



An
Bord
Pleanála

Inspector's Report PL09.248590.

Development	Erection of a 2 metre high boundary fence to the side of house and all associated site works.
Location	Strand House Road, Loughbrown, Curragh, County Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	17/295.
Applicant	Mary Cummins.
Type of Application	Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellants	Mary Cummins.
Observers	None.
Date of Site Inspection	21 st August 2017.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area to the west of the built up area of the town of Newbridge in the townland of Loughbrown. The site fronts onto a local road referred to as Standhouse Road linking Newbridge and the R413 which runs to the north of the Curragh racecourse and this road defines the site's eastern boundary.
- 1.2. On the site is a single storied detached structure and there are dwellings located on the adjoining lands to the north and south. The dwelling on the site is located in the eastern area of the site with the front building within 12 metres of the public road. The dwelling to the north is set back further from the road than the dwelling on the appeal site and is approximately 70 metres from the road.
- 1.3. The site is roughly rectangular in configuration with a road frontage of in excess of 50 metres tapering down to 22 metres at the rear (western) boundary. The site has an extensive depth of approximately 150 metres.
- 1.4. The site is also very variable in relation to site levels being higher in the southern area of the site and also the eastern area of the site near the public road. There is a significant fall in level to the north elsewhere in the site and the site is at a higher level than lands to the north.
- 1.5. In relation to the northern boundary the section of the boundary in proximity has been removed. There are a number of vertical posts which were to be used to attach a fence onto. The remainder of the boundary relating to the proposed development comprises a mature row of leylandii trees. There is also other mature planting in proximity to the boundary.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority was for the erection of a boundary fence to the side of house and all associated site works. The proposed fence is located on the northern boundary and will be a stated 65.771 metres in length. It will be initially 1.2 metres in height forward of the front building line of dwelling increasing to 2 metres and will be at this height for most of its extent.

The fence is uPVC eco fencing made from 100% recyclable uPVC in solid panels supported on and by posts.

- 2.2. I would note elevation AA on drawing sheet 1 is not as presented though I would also note the handwritten notes reflecting this and referring to the slope should be downwards. This would reflect the fall in levels I have referred at the northern boundary of the site.

3.0 Planning Authority Decision.

3.1. Decision

The decision of the planning authority was to refuse permission. One reason was stated which refers to section 16.6.1 of the county development plan referring to boundary treatments and that the development would be in conflict with the provisions of this section.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 10th of May 2017 refers to;

- The policy context in particular chapter 16 of the county development plan, rural design, and in particular section 16.6.1 boundary treatments. Chapter 17 and in particular section 17.4.5 relating to development standards is also referred to.
- The context of the site relative to the area and adjoining site and visual impact of the fence.
- The fence is considered visually unacceptable.
- Refusal was recommended.

4.0 Planning History

No planning history relative to the site. The appellant refers to history in the context of the adjoining site to the north.

5.0 Policy Context

5.1. Development Plan

Kildare County Development Plan 2017-2023.

- 5.2. Chapter 16 of the plan relates to rural design. Boundary Treatments are specifically addressed in section 16.6.1 where it is indicated;

“Boundaries and the materials used on them can impact the rural nature of an area. Boundaries can provide a significant level of richness and add to the character of a dwelling site and therefore attention should be given to their design.

The objective in site selection is to ensure that a majority of the boundaries should already be in place in the form of existing hedgerows and trees. Where boundaries need to be completed care should be taken to link the buildings to the landscape. By landscaping the boundaries of the house the visual impact of the development will be softened and it will be more easily absorbed into the surrounding countryside. New boundaries should be planted before or at least simultaneously with the building work in order to anchor the new building to the surrounding landscape.

In general, high walls and fences, – in particular decorative brickwork, should be avoided. Stone walls may be appropriate in certain parts of the countryside. Timber post and rail stud fencing may be acceptable where it is planted with indigenous hedgerows.

The Council will actively discourage high roadside boundary walls, entrance gates and piers which appear incongruous and dominating in the Kildare landscape”.

- 5.3. Chapter 17 refers to Development Management Standards and section 17.4 5 specifically refers to residential development *Dwelling Houses – Design / Layout / Boundary Treatment.*

The standards largely relate to urban settings and in relation to boundary treatments it is indicated;

“High quality boundary treatments are generally required to enclose private open space. A 1.8m – 2m high wall of solid block, capped and plastered on both sides, is generally acceptable. The Council will consider alternative boundary treatments on

their merits. All boundaries shall be of high quality solid construction with no gaps. Post and wire or timber post and panel fencing is not permitted.

