



An
Coimisiún
Pleanála

Inspector's Report ABP-322515-25

Development	Retention of rear extension and dormer and all associated site works.
Location	Street, Rathmullan & Ballyboe, Co Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2460822
Applicant	Declan Irwin
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Arthur Wilson; William Deeney; and, William & Yvonne Dowler
Observer(s)	None.
Date of Site Inspection	12/08/2025
Inspector	Matthew O'Connor

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is 0.007ha and is located on the Main Street (R-247) in Rathmullan, Co. Donegal. The site comprises a two-storey terraced house which is similar in appearance to a number of properties on the street front with symmetrical opes and a feature ground floor bay window. The area to the rear of the site comprises an unkempt yard space which abuts the rear amenity space of a row of two-storey terraced houses ('The Hollows') to the north which front onto Pound Street.
- 1.2. The appeal site is proximate to a narrow laneway connecting Main Street with Pound Street. Given its location, the prevailing uses are primarily residential with the wider settlement providing a variety of local commercial businesses such as shops, pubs and restaurants/cafes. The subject site is not listed as a Protected Structure or within an Architectural Conservation Area (ACA).

2.0 Proposed Development

- 2.1. The subject development comprises retention of the following:
- Rear single storey extension.
 - Second floor incorporating dormer to rear and rooflights to front.
 - Renovations to existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted retention for the subject development, subject to 3 no. conditions. I note the conditions relate to the following:
- Condition 1: Development shall be retained in accordance with submitted plans.
 - Condition 2: Materials and finishes.
 - Condition 3: Surface water discharge.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first Planner's Report had regard to the submitted documentation, locational context of the site, policy framework of relevant Development Plan; any inter departmental/referral reports; and, submissions received.

- In terms of assessment, the principle of an extension to an existing dwelling in an urban area was deemed to be acceptable.
- It was acknowledged that there are no significant changes to the front elevation and that the Main Street elevation takes primacy in terms of architectural heritage and the protection of the historical streetscape.
- The Planning Authority did not consider the rear elevation should be afforded the same protection and that the built form to the rear elevations along the back of the Main Street is not uniform.
- With respect to residential amenity, concerns of impacts from the rear dormer are noted but that in an urban context, a degree of overlooking is expected.
- No implications raised in relation to water/foul services, access or flooding.
- No concerns raised in respect of AA or EIA.
- Further Information was sought in relation to 1 no. item which sought revised drawings demonstrating – size/scale, location of rear dormer to be retained; labelling external features to be retained; drainage arrangements including gutters and point of discharge; depiction of internal layout; depiction of landownership and detail of works, if any, that have occurred on third party lands/structures.
- The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis for the grant retention. With respect to Item 1 of the Further Information Request, the Planning Authority noted that revised plans/drawings showing the size, scale, and location of the rear dormer extension; listed features to be retained; clarity of drainage arrangements in text and visual formats; indication that there is no new surface water generated or new connections as part of development; acknowledgment of discharge to neighbour's gutter with off do re-direct if deemed necessary; accurate layouts of internal rooms and associated dimensions; plans and photographic evidence illustrating land ownership boundaries and the relationship with neighbouring structures; confirmation that no unauthorised works have occurred on third party lands; and, clarity of the historic nature of the shared gutter arrangement.
- The Planning Authority was satisfied that the response to the Request for Further Information was adequate and acceptable.

3.2.2. Other Technical Reports

- Area Roads Engineer - No objection.
- Architectural Conservation – No comments returned.

3.3. **Prescribed Bodies**

- Dept of Housing, Local Government and Heritage (Architectural Heritage) - No response received.
- Dept of Housing, Local Government and Heritage (Natural Heritage) - No response received.

3.4. **Third Party Observations**

3.4.1. A total of 5 no. third party observation was received by the Planning Authority. The issues raised are similar to those raised in the appeals. Nevertheless, the following issues raised are broadly summarised as follows:

- Concern regarding the letting/renting out of the building.
- Lack of regard to the local community and character of the village.
- Lack of discussion/engagement between the applicant/developer and neighbours.
- Design and scale of development is out of character with Rathmullan.
- Amenity impacts such as overlooking and loss of privacy to neighbouring properties.
- Devaluation of property.
- Development sets a poor precedent.
- The second floor level breaks the skyline when viewed from Pound Street and can be seen at various locations over the settlement.
- Building must be returned to its original structure.
- Inaccuracy of planning drawings and incorrect representation of works.
- Gutters and downpipes are diverted into neighbouring house and rear extension.
- Flood risk to neighbouring property in heavy rainfall.
- Development is constructed on adjoining property wall.
- Works continued after inspections from Donegal County Council.
- Structural concerns over drilling and use of heavy machinery and impacts on residents from dust and debris.

