can be adequately dealt with in a satisfactory manner. To grant permission for the development would therefore be prejudicial to public health, would materially contravene the policy provisions of the County Development Plan 2024-2030 and would be contrary to the proper planning and sustainable development of the area.

4. It is a policy of the County Development Plan 2024-2030 that all development proposals comply with the development and technical standards where applicable, in addition to all other relevant policy provisions of this plan and relevant governmental guidance and standards, as set out in Chapter 16 of the County Donegal Development Plan 2024-2030 (Policy TS-P-1 refers). The proposed development involves the construction of (1) (a) a two-storey side extension to provide a granny flat, (b) a front and rear first floor extension to the existing dwelling, and (2) the replacement of the existing front porch, internal alterations, refurbishment, and all associated site works. The proposal allows for the provision of two car parking spaces on site. However, Table 16.8 of the County Donegal Development Plan 2024-2030 requires a minimum provision of 3.25 car parking spaces for the proposed development, based on the increased scale and nature of the dwelling, including the proposed granny flat extension. The shortfall in car parking provision fails to comply with the technical standards outlined in chapter 16 of the said plan, specifically Table 16.8. The planning authority is therefore not satisfied, based on the information submitted, that the proposal adequately addresses the car parking requirements necessary to prevent on-street parking and associated traffic issues.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Considers that the principle of extending the existing house and the provision of a granny flat is acceptable given the subject site is located within the settlement boundary for Portsalon.
- Notes the simple uniform traditional design approach of the holiday home development and considers that the proposed fenestration and ridgelines of the extensions do not blend respectfully with the existing dwelling.
- The proposal represents a significant over development of a constrained site.
- Does not consider that the proposal would give rise to any adverse impacts on the Especially High Scenic Amenity Designation of the area.
- Given the separation distances between the adjacent site and neighbouring dwellings considers that the development would result in loss of privacy, overlooking and negative impact on residential amenity due to the over dominance of the proposal in relation to adjacent dwellings.
- The subject site has insufficient capacity to provide adequate private amenity space for the dwelling and the granny flat.
- Parking provision is not sufficient, refers to Chapter 16 and requirement for 3 no. spaces not provided for. Notes that the applicant is willing to provide further parking to the front but the removal of amenity and garden space to the front of the building would not be encouraged as these elements are an integral part of the character of the overall holiday home development.
- The submitted application lacks sufficient information to confirm whether the existing WWTS has sufficient capacity to accommodate the additional loading.
- An Appropriate Assessment is not required and EIA excluded at preliminary examination and a screening determination is not required.

3.2.2. Other Technical Reports

- Site notice check completed but no comment from EE Roads Letterkenny with respect to recommendations/or conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A total of eight submissions were received from the following:

Arthur Lowry, John Overend, Adrain Campbell, Raymond Gilroy, Sonya McKay and Sarabjeet Singh, Willy Hunter, Patrick Sharkey, Directors of Rockmount House Owners Management Co. (C/O Michael Crawford).

The issues raised are similar to those included in the grounds of appeal and in the observations received.

A letter rebutting the objections was submitted by the applicant, as unsolicited further information.

4.0 Planning History

Planning register reference: 2461140 Incompleted application. 7 Harbour Heights.

Planning register reference: 2461295 Incompleted application. 7 Harbour Heights.

Planning register reference: 1240114 Extension of duration of permission for Erection of 3 no. houses and connection into existing sewage treatment system serving Harbour Heights. Phase 2 Harbour Heights.

Planning register reference: 0651492 Erection of 3 no. houses and connection into existing sewage treatment system serving Harbour Heights. Phase 2 Harbour Heights.

Condition no. 13: The dwellings subject of this permission shall not be used for the purposes of holiday homes. Such use to be commenced only if authorised by a separate grant of permission.

Reason: To ensure compliance with Chapter 5 of the County Donegal Development Plan 2006-2012 which seeks to ensure a sustainable balance between the proportion of holiday homes within control points versus permanent homes and to ensure that the permission granted accords with the details of the planning application lodged and thus in the interest of the proper planning and sustainable development of the area.

