



An
Bord
Pleanála

Inspector's Report ABP.301720-18

Development	Retention permission sought for boundary fencing, utility room, bay windows / doors and 2 no. first floor windows.
Location	Meath Villas, Bray, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	18/278
Applicant(s)	David McWeeney & Anna Cullen
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	None
Date of Site Inspection	24 th July 2018
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located within Bray, Co. Wicklow.
- 1.2. The site itself is a corner residential property situated on the corner of Meath Road and Sidmonton Avenue which is situated approximately 70 – 80 metres west of the Dublin – Wexford railway line and therefore approximately 250 metres west of the seafront in a residential area.
- 1.3. The residential property is two-storey in height and has period characteristics including original door, fanlight above door, roof tiles and pedestrian gate to the front of the property.
- 1.4. The property has no off-street car parking provision and has a limited rear garden / yard due to a shed and the utility room (for which retention permission is sought).
- 1.5. The private open spaces serving the property is located to the side of the house between the house and Sidmonton Avenue.

2.0 Proposed Development

- 2.1. Retention permission is sought for the following;
 - Utility room (16 sq. metres).
 - Bay window / doors on south elevation.
 - Two first floor windows on south elevation
 - Boundary fencing
- 2.2. The timber fencing is situated above a low-rise wall located along the entire southern boundary of the appeal site. The timber fencing comprises of panel timber sheets and is painted a light grey colour. The plaster wall along the southern boundary is stepped in height whereas the timber fence height is generally the same height, i.e. approximately 2 – 2.2 metres above ground level.
- 2.3. The utility room is located to the rear of the house and partially adjoins the common boundary with the house to the immediate north of the appeal site.
- 2.4. The bay window / door serves a dining room and projects out slightly from the side building line.

2.5. The 2 no. first floor windows are situated on the south elevation and are located above the bay window / door.

3.0 Planning Authority Decision

3.1. Wicklow County Council issued a split decision granting permission for the utility room and the bay window and 2 no. first floor windows and refusing permission for the boundary fence. The boundary fence was refused permission for the following reason;

1. The fence to be retained is considered out of character with, and incongruous in, this suburban environment, results in an overbearing and dominant impact on this streetscape, and therefore has an adverse impact on visual amenities of the area. The fence would set an undesirable precedent for similar boundaries on adjoining properties. In addition, the erection of the new boundary consolidates the unauthorised widening of the entrance to Sidmonton Road (for which retention permission has been sought). The development to be retained would therefore, be contrary to the proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- No objection to utility room.
- Bay window although not in keeping with character of building is acceptable.
- 2 no. windows on south elevation are acceptable.
- It is proposed to retain a high timber fence above low plaster wall. A high hedge was previously in place and there was a pedestrian entrance to the rear which is now replaced by a 3-m wide entrance.

- The fencing is overbearing and has a dominant impact on the streetscape.
- The fencing would set an undesirable precedent for other properties.

3.3. **Internal Reports;**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Development Plan**

The operational Development Plan is the Bray Municipal District Local Area Plan, 2018.

Some relevant considerations of the LAP include;

- The appeal site is zoned RE 'Existing Residential'.
- The appeal property is not a protected structure.
- The appeal site is not located within an ACA.

6.0 **The Appeal**

6.1. The following is the summary of a first-party appeal submitted by David McWeeney and Anna Cullen.

- The Bray LAP requires private open space of 60 – 75 sq. metres per dwelling. The proposal provides for the adequate private open space provision.

- It is contended that a neighbouring property has similar fencing.
- The previous boundary comprised of low wall with large hedge. The hedge was overgrown and covered 30% of the pavement and therefore created a hazard for pedestrians. The boundary wall had tilted by 100mm. Both wall and hedge were removed.
- It is proposed to plant along the inside of the boundary wall.
- The fencing provides privacy and security.
- The sliding boundary gate will provide for off-street car parking provision.
- The proposal provides for surveillance of the Sidmonton Avenue.
- The fence does not cause loss of daylight or overshadowing to neighbouring property.
- The neighbours residential amenity is respected and not impacted upon by the screening.