- Unsolicited information state it was necessary to replace the roof but other works to the roof had been carried out in recent years.
- Developer previously applied for retention of an extension and porch in Buncrana.
- The practice of building without permission and then seeking retention is a very impertinent way to seek to improve or develop any building.

4.0 Planning History

4.1.1. There is no valid planning history associated with the subject site.

5.0 Policy Context

5.1. Development Plan

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

5.1.2. Rathmullan designated as a 'Rural Settlement' which is layer four out of five in the Settlement Hierarchy of the Development Plan. Rural settlements are subject to the provisions of Chapter 21 which relate to Settlement Frameworks. Whilst I note that the frameworks identify settlement boundaries and in some instances, zoning objective, they primarily include lands with no specified uses or policies/objectives.

5.1.3. The following Development Plan chapters and associated policies/objectives are considered to be most relevant in respect of the subject development:

5.1.4. Chapter 3: 'Core Strategy' of the Development Plan states in relation to rural settlements that there is recognition to accommodate rural housing whilst having regard to environmental, landscape and technical constraints and also having regard to the viability of smaller towns and villages.

5.1.5. Chapter 5 relates to 'Towns and Villages' and it is noted that the Plan recognises the importance of rural towns and villages in supporting the wider rural community and therefore seeks to enable their revitalisation and regeneration as a key strategic intervention. Section 5.2 refers to the Prioritisation of Town and Village Cores.

5.1.6. Chapter 6 relates to 'Housing' with section 6.2 referring to Urban Housing.

5.1.7. Chapter 11 relates to Natural, Built & Archaeological Heritage. Map 11.1: 'Scenic Amenity' indicates the appeal site as being situated in an 'Area of High Scenic Amenity'. According to the definition contained in Chapter 11 of the Development Plan,

these are 'landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan'.

5.1.8. The following objectives and policies are relevant to the proposal:

Landscape

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

Policy 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.

Built and Architectural Conservation

The development Plan notes that the Department of Housing, Local Government & Heritage has designated Rathmullan as a Historic Town and there are a number of NIAH and RPS structures within the settlement. Therefore, the following objectives and policies are deemed relevant:

Objective AH-O-1 Conserve, manage, protect and enhance the architectural heritage of Donegal namely Protected Structures, Architectural Conservation Areas, NIAH structures, designed landscapes and historic gardens, vernacular, historic building stock industrial and maritime built heritage, character and setting of such structures.

Objective AH-O-2 Promote the sustainable and sensitive re-use of the existing built heritage as a positive response to climate change, and promote the circular economy and climate mitigation and adaptation through proper maintenance, repair and appropriate retrofitting, adaptive re-use and regeneration employing best conservation

practice. This objective will be pursued on a collaborative and integrated basis in partnership with all relevant stakeholders and through all available funding mechanisms.

Policy AH-P-2A Promote the maintenance and appropriate re-use of the existing buildings stock of buildings with architectural merit as a more sustainable option to their demolition and replacement.

Ensure that measures to upgrade the energy efficiency of protected structures and traditionally built historic structures are sensitive to traditional construction methods, employ best practice and use appropriate materials and methods that will not have a detrimental impact on the material, functioning or character of the building.

AH-P-7 Protect NIAH structures by requiring that development of structures on the NIAH including the curtilage, attendant grounds and setting of the structure are appropriate in terms of architectural treatment, character, scale, and form, and is not detrimental to the special character and integrity of the structure and its setting....

AH-P-8 Ensure high quality architectural design of all new development relating to or which may impact on NIAH structures (and their setting)....