File memo outlines relevant planning history and concludes that the connection to sewage treatment approved under 98/3246 in lieu of connection to plant approved under 02/7580 can be considered acceptable under the de minimus ruling.

Planning register reference: 027580 Erection of 8 no. holiday cottages with puraflo sewage treatment system. Permission granted subject to 13 no. conditions. I highlight to the Board that no occupancy conditions are attached.

Report from the Senior Environmental Health Officer states that they do not consider the proposal to connect to a proposed commercial [sic] to be acceptable and they recommend refusal on the grounds that no proper means of treatment of effluent and its safe and effective disposal has been proposed. A File Note refers to '*Effluent disposal is to be via the approved system for the hotel site as shown*'.

Condition no. 10 relates to foul drainage.

Condition 10:

- (a) Foul drainage shall be by PuraFlo, Biocycle or other alternative on-site wastewater treatment system to the satisfaction of the Council.
- (b) Septic tank and treatment system and percolation area shall be installed, operated and maintained in strict accordance with the supplier's instructions.
- (c) Documentary evidence shall be forwarded to the Planning Office detailing a five-year maintenance contract between the applicant and the suppliers upon installation of the treatment system.
- (d) Prior to commencement of development applicant shall submit a comprehensive site assessment carried out by a suitably qualified person and forward a copy to the planning office and to the suppliers.
- (e) No development shall be carried out on foot of this permission until such times as certification has been submitted to the planning authority from a suitably qualified competent person indicating that the existing septic tank system can accommodate the increased loading generated by the proposed development.

Reason: In the interests of public health.

A memo from the Divisional Manager of the Planning & Economic Development Department on file notes that the Council acknowledges that the foul drainage system to serve the 'Harbour Heights' development Ref. No 02/7580 is a new system independent of that serving the 'Rockmount' development and accordingly condition 10 (e) is invalid and is not applicable to the Harbour Heights development.

Planning register reference 22/52029 Planning permission granted at No. 1 Harbour Heights for a two-storey extension to the side of existing holiday home with glazed link to existing structure and a separate staircase leading to ensuite bedroom. Not currently built.

5.0 Policy Context

5.1. County Donegal Development Plan 2024-2030

- The subject site is located within an area designated as 'Areas of Especially High Scenic Amenity' (EHSA) and views are indicated just beyond the subject site from the R246 road towards the bay.
- The subject site sits within the settlement boundary as defined as 'urban area' Map 6.3.1 Rural Area Types – Cinealacha Ceantar Tuaithe (CDP 2024-2030).
- Table 21.1 List of settlement frameworks 21.45 Portsalon
- Table 14.1 Spare Wastewater Treatment and Water Capacity in Coastal/Wild Atlantic Way Settlements - Portsalon - No UE WW Assets.
- UB-P-9 It is the policy of the council 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.
- Chapter 16

Technical Standards Policy 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.

Table 16.8

- Chapter 6 Housing

Ancillary Accommodation for Dependant Relatives

RH-P-8

- a. To consider proposals for the provision of ancillary accommodation for dependent relatives within the curtilage of an existing rural dwelling, subject to compliance with the following criteria:
- b. Ancillary accommodation for dependent relatives shall be clearly subservient to the main dwelling house in terms of scale and mass, shall be consistent with the form and appearance of the main dwelling house and shall be designed to integrate effectively within the host rural environment,
- c. Ancillary accommodation shall be served by the existing vehicular entrance to the site and the onus shall be placed on prospective applicants to demonstrate that existing entrance arrangements are safe and fit for purpose,
- d. Adequate provision shall be made for the treatment and dispersal of domestic effluent.
- e. 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 Section 47 of the Planning and Development Act 2000 (as amended)

5.2. Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 (*the guidelines*)

- Chapter 1.0 Introduction and Context
- Chapter 5.0 Development Standards for Housing

5.3. Natural Heritage Designations

Ballyhoorisky Point to Fanad Head SAC (Site Code 001975) and proposed Natural Heritage Areas (NHA): Ballyhoorisky Point to Fanad Head (Site Code 001975) is located approximately 150m to the south/southeast of the subject site.