Concrete post and base with timber panel fencing will be considered for the side boundaries between rear gardens, provided a 2m length of 1.8-2m high block wall, capped and plastered, is provided for the initial 2m from the rear building line of the house”.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant in the grounds of appeal refers to;

- Permission was granted 2.4 metre wall to the adjoining landowner and reference is made to 08/2160 and PL09.233058 in this regard.
- The appellant is unable to maintain the hedge which has existed along the boundary and wished to replace it with a boundary of low maintenance.
- The council was contacted about the removal of the hedge and replacement with a fence but did not respond.
- After starting to erect the fence the council contacted the appellant.
- The appellant cannot understand why permission was granted for a 2.4 metre high wall and not for the fence applied for.
- The boundary treatment as permitted was not carried out and the appellant is looking to obtain a level of privacy by erecting a fence along a boundary where permission was previously permitted.
- There is no objection to the fence from the adjoining owner.
- The height of the fence is necessary to provide privacy which cannot be provide with a lower fence height.
- The fence and its proposed height is necessary for privacy and security and to prevent a dependent adult with vascular dementia not crossing a lower height of fence into the adjoining lands.

- A reduction to 1.8 metres along a section of the fence is offered as mitigation.
- Photographs are included in the submission in support of the grounds of appeal.

6.2. Planning Authority Response

The planning authority in a submission indicate that their position remains unchanged in relation to the proposed development. The revisions in relation to height are noted but the planning authority retains the view in relation to visual impact arising from the development.

7.0 Assessment

- 7.1. The proposal as submitted is for the erection of a boundary fence to the side of house and all associated site works. The proposed fence is located on the northern boundary and will be a stated 65.771 metres in length. It will be initially 1.2 metres in height forward of the front building line of dwelling increasing to 2 metres and will be at this height for most of its extent. The fence is uPVC eco fencing in solid panels supported on and by PVC posts.
- 7.2. The proposal is to replace an existing row of leylandii trees along 65 metres of the boundary some which are removed and the remainder are in situ. The trees are being removed owing to issues of maintenance and a new fence would overcome this issue of ongoing maintenance.
- 7.3. The principle of erecting a boundary is not at issue. The issues which arise relate to the nature of the boundary in particular the type and finish of the boundary, the height of the boundary and matters of visual impact.
- 7.4. It should initially be stated that issues of visual impact relate to the eastern area of the site which is relatively high in elevation in the context of the public road and any form of boundary will be visible. I would, however, note that visual impact is immediate to the site on both approaches along the road and given the vertical and horizontal alignment of the road diminishes rapidly with distance from the site. A high boundary along the appeal site's road frontage also reduces the view of the site's northern boundary. Impact therefore is confined to the immediate vicinity of the site.

Any fence type structure would however be very visible on the approach to the site from the north.

- 7.5. In relation to the material used the proposed fence stated is uPVC eco fencing made from 100% recyclable uPVC in solid panels supported on and by posts varying in height from 1.2 metres to 2 metres though the appellant has referred in the grounds of appeal to a reduction in height to 1.8 metres. This material is largely the basis of the planning authority's reason to refuse permission and reference is made to section 16.6.1 of the KCDP in this regard.
- 7.6. This section refers to rural areas and the design of boundary treatments. It emphasises natural finishes for boundaries and absorbing into the surrounding countryside which is I consider a reasonable approach. It does indicate that "*in general, high walls and fences, – in particular decorative brickwork, should be avoided*". It does consider that stone walls may be appropriate in certain parts of the countryside and also that timber post and rail stud fencing may be acceptable where it is planted with indigenous hedgerows.
- 7.7. In this context the plan allows for consideration of boundaries other than planting and hedgerows. I do not consider that uPVC would constitute an appropriate design response in a rural area. I would have no objection to a timber fence or other sympathetic finish as permitted for consideration by section 16.6.1 but the drawing specifically identifies uPVC as the material to be used.
- 7.8. In relation to the height the greatest visual impact arises in the eastern section of the boundary nearest the road. It is the area of greatest variance in level between the appeal site and the adjoining lands and the public road. The boundary should not, I consider, exceed 1.2 metres above finished ground level for a minimum distance of 7 metres from the front boundary and gradually increase to a height of 1.8 metres 12 metres from the road where the site levels begin to fall. A higher height as indicated although it overlooks a front garden area visible from the public road would be visually very dominant in the context of the adjoining site and area. The use of the material proposed would increase this dominance.

8.0 Recommendation

- 8.1. I recommend that permission be refused.

9.0 Reasons and Considerations

Having regard to the provisions of the current Kildare County Development Plan 2017-2023 and in particular the provisions as stated in section 16.6.1 relating to boundaries in rural areas, it is considered that the provisions as stated are reasonable. The proposed development incorporating a uPVC panelled fence would be in conflict with the stated provisions of section 16.6.1 of the said plan, would represent a visually discordant feature in the rural area and impact on the visual amenities of the immediate area and properties in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Derek Daly
Planning Inspector

22nd August 2017