5.1.9. Chapter 16 relates to Technical Standards.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within any designated Natura 2000 sites. The nearest designated sites are the Lough Swilly Special Protection Area (Site Code: 004075) and the Lough Swilly Special Area of Conservation (Site Code: 002287) which are both located approximately 0.06km (60 metres) to the south; the Horn Head to Fanad Head Special Protection Area (Site Code: 004191) located approximately 9.68 to the north; the Mulroy Bay Special Area of Conservation (Site Code: 002159) which is located approximately 9.52km to the northwest; and, the Leannan River Special Area of Conservation (Site Code: 002176) which is approximately 9.62km to the southwest. In addition, the Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA (Site Code: 000166) is located approximately 0.06km to the south.

6.0 EIA Screening

- 6.1. The subject 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 (or Part V of the 1994 Roads Regulations). 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.

7.0 The Appeal

7.1. Grounds of Appeal

A total of 3 no. Third Party appeals have been received in relation to the Planning Authority's decision to grant retention for the subject development. Having reviewed the respective appeals, I am of the view that the grounds of appeal can be collectively summarised as follows:

Procedural

- A decision should have been made by 27th January 2025 but this was not done.
- The applicant requested a 3-month extension to respond to Further Information Request on 28th January 2025.
- The response to Further Information provided by applicant was evasive and misleading and did not respond fully to the request.
- An Coimisiún Pleanála should request further information seeking revised dwelling details; reduced roof height; recused roof pitch; revised site plan.
- The applicants' intentions are questionable as they or their family do not reside in Rathmullan. It is believed the building is for letting or to be sold and not for their permanent residency.
- The submitted drawings are not accurate in terms of the size and scale of the dormer room or other external and internal features along with rainwater collection.
- The extent of applicant's landownership has not been accurately demonstrated.
- Part of the development has occurred on neighbouring property.

Impact on Residential Amenity

- The development has impacted on natural sunlight to the surrounding properties.
- The dormer at the second floor level overlook neighbouring properties.
- The development will result in a loss of privacy of neighbouring properties.

- The consideration that privacy could be achieved through provision of frosted glass is unacceptable as the extension was erected without permission and clear glass was installed.

Visual Impact

- The subject development is out of character with this historical area of Rathmullan and would result in significant adverse impacts on the streetscape and wider area.
- The development is out of character with the rear elevations along Main Street.
- The development is visible above the other surrounding houses from outside the town.
- The dormer breaks the skyline and the subject development is contrary to previous decisions by the Planning Authority to reduce/lower proposals.
- The applicant's reference to precedent for dormers is not accepted as there are no dormers on the street.
- The development will result in a precedent which could result in similar extensions in the area.

Drainage

- Surface water continues to discharge into the rear yard with no new connection to public infrastructure.
- The development discharge to the neighbouring property's gutter. It is incorrect to claim that this was an existing arrangement and there are concerns regarding the extent of discharge from the extension to neighbouring property.
- Additional water is being generated by the shower room and toilet.
- There has been trespass to neighbouring property to make drainage connections without consent from the landowner.
- The applicant states that the drainage arrangement to the rear of the property discharges to lands with no final point and is consistent with other properties however all surface water from the terraced houses discharges to Rathmullan's drainage network.

Unauthorised Works

- The development was erected without authorisation and should be removed and returned to its original structure.

Devaluation of Property

- The development will depreciate value of property in the vicinity.

7.2. Applicant Response

- No response received.

7.3. Planning Authority Response

- A response has been received from the Planning Authority which states that all matters raised in the appeal have previously been addressed in the planning reports and the Council wish to rely on same in response to the appeal. The Planning Authority request that An Coimisiún Pleanála uphold its decision.

7.4. Observations

- None.

8.0 Assessment

Having examined the application details and other associated documentation on file, the third party appeals, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I consider the main issues can be addressed under the following headings:

- Principle of Development.
- Impact on Residential Amenity
- Visual Impact
- Water Services and Drainage
- Other Matters
- Appropriate Assessment (Screening).

8.1. Principle of Development

- 8.1.1. The principle of development has not been raised in the respective grounds of appeal, however in assessing any development, I consider that it forms a key consideration for assessment. The subject development seeks retention of a single storey, mono-pitched rear extension to the dwelling; retention of a dormer window on the attic/second floor level; rooflights; and, renovations to existing dwelling. The

assessment of the Planning Authority considered that an extension to a dwelling as being acceptable. I note that given the designation of Rathmullan in the settlement hierarchy, there is no land use zoning or objective directly associated with the appeal site. Nevertheless, in my view, the principle of residential extensions and associated improvements to a dwelling in an existing urban settlement is acceptable in principle and would correspond to the overarching policy provisions of Development Plan through to national guidelines in terms of residential development. Notwithstanding, I also consider that it is imperative that such proposals are assessed against the relevant parameters of the Development Plan and these matters will be considered in the following sections.

