

# An Bord Pleanála



## Inspector's Report

PL15.246831

**DEVELOPMENT:-**

Retention of front boundary wall and railing to existing dwelling at Castletowncooley, Riverstown, Dundalk, County Louth.

**PLANNING APPLICATION**

**Planning Authority:** Louth County Council  
**Planning Authority Reg. No:** 15/632  
**Applicant:** Oisín McCann  
**Application Type:** Retention of Planning Permission  
**Planning Authority Decision:** Refuse

**APPEAL**

**Appellant:** Oisín McCann  
**Types of Appeal:** 1<sup>st</sup> Party -v- Refusal  
**Observers:** None  
**Date of Site Inspection:** 9<sup>th</sup> August, 2016.

**INSPECTOR:** Paul Caprani

## **1.0 INTRODUCTION**

PL15.246831 relates to a first party appeal against Louth County Council's notification to refuse planning permission for the retention of a front boundary wall and railing to an existing dwelling on the Carlingford Peninsula in County Louth. Planning permission was refused on grounds relating to visual amenity and the site's proximity to scenic designations contained in the Development Plan.

## **2.0 SITE LOCATION AND DESCRIPTION**

The appeal site in the townland of Castletowncooley, a rural area to the north of the N175 (Dundalk to Greenore Regional Road) and to the west of the R173 (Dundalk to Carlingford Road). The site is located on the eastern side of a local third class road which runs northwards along the western slope of Carlingford Mountain. The subject site is located approximately 3 kilometres north of the junction between the R173 and the R175.

The site itself is rectangular in shape and accommodates a large two-storey stone clad dwellinghouse and separate shed facing onto the roadway. The lands to the east of the site rise steeply towards Carlingford Mountain. The lands to the immediate rear of the site accommodate a dense conifer planting. The existing boundary wall along the site frontage comprises of a low stone clad capped wall approximately 600 metres in height. The stone cladding comprises of a mixture of brown and grey stone which generally match the external elevation of the house and shed. A series of stone clad pillars c.1.75 metres in height run along the front boundary. There are 11 pillars in total and each pillar incorporates a concrete cap with brick quoins. A low railing (c.400 millimetre in height) run along the stone capped walls between the pillars. The front boundary is recessed at its south-western corner to accommodate an entrance to the dwellinghouse. Photographs of the front boundary are attached.

## **3.0 PROPOSED DEVELOPMENT**

Retention of planning permission is sought for the front boundary as constructed.

#### **4.0 PLANNING AUTHORITY'S DECISION**

The planning application was lodged on 22<sup>nd</sup> September, 2015.

On 5<sup>th</sup> November, 2015 Louth County Council requested further information in relation to the following:

- The applicant is requested to consider the removal of the railings and piers which have been erected on top of the boundary wall and the replacement with a scheme of native hedgerow planting.
- The applicant is requested to submit revised site plan clearly showing the provision of minimum sightline requirements.
- Where any sightline requirements impinge on third party lands, the applicant is requested to submit a formal legal agreement and detailing the works required to comply with the visibility splay.
- The applicant is requested to submit details in relation to surface water drainage at the existing entrance.
- The applicant is requested to submit a revised newspaper and site notices in respect of the further information response.

Further information was submitted on 12<sup>th</sup> May, 2016 and is briefly summarised below:

It is stated that the applicant is proposing to soften the boundary to the front of the property by planting native deciduous hedge. The effect would be to block the bulk of the wall and soften the appearance.

Further details are submitted indicating sightlines in compliance with the original permission. The utility pole will be relocated and the adjoining hedge will be moved back. The works to be carried out do not require any agreement from third parties as the lands in question belong to the applicant. Finally details of SUDS calculations are enclosed.

The application was further assessed by the Planning Authority and the infrastructure office of Louth County Council recommended that planning permission be granted subject to seven conditions.

