



An
Coimisiún
Pleanála

Inspector's Report

PL-500459-DL-25

Development	Construction of a new garage with partial demolition and refurbishment of existing garage and all associated site works.
Location	Ballyliffin Td., Clonmany, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	25/60744
Applicant(s)	Orla McFeeley
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Ann Doherty
Observer(s)	None
Date of Site Inspection	20 th March 2026
Inspector	Philip Maguire

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1.0 Introduction

- 1.1. This case relates to an appeal by Ann Doherty under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Donegal County Council in accordance with Section 34 of the Act.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Commission is required to consider both before determining the case.

2.0 Site Location and Description

- 2.1. Situated in the townland of Ballyliffin, the appeal site is located some 0.75km east of the village centre and c. 2.8km northeast of Clonmany in northeast Co. Donegal. It forms part of a ribbon of development south of the R238 where the posted speed limit is 80kph. The land rises noticeably to the south towards a hill known as Crockaughrim, at an elevation of 274mAOD, and falls more gradually to the north towards Pollan Bay at c. 10mAOD. Thus, the site and adjacent properties are elevated above road level.
- 2.2. The appeal site is roughly rectangular shaped with a road frontage of c. 30m and a stated area of 0.38ha. The northern and central parts of the site are in residential use with a two-storey pitched roof house, detached double garage and garden shed to the rear. The site is accessed via an upward sloping driveway off the R238 with recessed entrance framed by low pillars and wing walls. The adjoining northern boundary is similarly defined by low walls and pillars. It encloses the front garden which is at a similar gradient to the driveway and formally laid out with ornamental planting. The rear garden has a more gradual incline with a lawn area defined by ornamental hedgerows to the east, west and south. The southern part of the site lies beyond this southern hedgerow. It is accessed via an extended driveway with loose stone surface.
- 2.3. This southern part of the appeal site accommodates an extensive slab floor in its south-western corner. The eastern boundary of the southern part of the site is defined by an ornamental hedgerow. The southern boundary is, however, enclosed by means of an agricultural fence at a higher ground level, to the front of which lies an earthen bank. The adjacent ground levels on the appeal site appear to have been lowered substantially. The remaining western boundary with the adjacent property is defined by a close boarded fence. A detached two-storey house lies elevated to the south.

3.0 Proposed Development

3.1. Planning permission is sought to remodel an existing garage and build a new garage.

3.2. The proposed development is described in the statutory notices as:

(1) To remove existing foundations, rising walls to subfloor level and floor slab for shed previously under construction.

(2) Permission to erect a new private garage / storage shed.

(3) Permission to partially demolish and refurbish my existing domestic garage.

(4) All other associated site development works.

3.3. The application documents include a cover letter (Michael Friel) dated '22nd April 2024'.

3.4. The planning application form indicates that the gross floor space of the proposed demolition works would amount to 204sq.m with a stated 101sq.m proposed. Whilst the form also indicates that 101sq.m is to be retained, this would appear to be an error.

3.5. The submitted drawings indicate that 'Bay 2' of the existing outbuilding (double garage) is to be demolished (20sq.m) along with external walls and roof structure with the resultant building made good with new pedestrian door to the front (northern) elevation.

3.6. The drawings also illustrate the 'position of the existing garage subfloor slab' (dashed pink) at 14.47mAOD which is to be demolished. It has a stated floor area of 184sq.m.

3.7. The position of the 'new garage' (hatched green) overlaps somewhat with the existing subfloor slab at its southern end albeit with new finished floor level of 14.40mAOD. In this regard, I note that the proposed shed would be c. 32m from the rear of the house.

3.8. The shed would have a rectangular shaped footprint with internal dimensions measuring 8.8m by 11.55m and overall height of 5.552m above finished floor level. There would be two large roller shutter doors in the eastern elevation, a pedestrian door opening and ceiling-to-floor window opening in the northern elevation and two window openings in the southern elevation. The western elevation would be blank.

3.9. The northern elevation would include natural stone and metal cladding with cedar cladding to the eastern elevation. The southern and western elevations would be smooth plaster. Internally the shed is a single continuous space ('domestic storage').

3.10. Screen planting is also proposed along the southern site boundary with existing hedgerow to the south of the garden augmented with proposed garden shrubbery. The areas to the east and south of the proposed shed are illustrated as a 'garden area'. A horizontal deflection in the driveway is also shown with a turning area east of the shed.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Permission was granted on 20th November 2025 subject to 3 no. conditions, including:

Condition 2 garage/storage sheds shall be used solely for domestic purposes only ancillary to the residential enjoyment of the parent dwellinghouse etc.