8.2. Impact on Residential Amenity

8.2.1. The appellants raise concern in respect of adverse residential amenity impacts from the development to be retained on account of overshadowing, loss of natural light and overlooking/loss of privacy. In the interests of clarity, I shall consider each topic under the following sub-headings:

Loss of Privacy and Overlooking

8.2.2. According to the appeals, the privacy of neighbouring properties will be impacted and overlooked from the dormer window on the attic/second floor level. In considering these concerns, I have had regard to the layout/configuration of the second floor, or attic level which has been converted to an en-suite bedroom. The appeal site backs onto an unkempt yard area and the nearest directly opposing dwellings are at 'The Hollows' on Pound Street. These houses consist of two storey terraced dwellings with small rear yard/patio spaces. I estimate the separation distance between dormer to be retained and the rear elevation of the opposing dwellings at 'The Hollows' to be approximately 30 metres.

8.2.3. Whilst I do acknowledge the development results in a change in the existing context and may result in an element of perceived overlooking; having regard to layout of the dormer in an established, built-up, residential area and associated distances between buildings, I consider that there is adequate separation from the subject development and the dwellings to the north at 'The Hollows'. Therefore, I do not consider that there will be undue overlooking or diminishment of privacy from the development to be retained.

Overshadowing and Loss of Light

- 8.2.4. Some of the appeals claim that the development to be retained results in overshadowing which will negatively impact on existing residences in proximity to the site and result in the loss of light. I note that no shadow/lighting assessment was submitted as part of the planning application and the appellants have not included any supporting studies to demonstrate that there will be overshadowing impacts or a loss of light. Furthermore, the assessment of the Planning Authority did not raise any concerns on these particular matters.
- 8.2.5. Having reviewed the subject development and conducted an inspection of the site, I do not consider that any shadowing impacts or loss of light arise from the rear single storey extension to be retained given the limited extension of works. Moreover, I am satisfied that there would be no overshadowing impacts or loss of light from the dormer extension at attic level. I have formed this view based on the scale of works which are confined to the existing roofslope and remain subservient to the main ridge of the subject dwelling. In addition, it is my opinion that any potential changes in shadowing or light would be minimal and that the shadow effect, if any, would be reasonable on account of the scale of the works to be retained and the location of the site in an urban area.

Conclusion

- 8.2.6. In relation to concerns of impacts on residential amenity from the subject works, I am satisfied, having regard to the location, design and layout that the development to be retained would not give rise to any undue diminishment to residential amenities of existing neighbouring properties, particularly in terms of overlooking, loss of privacy or overshadowing/loss of light.

8.3. Visual Impact

- 8.3.1. The grounds of appeal claim that the subject development is out of character with the settlement of Rathmullan which is considered to be a historical area and would result in adverse impacts on the streetscape and the form of the rear elevations along the Main Street. It is also considered that the dormer breaks the skyline and is visible from surrounding areas. In addition, concern is raised in terms of setting a precedent for similar development and no such dormers exist along the Main Street.