The planner's report considered that the planting scheme as proposed is an inadequate attempt to address the concerns raised in the further information request. There is no justification provided as to why the

applicant did not develop the roadside boundary treatment as per the initial application for the dwelling under Reg. Ref. 05/743. It is noted that the dwelling to the south is a stone wall but this extends only 8 metres whereas the boundary treatment in relation to the application site extends for 40 metres along the length of the roadway. The site is also located along a designated scenic route and Policy HER62 seeks to prohibit development that would interfere or adversely affect scenic routes. It is therefore recommended that planning permission be refused for the following reason.

*'The site of the proposed development is located within Development Zone 2 as designated in the Louth County Development Plan 2015-2021. It is the strategic objective of the Planning Authority in relation to Control Zone 2 to protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community. Furthermore the site is located along Scenic Route SR12 as outlined in Table 5.15 and Map 11.2 of the Development Plan and it is therefore considered that the front boundary wall and railings for which retention permission is being sought by reason of the materials used and the extent of the boundary treatment along the entire site frontage is obtrusive in this landscape, would diminish the rural character of the area, and would be contrary to the proper planning and sustainable development of the area and would materially contravene Policy SS64 and Policy HER62 of the Louth County Development Plan 2015-2021'.*

## **5.0 PLANNING HISTORY**

Partial details of Reg. Ref. 05/743 have been submitted to the Board by Louth Co. Council. It includes the site layout plan does not include details of the front boundary. The planner's report indicates that under parent application planning permission was granted for the demolition of an existing dwellinghouse and the construction of a new 1½ storey replacement dwellinghouse together with effluent treatment system, percolation area and all associated site works. This is the parent permission relating to the site.

## **6.0 GROUNDS OF APPEAL**

- The appellant began construction of the boundary wall in 2005. The appellant received a warning notice in respect of unauthorised development in early 2015. The appellant attempted to engage with the planning office but was refused a meeting.

- The steel railings on top of the wall are in keeping with other properties in the area and the wall is constructed of traditional materials to match the dwellinghouse.
- The appellant is proposing to soften the boundary to the front of the property by planting a native deciduous hedge. Such planting has proved to be very successful to the rear of the dwellinghouse.
- It is contended that the boundary does not affect the designated Scenic Route SR12. The wall is set back in excess of 2.5 metres from the public roadway. The boundary is much less obtrusive than other boundaries along the route and is constructed of traditional materials and as such is not in contravention of policies set out in the Development Plan.
- Photos are attached to the rear of the report indicating other boundary walls in the area.
- The boundary does not interfere with visibility and incorporates appropriate vision splays. Reference is made to the gabion walls in stone cages at a housing development to the immediate north of the subject site (see photos attached to the appellants submission and the photo's attached to my report).

## **7.0 APPEAL RESPONSES**

The Planning Authority have no further comments to make over and above the planner's report in respect of the application and appeal.

## **8.0 DEVELOPMENT PLAN PROVISION**

The site is governed by the policies and provisions contained in the Louth County Development Plan 2015-2021.

Section 2.19.17 of the Development Plan relates to roadside boundaries. It states that the protection of the rural landscape, wildlife and the dense network of hedgerow boundaries are very important to landscape protection, biodiversity, conservation and environmental sustainability. It is recognised that the cumulative effect of the removal of hedgerows to facilitate one-off houses in rural area can result in a very significant loss of habitat of flora and fauna and detract seriously

from the aesthetic value of the landscape. The development plan notes that it has been the practice to remove all roadside hedgerows and ditches just to enable the dwelling to be seen and to facilitate the construction of inappropriate boundary walls and entrances. Planning permission may not be considered favourably where excessive lanes of roadside hedgerows or trees need to be removed to facilitate the development. Any planting required shall be carried concurrently with the development of the dwelling or in the first planting season following the commencement of works on site.

Policy SS63 requires that all new accesses are located having regard to both road safety and the protection of existing roadside hedgerows, trees and boundaries.