4.2. Planning Authority Reports

4.2.1. The Planner's Report (20/06/25) can be summarised as follows:

Principle of Development

- Refers to previous appeal decision which refused a 166sq.m garage at the site, noting the supporting statement in that case related to the garaging of cars, including a vintage car, and domestic storage as the rationale for the proposal.
- Notes the proximity of a neighbouring garage and states that the principle is acceptable subject to compliance with other criteria and technical standards.

Siting and Design

- Design and materials are sympathetic to host dwelling in terms of scale / massing.
- Proposal located at a similar level to parent dwelling.
- Proposal is subordinate in terms of height (5.552m) and massing to the existing property and is in keeping with the character of the property and surrounding area.
- Screening will be conditioned to reduced amenity issues.

Access / Traffic Safety

- No issues arise.

Public Health

- No wastewater connections and thus no issues arise.

- Further information recommended in relation to surface water outfall i.e., details of all storm /surface water collection, management, and disposal across the site, within all aspects of the proposed development including final point of discharge.

Appropriate Assessment

- Concludes beyond reasonable scientific doubt that the proposed development would not have a significant effect on any Natura 2000 site.

4.2.2. The Planner's Report (11/11/25) can be summarised as follows:

Assessment of Further Information

- Notes the revised layout drawing which illustrates the proposal connecting to the existing stormwater route and discharging to a land drain.
- Notes the outfall within third party lands and a letter of consent regarding same.
- States that no further issues arise and recommends a grant of permission.

4.2.3. Other Technical Reports

- Roads (26/05/25) No objection.

4.3. Prescribed Bodies

None.

4.4. Third Party Observations

4.4.1. The planning authority received 1 no. observation. Issues raised reflect third-party appeal grounds. Concerns, as summarised from the Planner's Report, relate to:

- Area of High Scenic Amenity.
- Waste connections.
- Use of development.
- Finishes.
- Finished floor level.
- Retention area queried.
- Incomplete planning history.
- Watercourse.

- Size and scale of proposal.
- Potential for commercial unit.

5.0 Planning History

5.1. Appeal Site

- 5.1.1. PA ref. 18/50586 – in July 2018, the planning authority granted permission for a replacement garage along with front and rear extensions to the existing dwelling etc.
- 5.1.2. PA ref. 21/51591 – in March 2023, the decision of the planning authority was partially upheld at appeal (ABP-312373-22) and permission granted for retention of elevational alterations to the existing dwelling. Permission was refused, however, for retention of floor slab and erection of a funeral undertakers building for the preparation of remains, storage of coffins and funeral furniture and the parking of private ambulance and funeral hearse etc. It was considered that this element of the proposal would be incompatible with the surrounding land use and seriously injure the residential amenities and depreciate the value of adjoining properties and thus conflict with policy ED-P-14 of the County Development Plan 2018-2024. It was also unclear how the proposal would be serviced and thus it was considered prejudicial to public health etc.
- 5.1.3. PA ref. 23/50519 – in May 2024, the decision of the planning authority was overturned at appeal (ABP-318358-23) and permission refused for retention of floor slab and rising walls etc. and construction of a 166sq.m single-storey garage / storage shed etc. It was considered that, due to its size and siting, the development to be retained and the proposed development would fail to be either subordinate to or have a complementary relationship with the applicant's dwelling house; it would thus contravene policy RH-P-9, and be contrary to the advice set out in Appendix 4, of the Development Plan, and, by extension, in an area of high scenic amenity, would contravene policy NH-P-7. This, it was considered, would lead to a negative landscape impact and would risk establishing an adverse precedent for oversized, poorly sited buildings in such areas.

5.2. Surrounding Area

Aras Owen Hostel – c. 100m west

- 5.2.1. PA ref. 10/70179 – in July 2010, the planning authority granted permission to retain a 88sq.m domestic garage with ridge height of 6.113m to the rear of the existing property.

5.3. Other Relevant History

Carrick Upper Td., Carrick, Co. Donegal

- 5.3.1. PA ref. 25/61961 – in December 2025, the planning authority refused permission to retain a 448sq.m storage shed with ridge height of 6.53m to the rear of a partially constructed house in an Area of High Scenic Amenity. Having regard to the *Rural Housing – Location, Siting and Design Guide*, it was considered that the proposal was excessive in scale and not subordinate to the dwelling house with the scale and mass of the shed found to be commercial in character. To permit retention, in the absence of adequate justification, would give rise to an incongruous, visually dominant feature in a rural landscape and establish an undesirable precedent in contravention of the objectives of the Development Plan. Additionally, having regard to the scale of the building, the planning authority was not satisfied that the proposed development would not cause flooding of the local road by reason of lack of measures to prevent runoff.

