



An  
Bord  
Pleanála

## Inspector's Report PL15.247470

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<b>Development</b>	Retention and alterations of an existing fence on south roadside boundary, proposed erection of additional fencing on east and west boundaries of garden along with associated works
<b>Location</b>	2 Forest Edge, Stameen, Drogheda, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	16/571
<b>Applicant(s)</b>	Brian McCann
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First against Condition No. 2
<b>Appellant(s)</b>	Brian McCann
<b>Date of Site Inspection</b>	20 January 2017
<b>Inspector</b>	Una Crosse

## **1.0 Site Location and Description**

- 1.1. The site comprises the rear and side boundaries of a residential property (No. 2) located within the residential estate of Forest Edge which is located off the Dublin Road in Drogheda. The rear boundary of the site addresses the Dublin Road with the road level c. 1.8 metres higher than the ground level within the appeal site. The site accommodates a detached dwelling house which addresses the internal estate road. Within the rear garden of the property there are quite a number of single storey structures of varying size. The rear boundary of the site comprises a stone wall which extends along this side of the public road and the fence, subject of this appeal, inside the stone boundary wall. The fence is green corrugated sheeting and has a stated height of 2.55m. The rear boundaries of the adjoining properties comprise the stone boundary wall backed by mature trees

## **2.0 Proposed Development**

- 2.1. The development proposed comprises two elements. Retention of and alterations of an existing fence which is located on the southern roadside boundary of the site addressing the Dublin Road. At the road edge the fence is 2.55m in height and c17.5m in length. It is proposed to lower the fence to 2.4m in the drawings submitted. It is also proposed to place vertical timber slats fixed on timber batons to the roadside elevation of the fence.
- 2.2. It is also proposed to erect a fence on the eastern and western boundaries of the site which varies in height along the boundaries from the southern (roadside boundary).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted for the development subject to 4 conditions which include the following:

C2 – existing roadside fence shall have a max. height of 2.2m and shall be clad in dark green stained timber;

C3 – proposed side boundary fencing shall have max. height of 2.4m and clad in dark green stained timber;

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Reports**

The Planners report notes that the proposal seeks to amend what was previously refused by lowering the roadside fence by 0.15m and cladding it with green timber and considers that the revised proposal subject to amendments would not have a negative impact on the visual amenities of the area on the basis that the roadside fence would have a minimum height of 2.2m and side fencing to have a maximum of 2.4m. Given proposal relates to a fence it is not considered appropriate to attach a condition relating to down piping. No significant effects on Natura 2000 sites are envisaged. The site is not located within an area known for flooding.

#### 3.2.2. **Other Technical Reports**

None

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

There were three submissions to the PA which concerned surface water from the site impacting on the adjoining site and the inappropriate material and height of the fence and impact on the entrance to the town.

## 4.0 **Planning History**

- 4.1. **Ref. 15/800** – permission granted for retention of an existing corrugated metal store in garden and permission refused for retention of an existing fence on south roadside boundary and proposed additional fencing on east and west boundaries of the garden. The reason for refusal stated that the existing and proposed fence on the Dublin Road due to the materials used and excessive height had a negative and injurious impact on visual amenities of the area.

## 5.0 Policy Context

### 5.1. Development Plan

The site is within an 'existing residential zone' in the Drogheda Borough Council Development Plan 2011-2017. The objective of the zone is to protect and/or improve the amenity of developed residential communities.

### 5.2. Natural Heritage Designations

The appeal site is located c.1.3metres from the Boyne Estuary SPA and a little further from the River Boyne And River Blackwater SAC.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- Appeal is against Condition No. 2 which requires roadside fence is reduced to 2.2m;
- Request height is retained as exists at 2.55m or not reduced below 2.4m;
- Previous application made (15/800) for retention of a fence which had a height of 2.55m on the road side;
- Current drawings show a fence height of 2.4m over ground on the road boundary;
- This is minimum height that will provide security and sound reduction for the enjoyment and security of the property with garden at a lower level than road level;
- Considerable increase in traffic on the R132 (Dublin Road) with increase in noise and fumes with higher fence reducing effect of noise;
- Footpath constructed along rear boundary wall of property increasing number of pedestrians with direct views into the appellant's garden with security undermined;

- Security fencing discussed with local authority but not put in place with appellant erecting a fence to protect his own property;
- Traffic noise level assessed by Resonate Acoustics which found that traffic sound levels are reasonably loud, exceeds those recommended by the WHO and would be desirable for additional shielding to be provided;
- Night time noise level (estimated on daytime measurement) would significantly exceed the 45 dB(A) external noise level;
- Barrier along the rear boundary provides effective attenuation from the traffic and desirable to extend the barrier along to east and west to provide further attenuation with reduction in height of existing barrier reducing its effectiveness;
- Cladding of the roadside face of the fence in stained timber could be carried out if considered necessary;

## 6.2. Planning Authority Response

The Planning Authority response is summarised as follows:

- PA mindful of the visual location of the site and the fencing at the main entrance point to Drogheda which was a consideration in the assessment;
- PA supporting the policies and objectives in the Development Plan to raise standards on the approach to the town is the context within which the conditions were considered.