7.0 **Assessment**

The Board will note that the Local Authority issued a split decision granting permission for the utility room, bay window / door and 2 no. first floor windows and refusing permission for the boundary fencing. Therefore, the main issues for consideration are as follows;

- Utility room, bay window / door and 2 no. windows
- Boundary fencing

7.1. **Utility room, bay window / door and 2 no. windows**

- 7.1.1. The utility room which has a floor area of approximately 16 sq. metres is small in scale. The utility room is single storey in height and is served by a velux roof window and will not overlook neighbouring residential amenities. The utility room is situated to the rear of the existing house. I would consider that having regard to the scale of the utility room and its location that it is subordinate to the main property and

therefore I would have no objection to upholding the Local Authority decision to grant permission for the retention of the utility room. Furthermore, I would have no concerns with the bay window / door and the 2 no. first floor windows both located on the southern elevation. These openings would not diminish any established residential amenities or, in my view, would not devalue the architectural heritage of no. 1 Meath Villas.

7.2. **Boundary fencing**

- 7.2.1. I would note from the applicant's submission that the rational for the boundary fencing is to provide privacy and security for an area of private open space for the occupants of no. 1 Meath Villas. I would note due to the constraints of the subject site that there is no private open space located to the rear of the house. I would consider, based on the submitted drawings and my site inspection, that it is most likely that a rear extension (although not part of this appeal / application) has filled in the rear garden / yard.
- 7.2.2. In order to provide private open space, the applicant's have essentially enclosed an area to the side of the house with timber fencing. This area has been filled with artificial grass and some planting and on the basis of a visual observation of the site I would consider that the space is amenable for a private open space. I would accept the applicant's rational for providing the boundary fencing. However, there are two issues that need to be addressed, firstly whether the subject fencing would result in an overbearing and dominant impact on the streetscape and secondly whether the unauthorised vehicular access is acceptable.
- 7.2.3. Firstly, in relation to visual impact I would consider that although there is a concentration, in the immediate area, of period dwellings there is no uniformity in design in terms of front garden boundary materials. Some neighbouring houses have larger front gardens than the front garden of the appeal property and this would include the house to the immediate south of the appeal site located on the opposite side of Sidmonton Avenue. Whereas the houses, located to immediate west of the appeal site, located on Sidmonton Avenue, consist of period properties with small

front gardens with low rise granite boundary walls and original railings above. The existing houses to the immediate north of the appeal site also have a degree of variance in terms of front garden design and boundary treatment relative to the property on the appeal site. I would consider that the proposed timber fencing, given that it is located to the side of the subject dwelling, would not have a detrimental impact on the visual amenities of the local area or the architectural character of the local area. I would also consider that the rationale for the proposed fencing which is to provide an adequate level of private open space for the occupants is a relevant consideration in favour of the proposed fencing. In conclusion I would not support the Local Authority's refusal reason on the basis that the subject fencing would be overbearing and have a dominant impact on the streetscape.

- 7.2.4. In terms of the vehicular access which is located along the southern boundary I would note from photographs on the file which were recorded in 2014 that the current entrance is at variance with the former entrance along the southern boundary. The former entrance along the southern boundary was a pedestrian entrance and was located to the very south west corner of the appeal site. The current entrance along the southern boundary is a vehicular entrance and is wider than the former entrance and is situated in a slightly different location than the previous entrance. I would consider that planning permission would be required for the current vehicular entrance and based on my review of the documentation on the file no planning permission is in place for the current vehicular entrance. I would therefore concur with the local authority that granting permission for the boundary fence would consolidate the unauthorised widening of the entrance to Sidmonton Avenue.

8.0 Recommendation

I recommend a split decision in this case, (a) permitting the retention of the utility room, bay window / door and 2 no. first floor windows and (b) refusing retention permission for the boundary fencing.

(a) REASONS AND CONSIDERATIONS

The permission is granted having regard to the nature and scale of the development, it is considered that subject to compliance with conditions set out below, would be acceptable in terms of visual amenities of the area. The proposal would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning

authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

(b) REASONS AND CONSIDERATIONS

1. The erection of the new boundary consolidates the unauthorised widening of the entrance to Sidmonton Avenue (for which retention permission has not been sought). The development to be retained would therefore, be contrary to the proper planning and sustainable development.

Kenneth Moloney
Planning Inspector
27th July 2018