



An
Bord
Pleanála

Inspector's Report ABP-305605-19

Development	Retention permission for front garden boundary wall.
Location	23 Meadow Park Avenue, Churchtown, Dublin 14.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D19A/0532
Applicant	David & Denise Priestley
Type of Application	Retention
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant	David Priestley
Date of Site Inspection	21 st November 2019
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. Number 23 comprises a two-storey end of terrace house (six house terrace) located on the corner junction site of Meadow Park Avenue and Mountain View Drive, Churchtown, Dublin 14; the front of the house faces west addressing Meadow Park Avenue. This largely residential area is characterised by similar terraced houses and is located to the west of Nutgrove Shopping Centre and south of Nutgrove Avenue.
- 1.2. The ground level falls from south to north resulting in the ground level of the terraces being staggered. The houses have front and rear gardens, with off-street parking available to the front garden in most cases.
- 1.3. Through its location on a corner site, the area is relatively large at 0.051 hectare. Site boundaries in the area are not consistent but generally are low walls of approximately 1 m in height with driveway gates to the front. The subject site frontage is extensive through its location and the boundary consists of a stepped wall of varying heights between approximately 2 m and 2.5 m. There is an electricity substation located to the rear of the site and the boundary wall continues to the rear of site. This wall consists of concrete block, plastered and was not capped on the day of the site visit. This wall has only been constructed recently and does not appear to be complete.
- 1.4. A concrete driveway of circa 3 m width provides access from the public street to the electricity substation and the driveway is approximately 14 m in length. A large pile of concrete blocks were preventing vehicular access to the substation on the day of the site visit.
- 1.5. A feature of the corner between Meadow Park Avenue and Mountain View Drive, is the extensive area of concrete footpath, possibly provided to reduce the road radii on this junction.

2.0 Proposed Development

- 2.1. The proposed development consists of the retention of the boundary wall to the front and side of no. 23 Meadow Park Avenue, Churchtown. The following details are provided:

- The length of the wall is 49.62 m.
- Height ranges from 1.14 m to 2.55 m.
- Associated vehicular entrance piers range in height from 1.44 m to 1.51 m.
- Pedestrian entrance piers are 2.16 m in height.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to issue a split decision; a refusal of retention for the boundary wall alongside the roadside and a grant of retention permission for the approximately 1.4 m long boundary along the paved area to the electricity substation. 2 conditions were recommended for the grant of permission, condition no.1 is standard and no.2 required within 3 months of the grant of permission, that the pedestrian entrance piers be reduced to a maximum height of 2 m and the wall to be plastered/ rendered to match the existing house and be suitably capped.

The reason for refusal states the following:

'The roadside boundary wall is out of character with the existing pattern of roadside boundaries in the vicinity and comprises a visually obtrusive and incongruous structure along the streetscape. The vehicular access constructed is significantly wider than the 3.5 metres width cited in Section 8.2.4.9 (Vehicular Entrances and Hardstanding Areas) (i) (General Specifications) of the County Development Plan 2016-2022 and the height of the vehicular access piers and adjacent wall height does not provide adequate visibility between vehicles exiting the access and pedestrians walking on the adjacent footpath and vice versa. To permit the development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, would comprise a visual incongruity along the streetscape, would be contrary to the provisions of Section 8.2.4.9 (Vehicular Entrances and Hardstanding Areas) (i) (General Specifications) of the County Development Plan 2016-2022, would set an undesirable precedent for further similar development and would be contrary to the proper planning and sustainable development of the area'.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning report reflects the decision to refuse retention permission for the roadside boundary wall and to grant permission for the retention of the wall in the vicinity of the electricity substation.

3.2.2. **Other Technical Reports**

Transportation Planning: Refusal recommended as the vehicular entrance does not provide adequate/ sufficient visibility where pedestrians and vehicles interface thereby resulting in a hazard for pedestrians. The development would therefore give rise to a traffic hazard.

Drainage Planning – Municipal Services Department: No objection to the submitted development.

4.0 **Planning History**

4.1.1. D01B/0303 refers to July 2001 decision to grant permission for the demolition of a single storey extension to the rear of no. 23 Meadow Park Avenue and for the construction of a two-storey extension to the side and rear. This extension has been constructed.

4.1.2. I note that a warning letter was issued in June 2019 regarding the unauthorised construction of a front boundary wall in excess of 1.2 m in height.

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A 'To protect and/ or improve residential amenity'. Residential development is listed within the 'Permitted in Principle' category of this zoning objective.

5.2. National Guidance

Design Manual for Urban Roads and Streets (DMURS).