The proposed Natural Heritage Areas (NHA): Ballymastocker Dunes (Site Code 001089) are located approximately 280m to the south/southwest of the subject site.

Horn Head to Fanad Head SPA (Site Code 004194) is located approximately 1.5km north of the subject site.

6.0 Environmental Impact Assessment (EIA) Pre-Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The first party appeal focuses on the planning assessment and the reasons for refusal. An option is included for the provision of an additional car parking space in proposed site plan drawing no. 23623-GA-00DR-A-0104-P02.

- Two of the four refusal reasons, in respect to the siting and design are subjective. The assumptions relating to the dislike of the design, its bulk, scale and massing has contributed to a perceived detrimental impact on the immediate surrounding properties.
- The proposed development is largely screened from wider view and do not accept the planning authority's argument that the design will cause serious injury to adjoining properties.
- The design is contemporary, and materials are of high quality. The extension and retrofit affords the applicant an opportunity to enhance the dwelling sustainability and energy efficiency.
- They find no evidence of any other similar applications being refused due to the applicant failing to demonstrate the condition and capacity of any existing private WWTS. The applicant confirms that the existing WWTS is in good

working order and would be happy to supply information to satisfy any concerns. Suggest this issue could be addressed by way of condition.

- The applicant has offered to include a third parking space within the curtilage to address the concerns regarding a shortfall of car parking provision.
- Careful attention was placed on the need to reduce potential for overlooking at the adjoining property to the south and opaque glass is included on the second floor to ensure that no loss of privacy occurs.
- States that many of the properties at Harbour Heights have been extended. Considers the application site to have sufficient capacity to deliver adequate private amenity space at the front and rear of the property. The extension is making use of land currently of low aesthetic value to the rear and side of the property.
- The planning authority gave no consideration to the Sustainable Residential Development and Compact Settlement Guidelines for planning authorities 2024, including need for change and increased densities along with reduced plot sizes and tighter arrangement of houses and reduced separation distances.

7.2. Planning Authority Response

- The planning authority considers that all matters raised in the appeal have been previously addressed in the planner's report dated 7th January 2025 as endorsed and signed by the senior executive planner. The council wishes to rely on the content of same in response to this appeal.

7.3. Observations

A total of three observations have been received as summarised:

- Patrick Sharkey, John Overend, Raymond Gilroy, Arthur Lowry, Sonya McKay and Sarabjeet Singh, Willy Hunter and Adrian Campbell.
 - Ancillary accommodation for dependent relatives is not covered by housing policy within settlement boundaries, such as Portsalon and only applies to rural areas.

- Proposed development fails to comply with policy UB-P-9 of the development plan as the mass and scale of the proposed development in close proximity to the adjoining houses would create an unacceptable domination and adverse visual impact, as illustrated in Figure 1 and 2 of the observer's submission. The scale of the extension and its form pays no respect to the established pattern of houses within Harbour Heights.
- The proposed use of opaque glazing in the first-floor side extension would address to some extent privacy and overlooking issues, it is considered that it would have been more prudent to have avoided this fenestration unless it was to serve a bedroom as per the existing house.
- Observers have no issue with a contemporary design or works to enhance the sustainability and energy efficiency of any house, but this in itself does not overcome the adverse impact of the unsympathetic extension development on the adjoining houses.
- Drawings as submitted do not comply with Article 23 of the Planning and Development Regulations 2001 (as amended) by reason that the main features of the buildings adjoining in elevation are not provided.
- The development will attract additional traffic to the house which on the basis of the evidence of current on-street parking by the applicant will exacerbate the turning movements on the roadway.
- The private WWTS installed to serve the Harbour Heights development has been in situ for around 20 years and is located on lands owned by an adjoining management company.
- The application lacks sufficient information to confirm whether the existing system has sufficient capacity to accommodate the additional loading from the permanent occupancy of the granny flat, or if the management company has given consent to the additional loading. The applicant has not submitted a report from a competent professional demonstrating suitability of the WWTS or consent from the Management Company.

