



An
Bord
Pleanála

Inspector's Report ABP-300413-17

Development	Retention of gates and wing walls
Location	20 Demesne, Ross Road, Killarney, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	17/990
Applicant(s)	Paul Mullen
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Magann
Observer(s)	None
Date of Site Inspection	22 nd February, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. No. 20 Demesne is a single-storey, detached house within an estate of detached houses on the southern side of the town of Killarney, accessed off Ross Road. It lies at the southern cul-de-sac end of the estate. The cul-de-sac comprises a group of ten detached houses around a central open space. The gates and wing walls at the entrance to No. 20 are in accordance with the drawings and details submitted with the application. In general, the front boundaries to the other houses in the estate comprise low block or stone walls with matching piers at vehicular entrances.

2.0 Proposed Development

2.1. The proposed development would comprise the retention of gates and wing walls at the entrance to a house. The gates are finished in painted metal and stand to a height of some 2.5 metres in height and the wing walls are constructed of timber sleepers to a height of approximately 2.2 metres.

3.0 Planning Authority Decision

3.1. Decision

On 29th November, 2017, Kerry County Council decided to grant permission for the development subject to two conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the objection received. It was acknowledged that the house on the site is located in the corner of the estate and has a short street frontage. It was considered that, given its location and the amount of existing hedging, the gate and wing walls are not unduly obtrusive. A condition requiring the gates to be painted black was considered appropriate. A recommendation to grant permission was made.

3.3. **Third Party Observations**

An objection to the application was received by the planning authority from John Magann. The grounds of the appeal reflect the concerns raised.

4.0 **Planning History**

I note the following from the Planner's report:

P.A. Ref. 04/204287

Permission was granted for an extension to a dwelling.

P.A. Ref. 06/204648

Permission was granted for an attic extension, single storey garage, and internal alterations.

5.0 **Policy Context**

5.1. **Killarney Development Plan 2009-2015**

Zoning

The site is zoned 'Residential'. The objective of the residential zoning is to provide and improve residential amenities.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appellant resides at No. 22 Demesne which is located to the west of the appeal site. The grounds of the appeal may be synopsised as follows:

- Industrial warehousing / factory style homemade gates are in front of the appellant's home.
- There is no precedent in the estate for allowing these gates and surrounding walls.

- The fabrication materials used are not in keeping with the valuation and integrity of the other houses in the estate.
- All other garden gates and walls in the estate have used traditional styles with traditional materials.

The appellant concludes that the walls and gates visually impact on the estate in a negative way and that they are over-bearing, out-of-scale and out of character.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The Planner's considerations are noted – houses in the area are different in style and design, the house is in the corner of the estate and has a short street frontage, and the development is not unduly visually obstructive.
- There is no difficulty with the development being painted black or dark green in accordance with the planning authority's requirements.
- The gates are not visible when entering the estate and the applicant's house is not directly in front of No. 22.
- Most of the entrance was built in 2002, the gates are not of industrial design and are not made of metal only.

6.3. Planning Authority Response

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

7.0 Assessment

7.1. I consider the sole planning issue of relevance to be the visual impact of the development in the context of the residential cul-de-sac in which it is located. It is reasonable to determine that the development for retention has no impacts beyond this location.

7.2. I first note the form and character of the proposed development. The gate is set within a metal frame, is of a type of fibre board that has been painted. It stands approximately 2.5 metres high. The wing walls are constructed of timber sleepers to

a height of approximately 2.2 metres. The form and character of the development are in contrast to the standardised approach to front boundary treatment within the cul-de-sac where frontage to houses generally comprises low walls and comparable entrance piers.

7.3. However, what is of particular significance when considering the development for retention is its location within the estate and the extent of the frontage to No. 20. The site of the proposed development is located at the south-eastern corner of the cul-de-sac. Along with the adjoining No. 21, they have very narrow frontages of just over 11 metres. Further to this, the gate to No. 20 is recessed more than 6 metres from the footpath. The wing walls, comprising timber sleepers, are substantially backplanted. The effect of the location, the narrow frontage, the recessed nature of the gate, the form and character of the wing walls, and the associated planting result in the overall development having very little visual impact within the estate, in terms of the approaches to it and in terms of its notability/distinctiveness when viewed from the public realm. One could not reasonably determine that the gate and entrance have a significant visual impact and, furthermore, determine that such an impact was adverse.

7.4. Overall, while I acknowledge that the entrance and gate are uncharacteristic of the form and pattern of development that prevails at present within the cul-de-sac, they are not obtrusive or incompatible, particularly given their siting. While I accept that the gate and entrance would be visible from the front of the appellant's property, I note the limited visibility given the indirect view available due to the orientation of the relevant properties. I do not accept that the gates and entrance cause any significant adverse visual impact on the occupiers of No. 22. It is considered reasonable that the development for retention should be permitted.

8.0 Recommendation

8.1. I recommend that permission should be granted in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to location of the proposed development within the estate of Demesne, to the narrow frontage of the residential property and to the recessed nature of the gate culminating in limited visibility of the entrance to No. 20, it is considered that the proposed development would constitute a visually acceptable boundary provision and would be in accordance with the proper planning and sustainable development of the area

Kevin Moore
Senior Planning Inspector

20th March 2018