



An
Bord
Pleanála

Inspector's Report PL27.248404.

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| Development | Retain stone clad concrete boundary wall at Pine Cottage, Windgates, Bray Co. Wicklow. |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 17/131 |
| Applicant | Niall Lawless |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Appellant | Niall Lawless |
| Observers | None |
| Date of Site Inspection | 27 th June 2017 |
| Inspector | Mairead Kenny |

1.0 **Site Location and Description**

The site is located in a rural area close to Greystones and along the R761 between Bray and Greystones. The site frontage is thus prominently located and the appeal relates to an application to retain the wall, which is situated along the length of the residential frontage. The house which is served by the entrance is in an elevated position off the road and is not generally visible from street level.

The stone wall which has been constructed is of concrete block and faced with what appears to be a reconstituted grey coloured stone. The driveway to the house is steep and the stone wall retains an area of earth for part of its length.

Photographs of the site and surrounding area which were taken at the time of my inspection are attached.

2.0 **Proposed Development**

Permission is sought to retain the wall.

By way of an appeal submission it is proposed to landscape the wall in addition.

3.0 **Planning History**

The parent permission appears to be reg. ref. 02/6177 under which two conditions are relevant.

Condition 2 relates to the setting back of the front boundary. Condition 3 relates to the completion of the front boundary with a sod and stone bank of between 0.8m and 1.1m in height and planted with appropriate species of hedgerow to form a continuous screen.

Reg. ref. 03/9772 refers to a change of house design – relevant conditions relating to the roadside boundary were re-stated.

4.0 Planning Authority Decision

4.1. Planning and Technical Reports

The planner's report refers to:

- Appendix 2 of the Single Rural House Design Guidelines
- The 2m – 2.6m height
- Location of the site between two towns and along a visually sensitive road
- Entirely out of character – height and scale and materials are visually unattractive.

4.2. Decision

The planning authority decided to refuse permission for the reason summarised below:

- Visually sensitive rural area separating the two towns and close to the SAAO
- The 45m length
- Nature of the surrounding boundaries largely made up of mature trees and hedgerow
- The design and character of the stone clad wall that is out of character with the rural area
- Visually unattractive suburban type boundary that would blur the distinction between urban and rural areas
- Contravention of condition 3 of reg. ref. 02/6177.

5.0 Grounds of Appeal / Observations

5.1. Grounds of Appeal

The main points of the first party appeal are:

- The reasons for construction of the wall included the difficulties in maintaining sightlines with the hedge in place and the safety requirements of children resident on the site
- It was considered exempted development at the time
- The site is in a rural area (level 10) and the stone cladding is intended to assimilate the wall into the rural environment and to have regard to the contemporary design of the house
- A 1.1m high wall would not have been sufficient to provide for the retaining function and safety
- Hedgerows in this area only exist where there are fields – it is a busy road and not a quiet rural area
- Where the road was widened in the past 10 years by the local authority stone walls were put in place, not hedgerows
- The stretches of wall at 17.5m and 22.7m are not long
- The previous boundary is shown in the attached Google image – it did not allow for adequate sightlines
- The 2.6m high wall has the added benefit of retaining the earth embankment
- There are similar boundary treatments in the vicinity and no particular local aesthetic
- Although we consider the wall to be acceptable in its current format the applicant has proposed some landscape mitigation works
- The wall and the widened verge provide a safer environment for pedestrians.

6.0 Responses

6.1. Planning Authority response

None.

7.0 Policy Context

Under the provisions of the current county development plan the site is in a rural area. The following extracts refer to boundary features for houses in rural area – this is from Appendix 2 which is the rural house design guidance.