- The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 relate to new housing schemes rather than as a basis for assessing an extension to a house within a long-established housing scheme.
- Planning register reference 22/52029 does not provide a precedent case given the subject site is significantly smaller than no. 1 Harbour Heights and the site context is different.
- Directors of Rockmount House Management c/o Michael Crawford request that An Bord Pleanála uphold the decision of Donegal County Council to reject this application. The original submission attached details concerns with respect to overlooking of the Rockmount properties which sit at a lower level and negative impact on the appearance of Harbour Heights estate.
- Arthur Lowry, individual submission in addition to group observations detailed above, highlights issues with respect to car parking, appropriateness of the scale of the proposal within a rural holiday development, issues with capacity of the privately owned septic tank facility and issues relating to Harbour Heights Association (HHA).

7.4. Further Responses

None.

8.0 Assessment

- 8.1. Portsalon is a coastal settlement designated as an 'urban area' within Map 6.3.1 Rural Area Types. As set out in section 4.0 of my report planning permission was granted for 8 no. holiday homes (Harbour Heights). This parent permission did not include an occupancy condition. From my site visit it would appear that some of the units are used as holiday homes whilst others are in use as a primary residence. Taking the foregoing into account, I consider that the principle of extending and providing a granny flat to the existing 'holiday home' can be considered.
- 8.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports 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 considered align with the reasons for refusal and are as follows:

- Design, scale and impact on established residential amenity
- Wastewater management
- Car parking provision
- Miscellaneous issues

8.3. *Design, scale and impact on established residential amenity*

8.3.1. The proposed extension at ground and first floor level to the front, rear and side of the existing dwelling, including the two-storey granny flat, equates to a stated additional 145 sq.m to the permitted holiday home of 146 sq.m gross floor area. On review these figures provided for in the planner's report and the applicant's appeal statement do not appear to tally with that of the submitted proposed plans. The proposed 'granny flat' is approximately 49 sq. m/50.84 sq.m not including the hallway and staircase entrance depending on the figure taken for the proposed width which I note is indicated as 3050mm at ground floor and 3150mm at first floor.

Notwithstanding these noted discrepancies I am of the view that the proposed development comprises a significant extension to the original holiday home.

8.3.2. The proposed extension would increase the footprint of the building by almost 2.5 metres to the rear and would reduce the usable amenity space around the building, requiring the excavation of the bank and a new retaining wall as shown proposed. The two-storey side extension proposes that the kitchen living area is at the upper first floor level and there are 2 no. proposed windows along the side elevation 1m from the shared boundary. It is noted that these windows are to be frosted glass.

8.3.3. I accept that the design is contemporary, and I note that the observers do not have an issue with the design and the applicant's ambition to create a more energy efficient home. Notwithstanding, I am of the view that the proposed design does not sufficiently respect the established uniformity and simple form of the estate of holiday homes, rather it would appear to significantly alter the form by way of addition of a larger dormer window to the front elevation and flat roofed two storey extension to the rear. Furthermore, the two-storey side extension with pitched roof would in my

opinion be an incongruous feature by reason of its proportions. The proposed development would result in a significant change to the roof profile of the existing dwelling which currently reads as one element linking to the extended screens to the front patio/terrace which help ground the building into the open landscaped setting and as such the proposed development would appear incongruous within this specific setting.

- 8.3.4. I note that permission was granted for a two-storey extension (planning register reference 22/52029) to No. 1 Harbour Heights, for clarity the site context is different to the subject site and the proposed form of development retained the principal form of the holiday home providing a glazed link to the new extension. I do not consider this application to provide an appropriate precedent case.
- 8.3.5. The applicant contends that the proposed development is largely screened from wider view and the planning authority's assessment is that the proposed works would not result in an adverse impact on the designated area of 'Especially High Scenic Amenity' (EHSA). Having visited the site and its surrounds I am of the opinion that the proposed expansion of the footprint of the dwelling, bringing it approximately 2.5 metres closer to the boundary with the R246 (Wild Atlantic Way), and the scale of the alterations and extensions to the existing low profile simple roof form would appear as an incongruous and bulky element when viewed from the R246 of which there are protected viewpoints across the bay.
- 8.3.6. Taking into account the significant bank to the rear which rises in height to over 3 metres, up towards the R246, above the ground level of the existing dwelling and the existing limited depth to the rear amenity space for these dwellings I am of the opinion that to further increase the footprint of the building on two levels within 1 metre of the shared boundary, which would require excavation works of the bank, would result in further enclosure of the rear amenity space of no. 6 Harbour Heights and to a lesser extent no. 8 Harbour Heights, which would exacerbate the overbearing impact on these neighbouring properties and would seriously injure their residential amenities. Furthermore, the proposed addition of a large front dormer window, given that Harbour Heights is positioned on elevated ground to that of existing houses in Rockmount, would give rise to potential for overlooking. In conclusion on this point I consider that the proposals would represent significant overdevelopment of this constrained site which would seriously injure established