5.3. Natural Heritage Designations

5.3.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has engaged the services of Liam Cullen Design & Planning to prepare an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for the roadside boundary wall. The following comments are made:

- The wall was constructed in response to anti-social behaviour that negatively impacted on the residential amenity of the occupants of no. 23 Meadow Park Avenue.
- In order to address the reason for refusal, revisions to the wall and driveway are proposed as follows:
 - Reduce the driveway width to 3.5 m.
 - The wall to the front of the house to be reduced to 1.0 m as indicated on Drawing 19.172.ABP03. Piers at the vehicular entrance to be reduced to 1.2 m in height.
 - The remainder of the wall along Meadow Park Avenue and Mountain View Drive to be 1.8 m at its capped height and piers to be reduced to 2.0 m. Gates are proposed at the vehicular entrance to secure the site.
- Adequate sight lines can be provided subject to the reduction in the wall height to 1.0 m at the front of the site and a driveway width of 3.5 m.

6.2. **Planning Authority Response**

- No new matters have been raised that 'would justify a change of attitude to the proposed development'.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Design and Impact on the Character of the Area
- Traffic/ Pedestrian Safety
- Appropriate Assessment Screening

7.2. **Design and Impact on the Character of the Area**

7.2.1. The character of the area is established by the terraced houses and front gardens behind low boundary walls. It is possible that front boundaries were originally open plan or provided with a very low railing. The enclosure of front gardens has resulted in a mix of boundary types, however they generally all correspond in height.

7.2.2. In new build housing, where front gardens are provided, they form part of the amenity space associated with a house but generally not part of the quantifiable private amenity space. The level of privacy provided therefore is much reduced from that to the rear of houses and boundary treatment is usually at a lower height. From the site visit, it was evident that restrained boundary provision in the immediate area is the norm. This provides a sense of spaciousness in the area.

7.2.3. The applicant has proposed a number of alterations to the boundary wall including reducing the section along Meadow Park Avenue and Mountain View Drive to a capped height of 1.8 m. Entrance piers to be reduced to 1.2 m and a small part of the front boundary to be reduced to 1.0 m. This will allow for improved sightlines at the entrance. I consider that the proposed revisions are not acceptable and will provide for an excessively high boundary wall in this location. The wall in its current form is visually dominant and has a negative impact on the character of the area. The sense of openness is lost on this prominent corner junction and there is a loss of passive surveillance along the public footpath.

- 7.2.4. I accept that the applicant may have been subjected to anti-social behaviour in the past, however, I would have concern that the enclosure of their site may not improve matters and the provision of a high wall on to the eastern side of the site may create additional difficulties in the future for themselves and adjoining properties. The originally open nature of the site ensured that passive surveillance of the site and adjoining public lands was possible from a number of houses; these would be removed by the retention of this wall. The reduction in height from 2.55 m to 1.8 m is not sufficient to improve the development in the interest of visual and residential amenity.
- 7.2.5. I note that the Planning Authority decided to issue a split decision with regard to the proposed development; refusal for the majority of the wall and a grant of permission for the retention of the side/ eastern wall subject to alterations to the piers at the pedestrian entrance. I note the Planning Authority comments with respect to Class 5 of Schedule 2 of the Planning and Development Regulations 2001 as amended. The applicant has applied to retain by way of permission, the provision of a boundary to enclose the entire front garden and therefore the full development as submitted is to be assessed. I have concern regarding the height of the boundary along the eastern boundary and as I have already mentioned, there is a possibility of negative impact to neighbouring properties through the retention of the wall in this location. DMURs under *Section 4.3.1 Footways, Verges and Strips* states:
- 'A strong sense of enclosure and active street edges contribute to a pedestrians/cyclists sense of security and comfort by creating streets that are overlooked, animated and sheltered from inclement weather conditions'.* Whilst the wall encloses the footpath, it does so in a negative way that does not contribute positively to the pedestrians' sense of security and comfort when using this section of footpath.
- 7.2.6. I would have concern also that to grant the retention of part/ all of the wall may set an undesirable precedent for the piecemeal raising of boundary walls that would have a negative impact on the visual amenity/ character of the area and would have a negative impact on pedestrians in the area. I note the provision of public lighting in the immediate area and it is not clear if the retention of this wall would interfere with the dispersal of light.

7.3. Traffic/ Pedestrian Safety

- 7.3.1. I note the comments of the Dun Laoghaire-Rathdown Transportation Planning section and their concerns regarding pedestrian safety. The provision of a high wall does not assist drivers when exiting the subject property but also the neighbouring property to the north, number 21 Meadow Park Avenue may suffer reduced sightlines and potentially, also vehicles accessing the substation to the east of the site.

7.4. Appropriate Assessment Screening

- 7.4.1. Having regard to the nature and limited scale of the proposed development and the location of the site in an area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the following reason and considerations as set out below.

9.0 Reasons and Considerations

1. The retention of the boundary wall and associated piers, by reason of excessive height relative to existing boundaries, material finish, and design, would be out of character with the established pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the distinctive character of this area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard as the retention of the boundary wall and associated piers would reduce available sightlines along Meadow Park Avenue and Mountain View Drive especially where vehicular traffic exiting

residential units, and an access to an electricity substation, interact with pedestrians on the public footpath.

Paul O'Brien
Planning Inspector

19th December 2019