Cronkeeran Td., Ardara, Co. Donegal

- 5.3.2. PA ref. 24/60502 – in June 2024, the planning authority granted permission to retain a 73.4sq.m domestic garage with 5.069m ridge height and a 171.1sq.m storage shed with 5.785m high barrelled roof structure in an Area of High Scenic Amenity. Both structures are situated to the rear of an existing house and the Planner's Report considered them to be reflective of the rural setting noting that the larger shed had a distinct agricultural design and was likely to have been used for such purposes etc.

Creaghadoos Td., St Johnston, Co. Donegal

- 5.3.3. PA ref. 24/60468 – in June 2024, the planning authority granted permission for a 96.20sq.m domestic garage storage shed with ridge height of 6.61m in an Area of High Scenic Amenity and to the side of an existing house. The Planner's Report did consider that the scale of the shed was appropriate to domestic use for storage purposes etc.

Castruse Td., Carrigans, Co. Donegal

- 5.3.4. PA ref. 24/60382 – in June 2024, the planning authority granted permission for a 200sq.m storage shed with ridge height of 3.75m in an Area of High Scenic Amenity and to the rear of an existing house. The Planner's Report did not consider the garage domestic in terms of size but was justified in terms of its agricultural appearance having regard to the character of the surrounding area and lack of visual amenity concerns.

6.0 Policy Context

6.1. Local Planning Policy

- 6.1.1. The current Development Plan came into effect on 26th June 2024. The Plan was subject to a draft Ministerial Direction in July 2024 and is pending a final decision by the Minister following public consultation and OPR recommendations (Sept. 2024). The planning authority decision was made under the provisions of this current Plan.
- 6.1.2. I also note that Variation No. 1 was on public display until 13th February 2026. It proposes new Area Plans for An Clochán Liath, Bridgend, Ballyshannon, Carndonagh, Donegal Town and Killybegs, the making of various Residential Zoned Land Tax (RZLT) related zoning changes, and other minor changes to the Buncrana, Ballybofey/Stranorlar and Letterkenny Area Plans, none of which affect the site.
- 6.1.3. The site is located within a rural area some 400m east of the eastern extent of the settlement boundary of Ballyliffin (Map 21.25) and is subject to the provisions of Section 6.3 of the Plan relating to Rural Housing. In this regard, I note that the appeal site is located within an Area Under Holiday Home Pressure designation (Map 6.3.1).
- 6.1.4. The appeal site and lands to the southern side of the R238 are designated as 'Areas of High Scenic Amenity' whereas to the north it is designated as an 'Area of Especially High Scenic Amenity'. The R238, the dividing line, is part of the Wild Atlantic Way.
- 6.1.5. Other policies and objectives are set out in Chapter 10 (Tourism), Chapter 11 (Natural, Built and Archaeological Heritage) and Chapter 16 (Technical Standards).
- 6.1.6. The following sections are relevant to the proposed development.
- 6.3.4 – Landscape and Services
 - 11.2 – Landscape
- 6.1.7. Summary of policies and objectives relevant to the appeal site:
- | | |
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| RH-P-9 | Relates to location, siting and design and other detailed considerations.

(a) Requires proposals for individual dwellings (incl. extension projects) to be sited and designed in a manner that is sensitive to the integrity and character of rural areas as per Map 11.1 (Scenic Amenity), and that enables the development to be assimilated into the receiving |
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landscape. It notes that proposals shall be subject to best practice as set out in the *Rural Housing – Location, Siting and Design Guide*.

- TOU-P-2 Not to permit development which would materially detract from visual and scenic amenities along the route of the Wild Atlantic Way.
- L-P-2 Seeks to protect areas identified as ‘High Scenic Amenity’ and ‘Moderate Scenic Amenity’ on Map 11.1. 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.
- L-P-7 Seeks to preserve the views and prospects of special amenity value and interest as identified on Map 11.1.
- TS-P-1 Requires compliance with all the technical standards set out in Chapter 16 including those relating to surface water and roadside drainage.

Rural Housing – Location, Siting and Design Guide

6.1.8. This guidance document is incorporated into the Development Plan 2024-2030. It is specific to the character of Donegal and notes that a house in the countryside should:

- Integrate satisfactorily within the landscape.
- Reflect its location and contribute satisfactorily to the character of the area, expressing local influences and materials appropriate to the rural area.
- Be well designed informed primarily by site specifics.

6.1.9. Section 4.0 of the Guide notes that the location of garages, stores or outbuildings should be considered to provide for an integrated grouping of built form. Section 4.6 notes that garages should be subordinate and sited to complement the main dwelling.

