



An  
Bord  
Pleanála

## Inspector's Report ABP-300149-17

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<b>Development</b>	Roadside boundary and entrance walls
<b>Location</b>	Willow Lodge, Railway Road, Kenmare, County Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	17/836
<b>Applicant(s)</b>	Margaret Gleeson-O'Byrne & Paul Bennett
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First
<b>Appellant(s)</b>	Margaret Gleeson- O'Byrne & Paul Bennett
<b>Observer(s)</b>	Eileen Daly
<b>Date of Site Inspection</b>	23 <sup>rd</sup> February, 2018
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located on the western side of Railway Road in Kenmare, County Kerry. There is an existing detached two-storey dwelling on the property and the existing front roadside boundary (east) is laid out in accordance with the details submitted with the application. The external walls of the dwelling are finished in a mix of red brick and plaster. The roadside boundary wall along the northern boundary of the site is constructed in natural stone.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the retention of an existing roadside boundary and entrance walls that front an existing dwelling. The boundary consists of red brick walls with black brick coping and entrance pillars, inclusive of light stands on the pillars.
- 2.2. Details submitted with the application included a covering letter explaining how the development resulted and also suggested that the applicants would be willing to reduce the height of the boundary wall.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 18<sup>th</sup> October, 2017, Kerry County Council decided to refuse permission for the development for two reasons relating to the development being out of character and because it contravened Condition 6 of Planning Permission 96/1730.

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

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

The Planner noted the site's planning history, local area plan provisions, and third party submissions received. It was acknowledged that Condition 6 of Planning Permission 96/1730 required the boundary wall that was in place at that time to be reduced to 1 metre in height. The finishes of the new wall now in place were considered to be out of keeping with the visual character of the area, would set an

unwanted precedent, and would be contrary to the LAP development strategy. A refusal of permission for two reasons was recommended.

### 3.3. **Third Party Observations**

An objection to the proposal was received from Eileen Daly. The observation to the Board reflects the concerns raised.

Letters of support for the proposal were received from N. O'Sullivan and Marianne McGrath, Marian O'Shea, John and Mary McCormack, and Michael and Nuala Hussey.

## 4.0 **Planning History**

### P.A. Ref. 96/1730

Permission was granted for a house in 1997. Condition 6 was as follows:

*"6. Vehicular access, of minimum width 3.6 metres, shall be constructed at the location marked as a pedestrian entrance on the layout received on the 6/12/1996. The boundary wall shall be reduced to 1 metre in height to provide sight distance and the public footpath shall be dished. These works shall be carried out in consultation with and to the standards specified by the Area Engineer in Kenmare.*

**Reason: To avoid a traffic hazard."**

### P.A. Ref. 98/1478

Permission was granted for a change of use of part of the house to a B&B (5 bedrooms).

### P.A. Ref. 98/1959

Permission was granted for a B&B sign.

## 5.0 Policy Context

### 5.1. Kenmare Functional Local Area Plan 2010-2016

#### Zoning

The site is zoned 'Residential Existing'.

#### Built Environment

Objectives include:

OO-32: Provide a high quality of design in private and public development, increasing the quality of the public domain while maintaining the character, form and settlement pattern of the settlements.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the first party appeal may be synthesised as follows:

- The Kenmare Local Area Plan 2010-2016 has expired, has not been replaced, and cannot be used as a yardstick to assess the application.
- The boundary wall matches up with, and is wholly in keeping with, the house it fronts.
- The original wall was not of an appropriate type for the conditions that prevailed, was in a bad state of repair, and detracted from the area's visual appeal. The replacement was carried out in good faith and believed to be exempted development following consultation with the planning authority.
- The Council has facilitated gradual change over the years, Railway Road being a good example. There is an extensive variety of boundary wall types in the vicinity and they demonstrate a clear lack of character continuity throughout the length of the road.
- Since constructed, the wall has attracted enormous support.
- The wall enhances the visual amenity of Railway Road.

## 6.2. **Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

## 6.3. **Observations**

The observer submits:

- It is only reasonable to accept that the Kenmare LAP remains the yardstick against which to assess the application until a replacement is published.
- The town is reliant on the policies and objectives of the LAP to protect its Heritage Town designation.
- Apart from the materials used, the lack of continuity and integration of the new wall with existing walls is referenced.

