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Bord  
Pleanála

## Inspector's Report ABP 302079-18.

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<b>Development</b>	(a) Retention of a four metres wide vehicular entrance and an 0.85 m wide pedestrian entrance, gates and, (b) front boundary treatment at 1.675 metres height.
<b>Location</b>	No 19 Marine Drive, Sandymount, Dublin 4.
<b>Planning Authority</b>	Dublin City Council
<b>P. A. Reg. Ref.</b>	2871/18
<b>Applicant</b>	Brian O'Malley
<b>Type of Application</b>	Permission for Retention.
<b>Decision</b>	Refuse Permission for Retention.
<b>Type of Appeal</b>	First Party X Refusal
<b>Appellant</b>	Brian O'Malley
<b>Date of Site Inspection</b>	29 <sup>th</sup> September, 2018.
<b>Inspector</b>	Jane Dennehy

## 1.0 Site Location and Description

- 1.1. The site is that of a semi-detached two storey dwelling which has been upgraded and extended to the site and rear, permission for which was granted under P. A. Reg. Ref.4354/09. The front garden is under hard landscaping and in use for off street carparking. There is vehicular entrance, circa four metres wide on the site frontage with piers at a height of circa 1.6 metres and a separate pedestrian entrance. Plastered boundary walling is located along the remainder of the site frontage and timber fencing has been erected on the inner side at a height of circa 1.7 metres.
- 1.2. Marine Drive is a residential street of two storey semi-detached houses, most of those on the south side of which appear to date from 1940s. The houses, set behind front gardens and original front boundary walling, many of which have been extended and upgraded.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates a proposal for permission for retention of development carried out at the site frontage comprising the vehicular and pedestrian entrances, gate piers which have increased height and the hardwood timber fencing on the site frontage. This development is subject of an enforcement file held by the planning authority. (File E1175/17 refers.)

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 20<sup>th</sup> June,2018, the planning authority decided to refuse permission for retention for the development for the following reason.

*“The applicant is seeking to retain a front boundary with visibly impermeable fencing and gates and overly high piers and gates which is uncharacteristic of the immediate locality and is contrary to section 16.2.2.4 of the Dublin City Development Plan, 2016-2022. The proposal would therefore seriously injure*

*the ambition of property in the vicinity and as such would be contrary to the proper planning and sustainable development of the area.”*

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

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

The planning officer noted the width of the vehicular at four metres being more than the maximum of 3.6 metres recommended for front curtilage parking in an advisory document, “*Parking Cars in Front Gardens*” issued by the planning authority and obstruction of vision at the entrance attributable to the height of the fencing and gates.

The report of the Roads and Traffic Division indicates that the pay and display parking along the kerbside is unlikely to be affected but that the fence should be removed, (by condition) so that the front boundary does not exceed 1.1 metre which is necessary for visibility.

### **4.0 Policy Context**

#### **4.1. Development Plan**

4.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is in an area subject to the zoning objective, Z1: *To protect, provide for and improve residential amenities.”*

4.1.2. According to section 16.2.2.4 the planning authority seeks to ensure that front boundary development will not result in loss or insensitive of alteration to boundary walls or railings and that new treatment should replicate an existing or traditional pattern which his characteristic of the immediate locality and that there is use of design and materials appropriate to the existing or proposed building and streetscape.

4.1.3. Parking in Front Gardens is a design statement published by Dublin City Council in 2011, in conjunction with the Dublin City Development Plan, 2011-2017 and it indicates recommendations that vehicular entrances 2.5 metres up to a maximum of

3.6 metres in width the narrower being favoured, low height boundary walls and complimentary design and materials.

## **5.0 The Appeal**

### **5.1. Grounds of Appeal**

5.1.1. An appeal was received on behalf of the applicant from Brock McClure on 16<sup>th</sup> July, 2018. According to the appeal:

- the height of the boundaries is 1675mm and the vehicular entrance was public in place over seven years ago. It is therefore an established use. The creation of the pedestrian follows an established pattern in the area. Examples which follow the street pattern are at Nos. 15 and 17 Marine Drive
- The proposed development replicates a similar development carried out a property “two houses down”. (No 15 Marine Drive.) The hardwood fencing is only 0.575 metres above the existing boundary wall. The development assimilates well into the streetscape and does not impact on visual amenity.
- The height increase is minor relative to the exempt development limit of 1.2 metres provided for in Class 11 of the Planning and Development Regulations.