6.2. Natural Heritage Designations

6.2.1. Nearest proposed Natural Heritage Areas (pNHAs):

- North Inishowen Coast (002012) – c. 0.55km north

6.2.2. Nearest Natura 2000 designations:

- North Inishowen Coast SAC (002012) – c. 0.55km north
- Trawbreaga Bay SPA (004034) – c. 1.65km east, northeast

7.0 EIA Screening

- 7.1.1. The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulations 2001, as amended ('the Regulations'), and therefore no preliminary examination is required (see Appendix 1).

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. A third-party appeal has been lodged by Mrs Ann Doherty. The grounds of appeal reflect the observations made to the planning authority and are summarised as follows:

- Proposal would detract from the character and value of an Area of High Scenic Amenity, contrary to policy L-P-2.
- Proposal will negatively impact on the Wild Atlantic Way scenic route (R238) and thus contravene policy TOU-P-2.
- Proposal could interfere with adjacent protected views.
- Concerns raised regarding potential mains or waste connections given the proposed garage overlaps with the unauthorised foundations including pipe outlets etc., suggesting this could result in a potential change of use to a dwelling.
- Refers to layout plan from previously refused funeral home application.
- Expresses a lack of trust in the subject application given the actions of the applicant.
- Proposed garage will be located closer to the house of a previous appellant and thus far more overbearing and intrusive.
- Concerns raised regarding the need for a second garage.
- Raises concerns regarding the external finishes, window arrangements and size of the proposed garage which would be adequate for a dwelling house.
- Fear expressed that the garage is of a size and scale to be a future commercial premises or type of residential property i.e., cannot be justified as domestic.
- Effective Development Plan embargo on commercial start-ups outside settlements.

- At 14.4mAOD the finished floor level would be 1.9m higher than the existing house and no finished floor level has been illustrated for the house to the west.
- Height increase would be discordant and prejudicial to the visual amenities and proper integration of the proposal with the existing house.
- The new driveway would cut between the house and the new patio.
- Raises concerns regarding Section 12 and Section 18 of the application form.
- Concerns raised regarding surface water disposal and in relation to Section 20 of the application form (watercourse not indicated) and this could result in flooding.
- Proposals for the garage that is to be partially demolished are unclear i.e., what exactly constitutes “refurbishment”?
- Notes that the applicant’s previously permitted garage (52.7sq.m) in 2018 was not built, adding that the existing garage was to be demolished.
- Proposal does not make sense given the new garage will be some distance from the existing house and notwithstanding the cost of demolition and new build.
- Raises concerns regarding the ‘drive-around’ that would be facilitated by the proposed partial demolition in addition to the turning area beside the new garage; this would facilitate larger vehicles and future commercial uses.
- Proposal will be out of scale with the existing house due to its size and siting and would over-dominate the site leaving a discordant and haphazard development prejudicial to the setting of adjacent dwellings and detracting from the landscape and scenic amenities of the area i.e., mass and scale are inappropriate.
- Reiterates ‘justifiable fears’ that the proposal will be used as a commercial unit; and highlights the ‘greatest concern’ as a potential extension or change of use thereto.
- Does not accept that the proposal can be controlled by conditions given the history of unauthorised development (ref. UD2178) and commercial-scale elements.
- Concludes that the proposal contravenes policy RH-P-9, is located within an Area of High Scenic Amenity and should be refused; coupled with the Wild Atlantic Way and designated views and nearby SAC demonstrate the sensitivity of the site.
- Requests the Commission to abide precedent decisions and refuse permission.

8.2. Applicant Response

8.2.1. Michael Friel Architects & Surveyors Ltd. responded on behalf of the applicant, Orla McFeeley. The response can be summarised as follows:

History of Development and Planning Refusals

- States that the proposal addresses previous refusal reasons, i.e., the size has been “reduced from 180sq.m” to 101sq.m and is sited c. 20m further north and closer to the applicant’s house and neighbouring garage c. 10m away.
- Submits that the planning authority decision to grant permission has been done in full knowledge of the previous appeal decision and in acceptance that the substantive issues relating to the previous refusal have been remedied.
- Accepts that modern material finishes are proposed but notes that the Planner’s Report indicates that the design and materials are sympathetic to the host dwelling.
- Reiterates that the garage will be used for domestic purposes relating to their house only and it is not intended to be used for any commercial purpose.
- States that most of the houses in the immediate area have garages or sheds which are larger than that proposed and suggests an unfairness in this regard.