The design of walls and boundaries, particularly those along public road frontages, shall be suitable to the rural location. In the first instance, existing hedges and trees lining boundaries should be maintained. However, where they require to be removed for sightline or other reasons, they shall be replaced by a similar hedge of native species interspersed with suitable native trees. Long stretches of solid walls or railings will not be permitted, notwithstanding their perceived design quality. Sod-and-stone banks and dense hedges behind roadside drainage ditches are the prevalent traditional roadside boundary in County Wicklow – it will be a normal requirement of permission that such boundaries be provided or reinstated. Existing side or rear boundaries, particularly mature field boundaries, should be maintained. Where new boundaries are required, they should not comprise solid walls or long straight, dense lines of evergreen trees. Instead clusters of trees at strategic locations around the site, which will appear more natural in time, will be preferred.

8.0 Assessment

My comments on the merits of this appeal are as follows.

Sightlines / safety

There was a requirement under the condition of the permitted development that the roadside boundary be set back. As such the case made in relation to the enhanced sightlines is not relevant. The terms of the permission required that the hedgerow as shown in the Google images be revised. It is not necessary to construct a stone wall to provide the required sightlines.

Similarly I do not agree with the conclusions presented in relation to the creation of a safer environment for pedestrians, or indeed for resident children. The requirement under the condition of the permitted development was to position a new bank and hedgerow at an appropriate location and to plant a continuous hedge, all of which could have achieved the same results.

Compatibility with house design

I consider that the associated requirement set under the conditions of the previous permission, which was that the replacement boundary be a sod and bank was reasonable. I do not accept the argument related to the contemporary design of the house as the two structures are not generally seen in the same view.

Retaining wall function

This argument has some merit but only in relation to the northern half of the wall. The southern half of the wall backs onto a much lower part of the site and there is no particular requirement at that location for a retaining wall.

Character of the wall

Stone walls are a feature of this area. It is also true that there are a range of wall types at residential properties in the area. The majority of residential properties in

this area are cottages which are close to the road and where stone walls are a feature.

The decision of the planning authority refers to the design and character of the stone clad wall. I consider that these matters together with the height and length of the wall require consideration.

The subject stone appears to be a reconstituted stone. Its grey colour is alien to this rural environment where sand / buff colour stone dominates.

The height of the wall would represent a significant departure from the dominant pattern of development in the general area. While there are many stone walls and some rendered walls in place, most are in the region of 1.1m height.

The length of the wall is also significant. The site frontage of 45m together with the height and exposed nature of the wall results in a visually obtrusive structure.

I agree with the conclusion of the planning authority that this wall is entirely inappropriate, that it is suburban in nature and that it blurs the distinction between the rural and urban areas.

Development plan policy

The guidance on boundary details for rural housing is unambiguous. It is clearly stated that the preference is to retain existing hedges and banks or to reinstate such features, where their removal is required. It is further stated that

Long stretches of solid walls or railings will not be permitted, notwithstanding their perceived design quality.

The guidance also reiterates that

Where new boundaries are required, they should not comprise solid walls or long straight, dense lines of evergreen trees.

The subject development is completely at odds with the adopted development plan requirements.

Landscape mitigation

The hedgerow planting to the front of the wall would be likely to impede sightlines and be contrary to the appeal statements relating to the safety of the pedestrian environment. Furthermore, the wall would remain exposed for much of its length. I do not consider that the proposed measures in the form of the landscaping should be accepted as sufficient mitigation.

9.0 **Conclusions and Recommendation**

I recommend that the Board uphold the decision of the planning authority and refuse permission for the reasons and considerations below.

Reasons and Considerations

Under the provisions of the design guidelines for new homes in rural Wicklow as set out in Appendix 2 of the Wicklow County development Plan 2016-2022 the requirement for roadside boundaries is for replacement hedgerows and includes a clear prohibition on the construction of long stretches of solid walls. It is considered that the development, which it is proposed to retain would by reason of its 45m length and 2.2m minimum height and the nature and colour of the selected stone constitute a suburban form of development, which is out of character with the rural area and is visually obtrusive. The proposed development therefore materially contravenes the requirements of the development plan and is thus contrary to the proper planning and sustainable development of the area.

Mairead Kenny

Senior Planning Inspector

28th June 2017