- 8.3.2. As outlined, the primary elements of the development to be retained include a single storey ground floor extension and a dormer at attic level. These parts of the development are confined entirely to the rear of the subject dwelling and there are no interventions to the front elevation of the dwelling along Main Street with the exception of a rooflight. I note that the dormer is set below the main ridgeline of the dwelling and I therefore consider it to be subservient in terms of height and would not break the skyline as claimed in an appeal.
- 8.3.3. I note the appeal site is located within an area of 'High Scenic Amenity' as set out in the Development Plan however, the context of the site is that of an urban location. From my review of the Development Plan, I note there are no defined views in the area which the subject development may impact upon. To this end, having regard to the nature and scale of the subject development and the receiving context, I am satisfied the development is consistent with Policy L-P-2 of the Development Plan which requires that development integrates and reflect the character and amenity of the landscape in areas of 'High Scenic Amenity'.
- 8.3.4. I note the Development Plan refers to Rathmullan as being a historic town for general protection by the Department of Housing, Local Government & Heritage. It is indicated in the Development Plan that these towns contain Zones of Archaeological Potential where intense archaeology is present and where prior consent for works is required. The subject site is not located within an Architectural Conservation Area (ACA) or in close proximity to any structures listed on the Record of Protected Structures. The rear dormer will be most visible from along the connecting lane between Main Street and Pound Street where the majority of the rear elevations along the Main Street are also visible and contain a mix of differing rear extensions and annexes. In this context, I do not consider that the development to be retained is out of keeping with developments to the rear of properties in urban environments. From my observations, I also consider that views of the dormer in the wider area of Rathmullan are substantially restricted from many public settings,
- 8.3.5. On balance, I do not consider that the proposal will adversely impact on the visual amenity or character of Rathmullan and I am of the view that the works to be retained can integrate with the existing building without any adverse impacts on the settlement as a historic town or the wider area.

8.4. Water Services and Drainage

- 8.4.1. The appeals claim that there is no connection to the surface water network and that water from the subject property will discharge via the gutters of the neighbouring property. There are concerns in relation to the additional water generated from the development and potential impacts on neighbouring property. The grounds of appeal also refute the applicant's claim that drainage from the rear of the property is consistent with other properties with discharge to the land with no final point.
- 8.4.2. According to the submitted particulars, the development is indicated as being connected to the public water mains and sewer network with surface water discharging by way of public sewer/drain. However, from review of the applicant's response to a Request for Further Information, the surface water discharge to the rear is into the land with no final point. In considering the service connections, I am of the view that the connections to the existing foul and water infrastructure would be acceptable having regard to the scale of the development in an existing built-up area and would be unlikely to constrain existing service networks.
- 8.4.3. In respect of the guttering from the appeal site to the neighbouring property, it is evident that there is ambiguity as to whether or not there was a pre-existing shared arrangement in place. To this end, I note that matters raised in respect of boundary issues/disputes are a civil matter which are not for consideration by the Commission. Notwithstanding, I consider that the amount of surface water arising from the development would be limited on account of the scale of works and would not result in adverse impacts to the surrounding properties. Furthermore, should the Commission be minded to grant retention for the subject development, I am satisfied that a suitably worded condition could be attached requiring the collection/disposal of surface water drainage within the subject property. This would be appropriate from a best practice drainage perspective and would be in accordance with the requirements of the Local Authority who are responsible for surface water and storm water drainage systems.
- 8.4.4. As a further point of clarity, I inspected gutters and downpipes of other buildings in the immediate vicinity of the appeal site and I noted that these pipes do not discharge into any surface water gullies or grates but direct to the ground. I also observed that such surface water from pipes would appear to eventually outflow to roadside storm water

gullies. Based on my observations, I consider the drain is below the party wall and carries surface water from the subject site to the services network via the neighbouring property. As such, I accept that surface water drainage from properties may not be contained on each individual properties and follows an ad hoc surface water arrangement in this area of Rathmullan.

8.5. Other Matters

8.5.1. Having regard to the appeals, I shall consider the following items under the sub-headings below.

Procedural Considerations

8.5.2. The appellants have raised a number of procedural concerns in relation to the assessment of the application. I noted that an appellant indicates that a decision on the application should have been made by 27th January 2025 but was not done and that the applicant requested a 3-month extension to respond to Further Information Request on 28th January 2025. I have reviewed the appeal file and note that the letter requesting an extension on the response period is indicated as being received by the Planning Authority on 20th January 2025 which was within the appropriate time period and agreed by the Planning Authority.

8.5.3. In relation to the appellants' queries as to the nature/intentions of the applicant's use of the property, I note that it has been indicated that the property is to be used as a family home. However, it is my consideration that the motive of the applicant for the use of the property, be it for a personal residence or for rent/lease, is not a relevant planning consideration for an existing dwelling in an urban area.