Location and Siting of Proposed Garage

- Garage smaller in size and located closer to the applicant’s house.
- Similar sized garages located within the surrounding area.
- New location will pose least impact on neighbouring property by virtue of its proximity to their shed and the intervening mature hedgerow.
- Garage will be completely screened from view by vehicles approaching from Ballyliffin and will not be evident at all on approach to the village.
- Revised siting and reduced size will allow the garage to assimilate into the environment without any negative impact.
- Submits the proposal will allow for adequate storage of family bikes and bulkier items and thus will improve the quality of life of the applicant and her family.

Future Development

- Notes that the applicant is fully aware that the garage, if permitted, can only be used for domestic purposes and this reflects the applicant's need for more storage.
- Current revised proposal is a genuine effort to assist in ensuring that the garage / storage shed will have as little an impact on her neighbours as possible.
- Reiterates that there will be no commercial activity taking place and acknowledges that if such an application were to be made it is unlikely to be permitted.
- States that all planning conditions will be rigorously complied with.

Previous Refusal Reasons Overcome

- States that the garage was moved to a location within the direct curtilage of the applicant's home and reduced by c. 80sq.m in order to overcome previous refusal.
- The proposal will not read as prominent on the landscape.
- The proposal will not lead to a suburban pattern of development as it will be subservient to the main house.
- No impact on any Natura 2000 designations.
- Will not add any effluent to the septic tank / no effluent generated.
- Re-sizing and re-siting allows the garage to blend into the landform by using existing trees and vegetation to integrate with the proposed location.

Conclusion

- States that the proposed garage is subordinate to the main dwelling house and its location within the overall landholding allows for it to be considered within the building line of development to the rear of neighbouring dwellings.

8.3. Planning Authority Response

8.3.1. The planning authority's response can be summarised as follows:

- Notes the previous refusals at appeal and the appellant's comments on same.
- States that the applicant is entitled to submit an application in an attempt to regularise the unauthorised works on site.

- Submits that the proposed garage is of a smaller size and scale than previously submitted and the application is considered to be materially different.
- Suggests that the appellant's concerns regarding potential use as a funeral home is speculative, noting the domestic use condition attached to the permission.
- States that there are no issues arising with the overall design and scale.

8.4. **Observations**

None.

9.0 **Planning Assessment**

9.1. **Preliminary Points**

9.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.

9.1.2. The issues can be addressed under the following headings:

- Procedural Matters
- Residential Amenity
- Visual Amenity
- Drainage

9.2. **Procedural Matters**

9.2.1. The appellant raises a number of concerns regarding the information contained in the planning application form including in relation to the stated floor space of the proposed works, the planning history of the appeal site and the means of stormwater disposal.

9.2.2. The substantive issue regarding the means of stormwater disposal is considered further below and whilst I acknowledge the thrust of the appellant's comments in this regard, I do not consider it draws into question the validity of the planning application. Nor does the failure to list the most recent application (PA ref. 23/50519) and inaccurately refer to the subsequent appeal, stated as '31835823' as a 'current appeal'.

- 9.2.3. Regarding the latter, I note the provisions under Section 37(5) of the Planning Act preclude the planning authority from considering an application for permission for the same development or for development of the same description etc. which is subject of a current appeal. This is clearly not the case and I do not consider the appellant is prejudiced. Indeed, I note they have provided a detailed planning history in this regard.
- 9.2.4. Similarly, as noted in section 3.4 above, the reference to retention of 101sq.m of floor space is evidently an error of the minor variety where the same section of the form clearly indicates that the proposed floor space is 101sq.m. Whilst I do somewhat agree with the appellant that the quantum of floor space to be demolished is not 204sq.m, as stated in Section 12 of the form, it is clear that the applicant is referring to 20sq.m of the existing garage together with the standalone floor slab, which is stated as 184sq.m.
- 9.2.5. The latter could be construed as being deliberately misleading, whereby it suggests a 50% net reduction in floor space at the appeal site but this is evidently not the case. Neither the planning authority nor appellant came to such a conclusion and having visited the site and inspected the drawings, the details of the proposal are self-evident.
- 9.2.6. The final issue, albeit not raised by any of the parties, relates to whether there is any legal requirement to submit an application for planning permission to demolish the foundations, rising walls and floor slab that were built without the benefit of permission in the first instance. In this regard, I am cognisant of the provisions under Section 163 of the Planning Act which provides that permission shall not be required in respect of development required under an enforcement notice (S. 154) or by injunction (S. 160).
- 9.2.7. Those works, which were considered by the planning authority to be unauthorised development, are currently subject to live enforcement investigations under Part VIII of the Planning Act (PA ref. UD2178) and there is nothing otherwise to suggest that they cannot be included within the subject planning application and current planning appeal.