Policy SS64 seeks to require where it is necessary to modify or remove the existing roadside boundary in the interest of traffic safety and that the new boundary is located behind the visibility sightline and that a new boundary consistent with the nature and character of the area is planted behind the visibility sightline.

In terms of landscape designation, the site is located within Zone 2 of the Louth County Development Plan which is an area designated for high scenic quality where it is the objective to protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community.

The road serving the site is also designated as a Scenic Route SR12 as indicated in Table 5.15 and Map 11.2 of the Development Plan.

Policy HER62 seeks to prohibit development that would interfere with or adversely affect the scenic routes as identified in Table 5.15.

## **9.0 PLANNING ASSESSMENT**

I have read the entire contents of the file, visited the site in question, have had particular regard to the reason for refusal and the arguments set out in the grounds of appeal. I consider the Board in this instance can restrict its deliberations to the issues cited in the reason for refusal namely the design of the front boundary and its potential impact on the scenic amenities of the area.

Partial details of the original application are contained on file however there are no details of the front boundary fence. As a result it is not possible to ascertain to what extent the proposed development varies from the original permission granted.

The appellant argues in the grounds of appeal that the proposed development is of acceptable design and that there are similar developments in the vicinity that incorporate similar type boundary treatments. I have inspected the surrounding area and I note that there are number of dwellings which incorporate similar type stone clad boundaries with pillars and railings. However, these roadside boundaries are more modest in extent and do not extend over 40 metres as in the case of the current appeal site before the Board. I also acknowledge that the small residential housing development approximately 250 metres to the north of the subject site (see photographs) incorporate stepped gabion caged walls which are in my view inappropriate and incongruous in the context of the existing rural setting. There is also some merit in the argument that the existing treatment of the front boundary is similar to the external cladding of the dwelling in question.

However, all these arguments must be assessed in the context of the policies and provisions contained in the development plan in relation to front boundaries and particularly in the context of the scenic amenity designations of the area. The Carlingford Peninsula is a beautiful and dramatic landscape and is dominated by Carlingford Mountain. This is reflected in the scenic designations contained in the development plan. The proposed boundary wall in my view represents an incremental, if modest, scenic erosion of the rural landscape. Under the original grant of planning permission, Ref. 05/743 according to the planner's report the site layout plan granted indicated that the front boundary hedgerow would be removed and new timber post and rail fencing would be provided and would be back planted with trees. The front boundary as constructed represents a significant departure from this condition.

On balance therefore I consider that a grant of retention of planning permission in this instance would contribute to the gradual erosion of the scenic amenity of the area and would be contrary to the scenic designations contained in the development plan. I consider that the Board should have particular cognisance of the fact that the boundary wall is located along a designated scenic route. I would also refer the Board to Policy SS64 which seeks that new roadside boundaries will be

consistent with the nature and character of the area and be appropriately planted.

This policy is particularly important in the context of the scenic designations related to the area. While there is some merit in the arguments put forward in the grounds of appeal, I consider that the Board should uphold the decision of the Planning Authority and refuse retention of planning permission for the front boundary wall as constructed. If the Board disagree with the above recommendation and consider it appropriate to grant retention of planning permission in this instance, I recommend that a condition be attached requiring significant levels of deciduous planting along the inside boundary of the wall in order to soften the visual impact arising from the development.

## **10.0 DECISION**

Refuse retention of planning permission for the roadside boundary based on the reasons and considerations set out below.

### **REASONS AND CONSIDERATIONS**

It is considered that the roadside boundary as constructed is of an inappropriate design being located adjacent to designated scenic routes in the Louth County Development Plan 2015-2021. Furthermore the site is located in Control Zone 2 of the Development Plan which seeks to protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community. This objective is considered reasonable. The front roadside boundary for which retention of planning permission is being sought would contravene materially the development objectives indicated in the said development plan and would seriously injure the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

---

**Paul Caprani,**  
**Senior Planning Inspector.**

**9th September, 2016.**

**sg**