Ownership and Works to Neighbouring Property

8.5.4. The grounds of appeal claim that the full extent of the applicant's land ownership has not been accurately demonstrated on the submitted particulars and indicates that part of the development has occurred on the neighbouring property. As previously referred to in relation to drainage/services in section 8.4 above, I note that matters raised in relation to boundary issues or disputes are a civil matter which are covered under separate legislation and outside of the remit for consideration by the Commission. To this end, I refer specifically to Section 5.13 of the Development Management Guidelines for Planning Authorities (2007) which indicate that the planning system is

not designed as a mechanism for resolving disputes about title to land or premises or rights over land. Therefore, An Coimisiún Pleanála cannot adjudicate on the concerns raised in this appeal regarding ownership and rights over land.

Accuracy of Planning Drawings

8.5.5. I note the grounds raised by the appellants' claim that the submitted planning drawings do not accurately demonstrate internal and external features of the subject dwelling along with rainwater collection. The initial assessment of the Planning Authority noted the submitted plans did not accurately reflect the works to be retained and requested Further Information seeking updated drawings. The applicant submitted revised drawings which further detailed the dormer on the rear roofslope and the roof design of the single storey extension. On this matter, I am of the consideration that it is the discretion of the Planning Authority to determine what level or degree of detail is required for the main features of a particular development and in this instance considered the drawings to be appropriate. Whilst I acknowledge that there may be some elements which have not been fully detailed, I do not consider that the omission of these items from the submitted particulars significantly inhibited a robust assessment of the subject proposal on the appeal site given the relatively limited scale and nature of the development to be retained. Nevertheless, in the interests of clarity, I consider that a condition could be attached should the Commission be minded to grant retention which requires the applicant to submit revised plans and associated documentary evidence of the as-built development.

Devaluation of Property

8.5.6. I note the concerns raised by the appellants in respect of the devaluation of property in the vicinity of the appeal site from the subject works. No information or evidence has been provided to corroborate the appellants' claim. Having regard to my assessment, I do not consider it unreasonable, on zoned lands in a built-up urban location to be redeveloped and I am satisfied that the subject development, if approved, would not seriously injure the amenities of the area.

9.0 Appropriate Assessment (Screening)

9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject proposal comprises the retention of a rear extension, second floor dormer and renovations to an existing

dwelling on the Main Street in Rathmullan, Co. Donegal. The appeal site is located within the central area of a coastal settlement. The site is not within any designated Natura 2000 sites and the development will connect to the existing services network.

- 9.2. The subject site is approximately 0.06km or 60 metres from the nearest designated sites which are the Lough Swilly Special Protection Area (Site Code: 004075) and the Lough Swilly Special Area of Conservation (Site Code: 002287).
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
 - The distance to the nearest European site and the lack of direct connections; and,
 - Taking into account the screening determination of the Planning Authority.
- 9.4. 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 a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

- 10.1 As previously indicated, the subject development comprises the retention of a rear extension, second floor dormer and renovations to an existing dwelling on the Main Street in Rathmullan, Co. Donegal. The subject development is indicated as connecting to the existing services network in respect of foul and storm drainage. The appeal site which is situated within an established urban area which is adjacent to Lough Swilly (some 60 metres to the south of site). No specific water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to

any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the proposed works; and,
- The location of the site in a serviced urban area and the distance from nearest water bodies and lack of direct hydrological connections.

10.3 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1 I recommend that retention be GRANTED for the reasons and considerations outlined below.

12.0 Reasons and Considerations

12.1. Having regard to the provisions of County Donegal Development Plan 2024-2030, the location of the subject development in the settlement boundary of Rathmullan, the limited scale and nature of the works in the context of the appeal site and surrounding town/village centre area, and the prevailing pattern and character of development in this area, it is considered that, subject to compliance with the conditions set out below, the development to be retained would be in keeping with the pattern of development in the area and would not seriously injure the visual amenities or residential amenities of properties in the vicinity. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in

writing with the planning authority, and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Within three months from the date of grant of this retention permission, the applicant shall submit revised planning drawings correctly detailing all internal and external features and shall submit documentary evidence to the Planning Authority for their written agreement that the as-built development is consistent with the planning particulars.

Reason: In the interests of clarity.

3. The existing dwelling and extensions shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity

4. The disposal of surface water shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Matthew O Connor
Planning Inspector

14th August 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322515-25
Proposed Development Summary	Retention of rear extension and dormer and all associated site works.
Development Address	Main Street, Rathmullan & Ballyboe, 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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	The development is not a Class.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

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 ☐	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____