Conclusion on Procedural Matter

- 9.2.8. On balance, I am satisfied the Commission has a valid planning application in accordance with the permission regulations, and decision, before it to consider. Whilst I acknowledge the applicant's concerns in relation to specific aspects of, and indeed motivation behind the proposal, I do not consider it grounds for an outright dismissal.

9.3. Residential Amenity

- 9.3.1. As noted, the applicant's dwelling is sited to the northern part of the appeal site. It has a finished floor level of 12.50mAOD. The double garage is located immediately to the rear at a distance of some 2.5m. It has a finished floor level of 12.31mAOD and includes loft storage space over half of the footprint with car port / canopy to the side.
- 9.3.2. The proposed garage would be sited some 32m from the rear wall of the applicant's dwelling and c. 26m from the section of existing garage to be retained and refurbished. It would therefore be some 10m closer to these structures than the garage previously refused at appeal under ABP-318358-23 and have a finished floor level 7mm lower (14.4mAOD) than the existing floor slab which is to be demolished (14.47mAOD). I note, however, that the proposed footprint will overlap somewhat with the existing floor.
- 9.3.3. Externally the proposed footprint would be c. 9.5m by 12.4m (illustrated internally as 8.8m by 11.55m) with an eaves level of c. 3m and an overall ridge height of 5.552m.
- 9.3.4. The proposed garage would be c. 23m and 11m respectively from the neighbouring dwelling and garage to the west. Whilst this is closer than that previously refused, as noted by the appellant, who also observed that their respective finished floor levels have not been illustrated, I do not consider any residential amenity impacts will arise.
- 9.3.5. Given the separation distances, intervening hedgerow of mature *leylandii* and other boundary treatments, I do not consider there will be any overshadowing or overbearance and given its single-storey nature there will evidently be no overlooking.
- 9.3.6. The crux of the appellant's case, however, relates to the potential use of the structure, if permitted, for commercial or residential purposes, namely a funeral home or dwelling. In this regard, the appellant has expressed a lack of trust in the subject proposal given previous actions by the appellant and they highlight this as their 'greatest concern'.
- 9.3.7. Indeed, I observed a funeral hearse parked in the car port / canopy area to the eastern gable end of the existing garage during my site inspection. Whilst there is nothing in planning law that precludes the parking of a work vehicle within the curtilage of one's home, there is potential for incremental intensification of use to the extent that a material change of use could occur and thus the appellant's fears are rightly justified. If such a situation arose, the proposal could adversely impact on residential amenity.

- 9.3.8. The proposal before the Commission, is however, for a 'private garage / storage shed' and the applicant has stated that they are fully aware that the garage, if permitted, can only be used for domestic purposes and this reflects their need for more storage. In this regard, it is important to note that some 20sq.m of the existing double garage will be demolished and thus the net increase in storage space will be approx. 81sq.m.
- 9.3.9. The layout drawing indicates that the partial demolition of the existing garage would facilitate a 'drive-around', as coined by the appellant, and whilst they suggest that this would facilitate larger vehicles and future commercial uses, I do accept that at 2.5m, the distance between the applicant's dwelling and garage restricts ease of vehicular circulation around the house. In this regard, I am satisfied that the proposed demolition and subsequent need for equivalent storage space is justified on these particular facts.
- 9.3.10. There are many other solutions available to the applicant to achieve this, however, and I am not fully convinced that a detached building with a stated floor area of 101sq.m and overall ridge height of 5.552m is particularly domestic in scale, irrespective of Condition 2 of the Council's decision to control its use. However, for the reasons set out above, the building as proposed, is unlikely to impact on residential amenities.

Conclusion on Residential Amenity

- 9.3.11. On balance, I do not consider that the proposed development would adversely impact on the residential amenity of the adjacent property. There will evidently be no overshadowing, overlooking or overbearance on the appellant's property which is significantly elevated to the rear, south, of the appeal site at a distance of over 135m.
- 9.3.12. Similarly, there will be no impact on the neighbouring property to the west of the appeal site. If the Commission are minded to grant permission, I recommend that the use of the building is strictly limited to domestic purposes ancillary to the enjoyment of the dwelling. I also consider that a phasing of the development would be appropriate to ensure that the additional storage area is provided following partial demolition of the garage. The concern here being that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission as evidenced on site and noted by the appellant.