## 7.0 **Assessment**

7.1. The principal planning issue relating to the proposed development is the visual impact resulting from the form, character and finishes of the boundary wall and the entrance details at this site.

7.2. It is first acknowledged that Railway Road is a road that has undergone many changes and continues to undergo change. With this evolving street comes a wide range of structures of differing forms and finishes and varying boundary treatments. It would be unreasonable to conclude that there is any degree of continuity of front boundary treatment along the entirety of this street. There are variations of rendered block walls, natural stone, stone facing, timber rail, etc. It is reasonable, however, to note that the red brick wall that fronts the appeal site is unique in form, character and finishes on the street and that there is a prevalence of stone walls along this side of the street at this location. Having regard to the permitted dwelling behind the boundary wall, itself finished in a mix of red brick and render, the wall in the context of the site in isolation is not incongruous. Notwithstanding this, it is a distinctive feature in the street context both in terms of its finishes, its architectural expression, and its entrance emphasised by prominent light stands.

- 7.3. I have examined publicly available street view images of the property (e.g. Google Maps) when the original wall was in place prior to its replacement. It is my submission that the original wall was significantly more in keeping with the immediate streetscape in which the development is placed, tying in better with stone walls along the west side of Railway Road both north and south of the site. There was no extravagant entrance pillars and lighting, the wall was reduced in height, and the association of finishes with the house was limited to the allowance of brick to cap the wall. I can understand the planning authority's position on the replacement when clearly it is more incongruous in its immediate context. I would suggest that maintenance of such a previous wall would not be overly burdensome and that it was a substantially greater 'fit' in the streetscape than the elaborate replacement that now fronts the property. For this reason, I consider that the proposed wall should not be accepted as a suitable replacement in this context. The provision of suitable boundary treatment has a very important role to play in this town centre location, where Kenmare is acknowledged as being a very valuable tourist product in terms of its visual attractiveness and as a heritage town. A 'best fit' option for this location on Railway Road would not deviate very far from the wall that was in place prior to the replacement the subject of this appeal.
- 7.4. With regard to the relevance of Condition 6 of Planning Permission Ref. 96/1730 relating to the granting of permission for the house on the site, I first note that the reason for the attachment of this condition was to avoid a traffic hazard and was not on visual amenity grounds. Notwithstanding this, clearly a stone wall was in place and there was an understanding that the utilisation of this stone wall was an integral part of allowing the development to be suitably framed from the public realm by its retention or part-retention. I consider that it was reasonable by the planning authority to refuse permission for non-compliance with this condition.
- 7.5. I note that the appellants and the observer have submitted conflicting positions on the role and relevance of the Kenmare Functional Area Local Area Plan and that the planning authority relied on it to some degree in the making of its decision, notably in the first reason for refusal. I note further that the LAP is for the period of 2010-2016 and I can find no reference in the information available from the planning authority that the life of the Plan has been extended. It is my submission to the Board that there is, however, no particular necessity to place reliance on this Plan in

adjudicating on the development the subject of this appeal as the Plan does not expressly provide policy or objectives directly applicable to boundary walls fronting residential properties.

- 7.6. In conclusion, I consider that the form, character, materials, and entrance details associated with the front boundary the subject of this appeal is not an acceptable development in its context, that it significantly deviates from the form and character of boundary that was permitted when the dwelling on the site was itself permitted, and fails unquestionably to integrate with its immediate streetscape.

## **8.0 Recommendation**

- 8.1. I recommend that permission is refused for the following reasons and considerations.

## 9.0 Reasons and Considerations

1. The site of the proposed development is located in a principal street close to the town centre of Kenmare, a town of notable heritage status and an important tourist destination, and is at a location along the west side of this street where there is a consistency of stone wall front boundary treatment. It is considered that the red brick finished wall, entrance pillars and light stands constitute a visually incongruous addition to the streetscape at this location, fail to integrate with the form, character and finishes of boundary treatment along this section of the street, and culminate in a visually intrusive feature on the street. The proposed development would, thus, seriously injure the visual amenities of the area and would, thereby be contrary to the proper planning and sustainable development of the area.
2. The proposed development would materially contravene a condition attached to an existing permission for development, namely condition number 6 attached to the permission granted by Kerry County Council under planning register reference number 96/1730 for the dwelling on this site, which required the retention of the front boundary wall as part of the permitted development.

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Kevin Moore  
Senior Planning Inspector

5<sup>th</sup> March 2018