



An
Bord
Pleanála

Inspector's Report ABP 303570-19.

Development	Partial retention of a boundary fence and retention of new vehicular entrance including associated site works. The existing boundary fence to the side of the front garden will be removed.
Location	1 Meath Villas, Meath Street, Bray, Co. Wicklow.
Planning Authority	Wicklow Co. Council
Planning Authority Reg. Ref.	181258
Applicant	David McWeeney
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	David McWeeney
Observers	None
Date of Site Inspection	28/6/19

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. Meath Road is a predominately residential road which is situated to the east of Bray Main Street. The dwellings along Meath Road are predominately a mix of terraced, semi-detached and detached Victorian properties. The front façades are characterised by attractive projecting bays and there is a mix of red brick and rendered finishes.
- 1.2. The appeal site 'Deporres' No. 1 Meath Villas is located on the western side of the road at the corner with Sidmonton Avenue. It contains a semi-detached Victorian era dwelling. The dwelling and adjoining property features a rendered and painted finish.
- 1.3. The subject site is served by a gated pedestrian entrance to the front at Meath Road. There is on-street parking directly to the front of the appeal site. The southern side boundary of the site addresses Sidmonton Avenue. The boundary is formed by a low block wall which is rendered and painted. There is a wooden fence erected onto the wall along the southern boundary, it extends for circa 19.35m. The fence is formed with vertical planks and is built without gaps. It is painted a light grey. The vehicular entrance is located at the south-west corner of the site it has a width of 3m. The entrance features a 1.85m high gate with associated 2m high gate piers.

2.0 Proposed Development

- 2.1. Permission is sought for the partial retention of a boundary fence and retention of new vehicular entrance including associated site works to the boundary along Sidmonton Road. This section of boundary fence extends for circa 19.35m. The existing boundary fence to the side of the front garden for circa 8.65m will be removed.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for one reason.

Having regard to the previous character of the boundary and gateway which consisted of a low boundary wall with high hedging, and low railing gateway, which is considered to form an important part of the character of the area, its location on a prominent corner site within an suburban setting which is characterised by a number of properties with low rendered walls, cast iron railings and hedges, and the impact on sightlines at the entrance it is considered that the revised boundary and gate for retention would be contrary to the character of the area, would seriously injure the visual amenities of the area and result in serious traffic safety hazard given the obstruction of visibility of users of the footpath and roadway. The development for which retention is sought would, therefore, 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 concluded that the fence which it is proposed to retain would be detrimental to the visual amenities, character and heritage value of the streetscape. It was considered that the new fence significantly disrupts the unity of the original low boundary wall and fencing on either side of the attractive historic streetscape. In relation to the vehicular entrance gate they concluded that the two high gate piers would obstruct visibility.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

The Planning Authority did not receive any submissions/observations in relation to the application.

4.0 Planning History

PA Reg. Ref. 18/278 & ABP 301720-18 – The Board issued a split decision. Permission was granted for utility room to the west elevation, bay window to dining room south elevation, installation of 2 no windows at first floor level south elevation with associated site works. Retention permission was refused for the erection of boundary fence to the south elevation, for the following reason;

It is considered that the boundary fence, for which retention is sought, is out of character with the surrounding streetscape and, as such, seriously injures the visual amenities of the area. The retention of the fence would also consolidate the unauthorised widening of the entrance to Sidmonton Avenue, for which retention has not been sought. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Bray Municipal District Local Area Plan 2018-2024

- 5.1.1. The site is zoned Objective RE (Existing Residential) – To protect, provide and improve residential amenities of existing residential areas.
- 5.1.2. To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.

5.2. Wicklow County Development Plan 2016 – 2022

- 5.2.1. Chapter 10 refers to Heritage

Other Structures and Vernacular Architecture Objectives

- 5.2.2. **Objective BH17** – Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS2), the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County’s architectural heritage.

Historical and Cultural Heritage Objectives

- 5.2.3. **Objective BH22** – To protect and facilitate the conservation of structures, sites and objects which are part of the County’s distinct local historical and cultural heritage, whether or not such structures, sites and objects are included on the RPS.

5.3. Natural Heritage Designations

- Bray Head SAC (site code 000714) is c. 930m to the south-east of the site.

5.4. Environmental Impact Assessment (EIA)

- 5.4.1. The development for which retention of planning permission is sought is not listed as a class of development for which EIA is required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by O’Connor Whelan Planning Consultants on behalf of the applicant David Mc Weeney. The main issues raised are as follows;

- It is submitted that the assessment of the Planning Authority was based on the previous condition of the boundary. It is stated that the hedge had damaged the structural integrity of the wall and required to be removed and replace.
- The rationale for retaining the higher boundary fence is to provide privacy to the rear garden.
- The reason for refusal states that the boundary fence will have an impact on the character and visual amenities of the area.

- The applicant submits that there are not homogenous boundary finishes in the surrounding area on Sidmonton Avenue and Meath Road. They note the low boundary wall which surrounds the front of 'Meath House' the dwelling opposite the appeal site on the corner of Meath Road and Sidmonton Avenue. The property features a section of 2m high wall to the rear.
- The property at no. 5 Claremont Terrace on Meath Road to the south-east of the appeal site is also noted. It features a boundary fence circa 1.8m high erected upon a low wall.
- The applicant also notes examples of high boundary walls with high gate piers and vehicular entrances at properties to the west of the appeal site on Sidmonton Avenue.
- The subject property is not a Protected Structure and Sidmonton Avenue and the surrounding streets are not located within an ACA or a designated conservation area. Therefore, it is submitted that policies BH12 and BH22 which were cited in the Planning Officer's report are not appropriate to the proposed development.
- In relation to the matter of traffic safety, the reason for refusal states that there will be a "serious traffic safety hazard given the obstruction of visibility of users of the footpath and roadway." The applicant submits that this is not credible as the site is located on a narrow urban street with low traffic speeds. It is noted that there are double yellow lines at the vehicular entrance and therefore no on-street parking would occur at that location. The applicant also notes that there is no report from the Roads Department in relation to the application.
- The applicant requests that the Board overturn the decision of Wicklow County Council and grant permission for the proposal.