9.4. Visual Amenity

- 9.4.1. Much of the appellant's submission relates to the visual impact of the proposal and in this regard, I am mindful of the previous refusal reasons under ABP-318358-23. As noted above, that proposal related to a 166sq.m single-storey garage located on the existing floor slab c. 42m from the applicant's dwelling. The ridge height was 5.32m.
- 9.4.2. The appellant submits that the proposal will be out of scale with the existing house due to its size and siting and thus over-dominate the site leaving a discordant and haphazard development prejudicial to the setting of adjacent dwellings and detracting from the landscape, visual and scenic amenities of the area. Noting that the site is located within an Area of High Scenic Amenity, they conclude that the proposal contravenes policy RH-P-9 and should be refused with additional concerns relating to the impact of the proposal on the Wild Atlantic Way and nearby designated views.
- 9.4.3. The applicant, on the other hand, notes that the garage is smaller in size (than that previously proposed) and is located closer to the applicant's house with similar sized garages located within the surrounding area. In this regard, they state that the garage will be completely screened from view by vehicles on approach in both directions along the R238 and the revised siting and reduced size will allow for greater assimilation.
- 9.4.4. Whilst not documented on the appeal file, the planning history for the site indicates that the applicant's house has a maximum ridge height of c. 7.9m above finished floor level, or 20.4mAOD, whereas the proposed garage would have an overall height of c. 19.95mAOD. It would, however, be some 50mm higher than the front and rear house projections and in this regard, I am not persuaded that it would be subordinate in such a manner as to complement the main dwelling. Moreover, at a distance of over 30m from the house, I am not convinced that the siting of the proposed garage allows for an integrated group of buildings which is also advocated for in the rural design guide.
- 9.4.5. In this regard, I am inclined to agree with the appellant in that the proposed development is contrary to the provisions of policy RH-P-9 and the best practice set out in the associated *Rural Housing – Location, Siting and Design Guide*. The proposal is thus not sited nor designed in a manner that is sensitive to the integrity and character of this high scenic amenity area. Moreover, I note that part (a)(v) of the policy provides that any proposal involving extensive or significant excavation 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. Having regard to the historical orthophotography of the site, which is publicly available, and to my site inspection, there has evidently been significant excavations and tree removal in the southern part of the appeal site to provide a level clearing to facilitate the proposal. Were this included in the application it would also be an additional reason for refusal.

9.4.6. Whilst I accept that critical views of the proposed garage would be limited to fleeting glimpses of the ridgeline when travelling east along the R238, and it would generally read with the established ribbon of development elevated above road level, I am not so convinced that this would be the case in the opposite direction. When travelling towards Ballyliffin village the ribbon is less pronounced given the horizontal and vertical road alignment, and critical views of the ridgeline would be more apparent. Indeed, the gable end of the applicant's dwelling is the most jarring feature on this approach and would only be exacerbated by the proposal. Whilst I do not consider that it would adversely impact on the scenic qualities of the Wild Atlantic Way to the extent that it would contravene policy TOU-P-2, as suggested by the appellant, I do consider it would detract from the character of a High Scenic Amenity area, contrary to L-P-2.

9.4.7. However, I do not agree that the proposed garage would impact on the adjacent protected views. These views are in a northerly and north-easterly direction from the R238 towards Pollan Bay and Doagh Island and do not interact with the appeal site.

Conclusion on Visual Amenity

9.4.8. Due to its excessive size (floor space and height) and siting, the proposed garage / storage shed would fail to be either subordinate to or have a complementary relationship with the applicant's dwelling house contrary to the guidance in the Council's *Rural Housing – Location, Siting and Design Guide* and incorporated into the Development Plan by virtue of policy RH-P-9. Whilst I note that the applicant references other similar structures in the vicinity of the appeal site, I am satisfied that each has a more appropriate relationship with the residential property that it serves.

9.4.9. Moreover, I am cognisant that a number of large-scale 'domestic' sheds have been permitted in High Scenic Amenity areas during the current Plan period, some of which have been detailed above (section 5.3). I note, however, that most are generally within 10m of the houses that they are proposed to serve. I do not, therefore, consider there to be an established precedent in planning terms to permit such oversized structures.

9.4.10. On balance, I conclude that the proposed garage would contravene policy RH-P-9, and, by extension, policy L-P-2 of the Plan. To grant permission would risk the establishment of an adverse precedent for such oversized and poorly sited buildings in Areas of High Scenic Amenity and therefore I recommend permission be refused.

9.5. Drainage

9.5.1. Finally, the appellant raised concerns regarding the means of stormwater disposal, suggesting that this could result in flooding. In this regard, the applicant submitted a revised layout drawing which illustrates the proposal connecting to the existing stormwater route and discharging to a land drain on the opposite side of the public road. I also note the outfall within third party lands and a letter of consent regarding same.

9.5.2. I established the locus of the stormwater outfall during my site inspection and was able to verify the location of the drainage channel, access junction, and nearby road gulleys.

9.5.3. Chapter 16 of the Plan notes that entrances shall be designed to prevent stormwater reaching the public road and systems shall preferably route discharge to a watercourse capable of receiving anticipated volume i.e., soak pits are not normally encouraged.