residential amenity, as such a recommendation for refusal is warranted on these grounds.

8.4. *Wastewater management*

- 8.4.1. The application contains no information in respect to the existing Wastewater Treatment System's (WWTS) location, loading or its capacity which the existing detached dwelling unit is connecting into. From the information available to me on file and having regard to the planning authority's records on their digital database 'ePlan', as summarised in section 4.0 of my report, it would appear that the WWTS is located on third party lands.
- 8.4.2. In the absence of information, I am unable to carry out an assessment of the suitability of the existing WWTS for use by the additional 1 no. bedroom 'granny flat' unit. Therefore, on the basis of the submissions made in connection with the planning application and the appeal, I am not satisfied that effluent from the development can be satisfactorily treated and disposed of notwithstanding the proposed use of the existing WWTS. The proposed development would, therefore, be prejudicial to public health.

8.5. *Car parking provision*

- 8.5.1. The originally permitted 'holiday home' development is served by a narrow private laneway, and I note that parking along the laneway is not permitted by the private management company. Currently there is adequate space to provide for 2 no. off street car parking spaces along the side of the dwelling. The proposed extension to the side will reduce the available space, however, I note that the submitted drawing indicates that 2 no. spaces can still be provided taking into account the excavation of the garden and bank to accommodate the proposed two storey side extension.
- 8.5.2. The development plan (Table 16.8 Car Parking Standards) requires that 2 spaces are provided per dwelling house and 1.25 car parking spaces provided per one bedroom apartment/flat. As such a total of 3.25 car parking spaces would be required for the existing house and the proposed 'granny flat'.
- 8.5.3. Whilst I note that a shortfall in parking would occur on the subject site, I agree with the view of the planning authority that the provision of an additional parking space

within the front garden of the 'holiday home' would detract from the visual setting and the open landscaped character of the area.

- 8.5.4. I highlight to the Board that the applicant has proposed an additional car parking space to the front of the existing patio area as part of their appeal submission. If the Board were minded to grant permission this issue could be addressed by way of condition.

8.6. *Miscellaneous issues*

- 8.6.1. The applicant in their appeal submission refers to the planning authority not having regard to the section 28 Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 (the guidelines) in their assessment. I accept that the concepts included within the guidelines, including compact living to provide for a broader range of housing options, could be applicable to the proposed redevelopment and proposed 'granny flat' and, as already considered above in my assessment, I do not consider there to be an issue with the principle of development which seeks to provide a broader range of housing options. For clarity the parent permission for the subject site relates to a 'holiday home' development, please see section 4.0 of my report, and was not designed as permanent residential housing, as such I do not think a direct application of the guidelines would be appropriate in this instance.
- 8.6.2. The observers have raised concerns with respect to the validity of the application given the drawings as submitted do not illustrate in elevation the main features of the buildings adjoining. I note that these matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

9.0 **Appropriate Assessment (AA) Screening**

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening (see Appendix 3), I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Ballyhoorisky Point to Fanad Head SAC (Site Code 001975) in view of the

conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections

10.0 Recommendation

I recommend that permission for the development be refused for the following reasons and considerations.