6.2. Planning Authority Response

- None received

7.0 Assessment

- 7.1. This appeal concerns the retention of a section of boundary fence which has been erected onto the boundary wall along Sidmonton Avenue. It is also proposed to retain the gated vehicular entrance. This section of boundary fence extends for circa 19.35m. There is a further section of existing boundary fence to the side of the front garden which extends for circa 8.65m. The applicant proposes to remove this section of fencing.
- 7.2. The Planning Authority refused permission on the basis that having regard to the character of the previous boundary and gateway which comprises a low boundary wall with high hedge and low railing gateway which formed an important part of the character of the area and given the prominent corner location of the site and the existing character of the area featuring a number of properties with low rendered walls, cast iron railings and hedges that the proposal would be contrary to the character of the area and would seriously injure the visual amenities of the area. The Planning Authority further considered that the proposal would give rise to a traffic hazard due to the obstruction of visibility of users of the footpath and roadway.
- 7.3. The first party appeal contends that the property is not a Protected Structure and the site is not located within a designated Architectural Conservation Area. It is also submitted in the appeal that objectives BH17 and BH22 of the Wicklow County Development Plan 2016 – 2022 which refer to vernacular architecture, architectural heritage and historical and cultural heritage and which were cited in the Planning Officer's report are not directly relevant.
- 7.4. I note that the subject property is not a Protected Structure nor is it located within an Architectural Conservation Area. I would concur with the assessment of the Planning Authority that both Objective BH17 and Objective BH22 are relevant as they refer to items, structures and buildings which are considered to be of heritage merit while not identified in the record of protected structures. The appellant also contends that there are not uniform boundary finishes in the surrounding area on Sidmonton Avenue and Meath Road.
- 7.5. Meath Road and Sidmonton Avenue contain some fine example of Victorian properties including the subject property. The boundary treatment of the properties contribute significantly to the character of the streetscape. On inspection of the site,

I noted that properties in the vicinity of the site predominantly feature low boundary walls without any additional fencing. The boundary treatment of the neighbouring properties to the west of the appeal site along Sidmonton Avenue feature block plinths with original wrought iron railings and pedestrian gates.

- 7.6. The appeal site situated on the western side of the Meath road at the corner with Sidmonton Avenue is a prominent location. Accordingly, any development or alteration to the property including its boundary treatment should complement the original streetscape design aesthetic in terms of height, scale and materials used.
- 7.7. The proposed 1.85m – 2m boundary which incorporates the subject boundary fence is out of character with the original streetscape design aesthetic which is typified by low boundary walls and low wrought railings and gates. I consider that the subject boundary fence encloses the property which renders it inconsistent with the character of property in the vicinity and therefore it would seriously detract from the streetscape character and visual amenities of the area.
- 7.8. In relation to the subject gated vehicular entrance, I note that the neighbouring property 'Meath House' on the opposite side of Sidmonton Avenue features a similar gated vehicular entrance. I also note that other properties in the wider area including further west along Sidmonton Avenue and also a property to the east on Sidmonton Avenue feature gated vehicular entrances with similar height gate piers. The proposed entrance is located circa 24m from the junction to the east which I consider is a satisfactory distance. I note the matters raised by the appellant is relation to proposed vehicular entrance in particular that Sidmonton Avenue is a narrow urban street with low traffic speeds and that there are double yellow lines along both sides of the road in the vicinity of the vehicular entrance. The applicant also notes that the Council's decision to refuse permission on grounds of traffic hazard is not supported by a report of its Road Department. Table 4.2 of 'Design Manual for Urban Roads and Streets' (DMURS) (2013) requires 45m of forward visibility onto roads where there is a design speed of 50km/h.
- 7.9. The subject vehicular entrance is located at a straight section of road where sightlines of 45m are available subject to the vehicle exiting the site moving forward of the gate piers before fully exiting the site. Having regard to the precedence established by the design of similar gated vehicular entrances with similar height

gate piers located on Sidmonton Avenue in the vicinity of the site, I consider the subject vehicular entrance would be acceptable in that context.

- 7.10. In conclusion, in the case of the current appeal, I consider that the fence proposed to be retained would render it unduly visually discordant with neighbouring properties and would detract from the visual amenities of this residential area, however, I consider the proposed vehicular entrance acceptable from a visual and traffic safety perspective.

Appropriate Assessment

- 7.11. Having regard to the modest nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommended that a split decision be issued. I recommend that retention permission be granted for the vehicular entrance and that permission be refused for the retention of the boundary fence.

9.0 Reasons and Considerations (1)

Having regard to the existing character and the prevailing pattern of development in the vicinity, including nearby vehicular entrances, and having regard to the provisions of the Bray Municipal District Local Area Plan, 2018-2024, it is considered that, the vehicular access elements of the development for which retention is sought would not seriously injure the visual amenities or the character of the area and would be acceptable in terms of pedestrian and traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Reasons and Considerations (2)

The alteration to the original boundary treatment of the property along Sidmonton Avenue which comprised a low boundary wall with high hedging, and their replacement with the subject boundary fence would render the property inconsistent with the character of property in the vicinity and would seriously detract from the visual amenities of this residential area, for which it is the objective of the Bray Municipal District Local Area Plan, 2018-2024, to protect in accordance with the land use zoning objective for this area “to protect and/or improve residential amenity”. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

4th of July 2019