Conclusion on Drainage

9.5.4. On balance, and in the absence of any streams or ditches (other than a dry ditch), I accept that the stormwater outfall infiltrates to ground via a land drain as observed.

9.5.5. I am also satisfied that the proposal would not significantly increase loading on the existing stormwater outfall or give rise to flooding. It thus accords with policy TS-P-1.

10.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered case PL-500450-DL-25 in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.

The proposed development is located within a rural area and comprises the partial demolition and refurbishment of existing garage, the construction of a new garage / storage shed and the removal of an existing floor slab.

The closest European sites, part of the Natura 2000 Network, are North Inishowen Coast SAC (002012) and Trawbreaga Bay SPA (004034) located c. 0.5km north and c. 1.6km east, northeast, respectively.

Having considered the nature, scale and location of the proposed development 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:

- The limited nature of the proposed works, including the breaking out and removal of the existing floor slab and services;
- The confined nature of these works within an area of disturbed ground adjoining a residential curtilage and the lack of any proposed wastewater connections;
- The distance from European sites and the nature of intervening habitats, absence of ecological pathways or hydrological links to any such site; and
- Taking into account the screening determination of the LPA.

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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Water Framework Directive

11.1. A screening for the purposes of the Water Framework Directive (WFD) has also been carried out. On the basis of objective information, I conclude that the proposal 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 waterbody in reaching its WFD objectives. Therefore, it can be excluded from any further assessment (Appendix 2).

12.0 Recommendation

12.1. I recommend that permission be **refused** for the reasons and considerations below.

13.0 Reasons and Considerations

1. Having regard to Policy RH-P-9 of the County Donegal Development Plan 2024 – 2030, and the associated *Rural Housing – Location, Siting and Design Guide*, it is considered that, due to its excessive size and siting, the proposed garage / storage shed would fail to be either subordinate to or have a complementary relationship with the applicant's dwelling house. Accordingly, the proposed development would contravene Policy RH-P-9, and, by extension, Policy L-P-2 of the Development Plan. To grant planning permission would risk the establishment of an adverse precedent for such oversized and poorly sited buildings in areas of high scenic amenity. The proposal would thus 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Philip Maguire

Inspectorate

26th March 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500459-25
Proposed Development Summary	New garage / storage shed and partial demolition and refurbishment of existing garage
Development Address	Ballyliffin Td., Clonmany, 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.	
<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 checked="" 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 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>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2: WFD Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref.	PL-500459-DL-25	Townland, address	Ballyliffin Td., Clonmany, Co. Donegal
Description of project		New garage / storage shed and partial demolition and refurbishment of existing garage.	
Brief site description, relevant to WFD Screening		<p>Sloping brownfield site between c. 10-15mAOD and elevated above the public road (R238). Roughly rectangular with a stated area of 0.38ha. Situated within an established ribbon of development with roadside drainage gulleys and stormwater outfall to same.</p> <p>No other surface water drainage vectors evident i.e., ditches, streams etc. however there is historical evidence of a stream along the southern site boundary, now possibly culverted.</p>	
Proposed surface water details		<p>‘Watercourse’ ticked in Section 20 of the Planning Application Form.</p> <p>Clarified at FI stage – see section 9.5 of IR.</p>	
Proposed water supply source & available capacity		<p>‘Existing’ ticked in Section 20 of the Planning Application Form.</p> <p>No water connection proposed.</p>	
Proposed wastewater treatment system & available capacity, other issues		<p>‘Not Applicable’ ticked in Section 20 of the Planning Application Form.</p> <p>No wastewater connection proposed.</p>	
Others?		N/a	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
River Waterbody	c. 90m east	ARDAGH_010 IE_NW_40A090 780	Poor	Review	None identified	No –stormwater outfalls to land drain on the opposite side of public road (due north) and infiltrates to ground.
Groundwater Waterbody	Underlying site	East Inishowen IEGBNI_NW_G_ 050	Good	Not at risk	None identified	Yes – infiltration of runoff that does not convey to storm sewer (i.e., from paved areas / hard surfaces) and infiltration of storm outfall to land drain

Step 2: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Ground	East Inishowen IEGBNI_NW_G_050	Existing – stormwater network to land drain. New – via exposed soils.	Siltation, pH (Concrete), hydrocarbon spillages.	None - standard construction practice anticipated.	No	Screened out

OPERATIONAL PHASE

1.	Ground	East Inishowen IEGBNI_NW_G_050	New – connection to existing stormwater network which outfalls to land drain.	Siltation, hydrocarbon spillages.	None required.	No	Screened out
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DECOMMISSIONING PHASE

1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
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