5.1.2. Should a grant of permission not be forthcoming it is requested that consideration be given to a slight reduction in height of the boundary fence and gate which could be addressed by a condition. It is noted that the planning officer suggested that the issue be addressed by condition in his report

5.1.3. In concluding remarks, it is stated that the applicant considers the boundary treatment crucial for the safety of children.

### **5.2. Planning Authority Response**

5.2.1. There is no submission from the planning authority on file.

## 6.0 Assessment

- 6.1. The application is for permission for retention of development, which it is submitted has been in place for a period exceeding seven years. For the purposes of clarity, it should be noted that the period for which a development has been in place is immaterial to consideration of a planning application for permission for retention, although, there are implications regarding enforcement proceedings.
- 6.2. The streetscape along the south east side of Marine Drive, on which the appeal site property is located, has retained its well defined front boundary definition and treatment by way of a low height rendered boundary wall and piers and homogeneity in the house type even though there are garage conversions and first floor extensions to the side at many properties. The front boundaries at the application site property and the property at No 15 to the outer side of No 17 which adjoins the appeal site homogeneity have been subject to similar alterations. There is no evidence that the development at No 15 is authorised by way of a grant of planning permission.
- 6.3. It is considered that the four metres' wide vehicular entrance, inserted 1675 mm high hardwood gates and raised height gate piers are visually incongruous and excessive in scale in proportion to the original established scale and heights along the Marine Road frontage. The visual impact is exacerbated by the 1675 mm high hardwood timber fencing erected inside but visible above the boundary wall. It is considered that the proposed development is unacceptable excessive in proportion, visually conspicuous with the established original characteristics of the front boundary treatment of the semi-detached houses along the south east side of Marine Drive. To this end it is fully agreed with the planning authority that the proposed development is not in accordance with the policy set out in section 16.2.2.4 of the Dublin City Development Plan, 2016-2022, is uncharacteristic to the streetscape and seriously injurious to the amenities of properties in the vicinity.
- 6.4. Furthermore, the height of the boundary treatment, obstructs visibility along the road for vehicles existing the front curtilage of the property via the entrance. This scenario potentially causes endangerment of public safety by reason of traffic hazard although there some amelioration in that traffic volumes are low and attainable speeds on the street are restricted by the presence of parallel carparking on both

sides of the street and narrow carriageway width. A maximum height of 1.1 metres is necessary if obstruction of vision is to be avoided.

- 6.5. The applicant's request through the agent, for a condition to be attached to provide for a minor lowering of the height of the boundary treatment and gates, should the development as proposed be considered unacceptable is noted. However, such a modification would not ameliorate the concerns.

### **Environmental Impact Assessment – Screening.**

- 6.6. Having regard to the minor nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **6.7. Appropriate Assessment**

- 6.7.1. Having regard to the scale and nature of the proposed development and to the serviced central business district location, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **7.0 Recommendation**

- 7.1. In view of the foregoing, it is recommended that the planning authority decision be upheld, and that permission be refused based on the draft reasons set out below.

## **8.0 Reasons and Considerations**

- 8.1. The site of the proposed development is that of a two storey dwelling within the established streetscape on the south east side of Marine Drive along which there is a well-defined front boundary treatment of capped walling at circa 1.2 metres in height enclosing the front gardens and vehicular entrances and driveways to the in front of garages at the side of the dwellings. It is considered that the proposed four metres' wide vehicular entrance, large size and height gate piers and hardwood gates and fences at a height of 1675 mm along the frontage are visually conspicuous and excessive in proportion so that they fail to integrate with or compliment the

established front boundary treatment and character of the streetscape along Marine Drive. The proposed development would therefore be contrary to the standards set out in section 16.2.2.4 of the Dublin City Development Plan 2011-2017 according to which the planning authority seeks to ensure that front boundary development will not result in loss or insensitive alteration to boundary walls or railings and that new treatment should replicate an existing or traditional pattern which is characteristic of the immediate locality. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
1<sup>st</sup> October, 2018.