## 7.0 Assessment

- 7.1. The subject appeal is solely related to Condition No. 2 of the Notification of Decision from the PA which requires that the subject fence is reduced in height from its existing 2.55m (and proposed 2.4m) to 2.2m. The appellants are seeking to remove or amend the condition such that the fence remains at 2.55m in height or is not less than 2.4m.

I consider that having regard to the nature of the development and the decision reached by the PA that it is appropriate to consider the appeal under Section 139(1)(c) of the Planning and Development Act, 2000 on the basis that the Board is

satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted.

7.2. On the basis that the Board is satisfied that a determination of the application as if it had been made in the first instance is not warranted I would suggest that the key issues in respect of this appeal against Condition No. 2 are the need for a fence of the height existing or proposed and the visual impact of same, which I will address in turn as follows:

- Need for the Height Existing/Proposed
- Visual Impact of Existing/Proposed Height
- Appropriate Assessment

#### 7.2.1. Need for the Height Existing/Proposed

Condition No. 2 of the Notification which is appealed requires that the roadside fence shall have a maximum height of 2.2 metres. The appellants request that the Condition is amended such that the height of the fence at the roadside boundary is retained as exists at 2.55m or not reduced below 2.4m

The appellants state that the fence is necessary to attenuate noise from the road and to provide a security fence from trespass of the property. In relation to noise, while it is clear that a higher fence would attenuate more noise as is set out in the report accompanying the appeal, I do not consider that the dwellinghouse is so close to the road such as would warrant the scale of fence existing or proposed at 2.4m particularly given the absence of such fencing along most boundaries along this stretch of the Dublin Road. There is no detail provided as to the additional attenuation achievable by increasing the fence from the 2.2m permitted in Condition 2 to the 2.55m existing or the 2.4m proposed in the drawings.

In relation to security, I do not consider that there is any apparent justification that would provide that a fence any higher than 2.2m is necessary. Most of the properties along this stretch of the road have no fence along the roadside boundary. I noted one timber fence along a boundary to the west of the site which I noted was in quite

poor repair. In this regard I do not consider that the appellants have provided any justification for the height required on the basis of security or amenity.

#### 7.2.2. Visual Impact of Existing/Proposed Height

The key issue I would suggest is the visual impact of the fence on the visual amenity of the area which comprises one of the principle entrances to Drogheda Town Centre. The fence is currently constructed of green corrugated sheeting which I consider is industrial in nature and visually inappropriate for the context. Condition No. 2 as set out requires that the fence shall be clad in dark green stained timber. I note that the appellant states in the appeal that the cladding of the fence in timber would be carried out if the Board required same and I would suggest that such timber cladding would be essential to soften the existing visual impact.

In relation to the height, as currently exists, the fence is 2.55m. The proposal in the application is that the fence would be reduced to 2.4m and the PA have conditioned that it be reduced to 2.2m. The appellants are requesting that the condition is amended such that the existing height remains or that it be reduced no further than 2.4m. I consider that both the existing and proposed heights of 2.55m and 2.4m are excessively high and create an inappropriate visual impact. Reducing the height to 2.2m as required by the PA in Condition 2, coupled with an improved treatment would reduce the impact of the proposal and create a softer impact than what currently exists. In this regard I consider that the condition as exists is appropriate.

#### 7.3. Appropriate Assessment

Having regard to the nature and scale of the proposed development, nature of the receiving environment, the absence of any hydrological link between the site and the most proximate European sites and the likely emissions arising from the proposed development, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to **ATTACH** Condition Number 2 and the reason therefor.

## 9.0 Reasons and Considerations

Having regard to the location of the site on one of the key entrance routes into Drogheda Town Centre, the established pattern of development in the area and the nature, scale and design of the proposed development, it is considered that the attachment of condition number 2 is warranted in order to protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.

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Una Crosse  
Senior Planning Inspector

January 2017