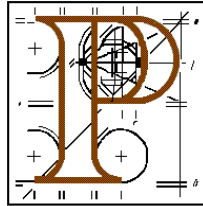


An Bord Pleanála



Inspectors Report

Appeal Reference No:	PL61.246248
Development:	Raise height of boundary wall.
Planning Application	
Planning Authority:	Galway City Council
Planning Authority Reg. Ref.:	15/355
Applicant:	Josephine O'Kelly
Planning Authority Decision:	Refuse permission
Planning Appeal	
Appellant(s):	Josephine O'Kelly
Type of Appeal:	First party
Observers:	None
Date of Site Inspection:	15/05/2016
Inspector:	Gillian Kane

1.0.0 SITE LOCATION AND DESCRIPTION

1.0.1 The subject site is located on the eastern side of the residential cul-de-sac Maunsells Park, which is located to the west of Maunsells Road, both in the residential suburb of Taylor's Hill in Galway City.

1.0.2 Currently on site is a two storey semi-detached dwelling with a small extension to the front elevation. Each of the dwellings in the cul-de-sac are of similar design. A 1.2m front boundary wall separates the subject dwelling from its immediate neighbour to the north.

1.0.3 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

2.0.0 PROPOSED DEVELOPMENT

2.0.1 Permission was sought to raise the height of part of the existing side boundary wall from the existing 1.2m to a height of 1.8m with a step down to 1.4m and a further step down to 1.2m.

3.0.0 PLANNING HISTORY

3.0.1 Planning reg. ref. **14/79**: Permission granted to retain front porch. Permission refused for the retention of a 2m high boundary wall. Reason for refusal: "The new 2m high rendered wall to be located on the front side boundary would, if permitted, be out of character with the prevailing pattern and architectural symmetry of residential development in the vicinity of this site. It would therefore seriously injure the residential amenities and depreciate the value of property in the area by virtue of its location and would therefore be contrary to the proper planning and sustainable development of the area".

3.0.2 Planning reg. ref. **08/452**: Permission granted for extension to front, and other refurbishment work.

4.0.0 PLANNING AUTHORITY DECISION

4.1.0 Planning and Technical Reports

4.1.1 **Engineering Dept**: No objection

4.1.2 **Planning Report**: Permission was refused for a 2m high wall previously. Majority of similar walls in the area do not have permission. Majority of dwellings addressing the green do not have such walls. Proposed development if permitted would adversely affect the visual and residential amenity of the area and would establish a precedent for similar development.

4.2.0 Planning Authority Decision

4.2.1 By order dated 11/02/2016 a notification of intent to REFUSE permission was issued for the following reasons:

1. The proposed increase in height of the front elevation, high level north boundary wall, if permitted, would be out of character with the prevailing pattern and architectural symmetry of residential development in the vicinity of this site. It would seriously injure the residential amenities and depreciate the value of property in the area by virtue of its location and would therefore be contrary to the proper planning and sustainable development of the area.

2. The applicant has failed to provide sufficient legal interest or permission for the construction of such a wall on the boundary division of two sites and if permitted, would be contrary to the proper planning and sustainable development of the area.

5.0.0 GROUNDS OF APPEAL

5.0.1 The grounds of the first party appeal can be summarised as follows:

- The proposed development would not be out of character with the area as several other houses have built similar walls. A precedent for such walls has been set at 29-38 Maunsells Park. Photos submitted.
- The proposed wall will be the same colour as the house. The first party is happy to accept conditions requiring specific details if necessary.
- Several larger walls exist which do not have the benefit of planning permission. (photos submitted). The first party questions how her proposal could damage residential amenity in the area.
- The minor extension proposed will not depreciate the value of property but will provide an increase level of privacy and security to both properties.
- The front door of the subject dwelling directly faces the front door of the neighbouring dwelling. The proposed wall will provide screening, security, privacy and shelter.
- The proposed wall is to replace a previous hedge that died. (photos submitted).
- The proposed wall will be entirely within the subject site. The fence that originally formed the boundary between the two properties was removed and the replacement wall was built within the site of no. 23 (photos submitted). A solicitors letter is

submitted stating that the proposed wall is entirely within the first party's site. No third party consent is required.

- The Board is requested to grant permission.

6.0.0 RESPONSES

6.1.0 Planning Authority Response

6.1.1 No comment

6.4.0 Observations

6.4.1 None on file.

7.0.0 LOCAL POLICY

7.1.0 Galway City Development Plan 2011-2017

7.1.1 The subject site is zoned R Residential in the Galway City Development Plan. The zoning objective for such areas is "to provide for residential development and associated support development which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods". Residential use is permitted in principle in such areas

8.0.0 ASSESSMENT

8.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the development
- Appropriate Assessment

8.1.0 Principle of the Development

8.1.1 The proposed development refers to the raising of an existing wall within the confines of the subject site, to a maximum height of 1.8m. It is considered that the proposed extension would be acceptable in principle subject to all other planning considerations being satisfactorily addressed.

8.1.2 Regarding the Council's second reason for refusal, the applicant has submitted sufficient legal interest to the making of the application. As per section 5.13 of the Development Management Guidelines, I note that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the

Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development.

8.1.3 The subject dwelling and the surrounding residential area are standard residential suburban dwellings. There is no prevailing architectural design or character of significance. The introduction of non-standard or non-identical features or structures would have no great significance on the architectural legibility of the area. Certainly, the construction of a stepped boundary wall is not such that it would be out of character with the area. Nor would it depreciate the value of subject dwelling or its neighbours. I fail to see how a boundary wall of 1.8m in height would seriously injure the visual or the residential amenities of the dwellings in Maunsells Park. I am satisfied that the proposed development is in accordance with the proper planning and sustainable development of the area.

8.2.0 Appropriate Assessment

8.2.1 Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

9.0.0 RECOMMENDATION

I have read the submissions on file, visited the site, and have had due regard to the provisions of the Galway City Development Plan 2011 - 2017, the planning history on the subject site and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan, would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

10.0.0

REASONS AND CONSIDERATIONS

10.1.0

Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

- 1 The development shall be carried out and completed 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

Gillian Kane
Planning Inspector
20/05/16