11.0 Reasons and Considerations

1. Having regard to the limited size of the site which is further constrained by the steep bank rising to the rear, it is considered that the proposed development, by reason of its two-storey scale, bulk and proximity to site boundaries, would be an inappropriate form of development at this holiday home location and would represent significant overdevelopment by reason of inadequate provision of good quality amenity space, overlooking and overbearing impact on the neighbouring properties at this constrained site. The proposed extension would, therefore, seriously injure the residential amenities of the area and the visual amenities of this designated 'Area of Especially High Scenic Amenity' contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of notwithstanding the proposed use of the existing Wastewater Treatment System (WWTS) that serves Harbour Heights. The proposed development to be retained would, therefore, be prejudicial to public health.

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.

Claire McVeigh
Planning Inspector

24 April 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	321793-25
Proposed Development Summary	Construction of a two-storey side extension to provide a granny flat and a front and rear extension at first floor to the existing dwelling and replacement of existing front porch, internal alterations and refurbishment.
Development Address	No. 7 Harbour Heights, Croaghross, Portsalon, Letterkenny, Co. Donegal.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units. The proposal is for the construction of a 1 no. bedroom 'granny flat'.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	321793-25
Proposed Development Summary	Construction of a two-storey side extension to provide a granny flat and a front and rear extension at first floor to the existing dwelling and replacement of existing front porch, internal alterations and refurbishment.
Development Address	No. 7 Harbour Heights, Croaghross, Portsalon, Letterkenny, Co. Donegal.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The project due to its size and nature would not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance. The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The subject site is located in close proximity to ecologically sensitive sites, namely the Ballyhoorisky Point to Fanad Head SAC (Site Code 001975) and proposed Natural Heritage Areas (NHA): Ballyhoorisky Point to Fanad Head (Site Code 001975) which is located approximately 150m to the south/southeast of the subject site. The proposed Natural Heritage Areas (NHA): Ballymastocker Dunes (Site Code 001089) are located approximately 280m to the south/southwest of the subject site. Horn Head to Fanad Head SPA (Site Code 004194) is located approximately 1.5km north of the subject site. Noting the threshold that would trigger an AA is different to that of EIA I am of the opinion that the proposed development is not likely to have potential

	<p>to significantly effect on other significant environmental sensitives in the area.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. There is no real likelihood of significant effects on the environmental parameters or significant effects arising from cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Please refer to section 2.0 of my report. The proposed development seeks to utilise the existing WWTS that serves the 'holiday home' development.		
Brief description of development site characteristics and potential impact mechanisms		<p>The subject site is located within the designated 'urban area' of the coastal settlement Portsalon within an existing 'holiday home' estate. There is no watercourse within the immediate vicinity of the subject site.</p> <p>Ballyhoorisky Point to Fanad Head SAC (Site Code 001975) is located approximately 150m to the south/southeast of the subject site. Horn Head to Fanad Head SPA (Site Code 004194) is located approximately 1.5km north of the subject site.</p>		
Screening report		Y – AA screening report included as appendix to planning authority planner's report.		
Natura Impact Statement		N		
Relevant submissions		None		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Ballyhoorisky Point to Fanad Head SAC (Site Code 001975)	<p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p>	0.150km	No direct connections, indirect via surface water.	Y

	<p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>https://www.npws.ie/protected-sites/sac/001975</p>			
Horn Head to Fanad Head SPA (Site Code 004194)	<p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Shag (Phalacrocorax aristotelis) [A018]</p> <p>Barnacle Goose (Branta leucopsis) [A045]</p> <p>Peregrine (Falco peregrinus) [A103]</p> <p>Kittiwake (Rissa tridactyla) [A188]</p> <p>Guillemot (Uria aalge) [A199]</p> <p>Razorbill (Alca torda) [A200]</p> <p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> <p>https://www.npws.ie/protected-sites/spa/004194</p>	1.5km north of the subject site.	Subject site within the settlement built-up area. None.	N

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*
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	Impacts	Effects
Site 1: Ballyhoorisky Point to Fanad Head SAC (Site Code 001975) Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Najas flexilis (Slender Naiad) [1833] https://www.npws.ie/protected-sites/sac/001975	Direct: None. Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	Potential negative effect on habitat quality and to undermine conservation objectives related to water quality.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there a likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* Not applicable.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on the Ballyhoorisky Point to Fanad Head SAC (Site Code 001975). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Ballyhoorisky Point to Fanad Head SAC (Site Code 001975) in view

of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections