



An
Bord
Pleanála

Inspector's Report

ABP-303836-19

Development	Retention of roadside boundary wall
Location	Ballinvally Lower, Arklow, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	181398
Applicant(s)	Julian Karra
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Julian Karra
Observer(s)	None
Date of Site Inspection	23 rd April 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site is located in the rural townland of Ballinvally Lower c. 6km to the north east of Arklow, County Wicklow. The area is rural in character and there are a number of one off houses in the immediately vicinity.
- 1.2. The site has a stated area of 0.22 hectares. It comprises of a dormer dwelling with two entrances and two sheds.
- 1.3. A concrete block wall is currently under construction on the boundary to the front of the dwelling. The site slopes both from the dwelling down towards the road and from the west to the east.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of the roadside boundary wall which is unplastered and uncapped and ranges in height from 2-2.7m when measured from the roadside elevation and c. 1- 1.2m when measured from inside the site.
- 2.2. Elevations and sections have been submitted with the application which demonstrate the unusual topography of the site and the levels and heights of the boundary wall from both inside the site and from the road.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for one reason only as follows:

'Section 4 of 'The Design Guidelines for New Homes in Rural Wicklow' as contained in Appendix 2 of the County Development Plan 2016-2022 states that:

'The design of walls and boundaries, particularly those along public road frontages, should be suitable to the rural location. In the first instance, existing hedges and trees lining boundaries should be maintained. However, where they require to be removed for sightline or other reasons, they shall be replaced by similar hedge of native species interspersed with suitable native trees. Long stretches of solid walls or railings will not be permitted, notwithstanding their perceived designed quality. Sod-and-stone banks and dense hedges behind roadside drainage ditches are the

prevalent traditional roadside boundary in County Wicklow – it will be a normal requirement of permission that such boundaries be provided or reinstated.’

Having regard to

- a) the rural nature of the site,
- b) the overall height, design, and length of the wall and
- c) the provisions of Section 4 of Appendix 2 of the County Development Plan 2016-2022 as outlined above

It is considered that the wall would form an obtrusive feature in the landscape, would have a detrimental impact on the visual amenities of the area and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.’

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report considers that wall does not comply with the Rural House Design Guidelines and is obtrusive.

3.2.2. Other Technical Reports

- Area Engineer expresses similar concerns to the planner.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- None.

4.0 Planning History

PA17/840/ ABP PL27.249252

Permission refused by Planning Authority and granted on appeal by ABP for the replacement of a pump house and store room with a shed.

PA17/263

Permission granted for the replacement of a pump house with a garden shed incorporating a pump house.

PA15/1093

Permission granted for the replacement of an effluent treatment system with a new treatment system.

Enforcement

UD4983- Warning letter issued.

5.0 Policy Context

5.1. Development Plan

Wicklow County Council Development Plan 2016-2022

Relevant policies include the following:

HD3 All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standard set out in the Development and Design Standards document appended to this plan, which includes a Wicklow Single Rural Houses Design Guide.

Wicklow Single Rural Houses Design Guidelines for new homes in rural Wicklow

Section 4 relates to walls and boundaries. It is recommended that the design of walls and boundaries, particularly those along public road frontages should be suitable to the rural location. Long sections of solid walls or railings will not be permitted. All existing hedges and trees lining boundaries should be maintained.

Landscape Assessment – Appendix 5

The site is located in the South East Mountains Lowlands.

5.2. Natural Heritage Designations

The nearest Natura 2000 designated site is the Buckronev -Brittas Dunes and Fen (Site Code 000729) c. 4.1km to the east of the site.

5.3. EIA Screening

Having regard to the nature and scale of the development, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the First Party appeal can be summarised as follows:

- The provision of a solid wall was necessary to prevent the applicant from straying on to the public road due to his continuing loss of vision.
- Due to the slope of the ground, although the wall does not exceed the exempted development height inside the boundary, it was not possible to keep the wall to the same height on the road side.

6.2. Planning Authority Response

- None submitted

6.3. Observations

- None submitted.

7.0 Assessment

7.1. Having examined the file and having visited the site I consider that the main issues in this case relate to:

- Visual Impact
- Appropriate Assessment

7.2. Visual Impact

7.3. The principal issue in this case relates to the visual impact of the design. The 'Single Rural Houses Design Guidelines for New Homes in County Wicklow' contains a section in relation to walls and boundaries which states that existing hedges and trees should be maintained and where they need to be removed, they should be replaced with a similar hedge. Long stretches of solid walls or railings will not be permitted.

7.4. There is a variety of boundary treatment in the vicinity of the site including solid block walls and post and rail fencing. Whilst the wall is higher than other block walls in the vicinity, the grounds of appeal offers two grounds of justification as follows:

(a) The applicant's son was involved in a very serious accident and is registered blind. 'We found it was necessary to build a wall because we want to get Julian a guide dog and also because, due to his visual impairment, Julian fell down the slope on the inside of the property when he attempted to walk around the front yard after the removal of hedges.'

(b) The topography of the site is somewhat unusual as due to a slope from the house towards the road, the wall on the inside facing the dwelling is 1.2m high, whilst the wall on the roadside is higher.

7.5. A letter has been attached to the appeal from the NCBI confirming that the applicant is registered blind.

7.5.1. I note that the wall replaces a concrete post and rail fence which was not in keeping with the policy for *new dwellings* set out in the Rural House Design Guidelines and that no native trees or hedgerow were removed for the construction of the wall. Having regard to the variety of boundary types in the vicinity of the site, the fact that no trees or hedges were removed for the construction of the boundary wall and the justification put forward by the applicant on health and safety grounds, I do not consider that the retention and completion of the boundary wall would detract from the character of the area to such a degree that would warrant a refusal in this case. Whilst the walls are higher than other boundary walls in the vicinity, I consider that the applicant has provided adequate justification in relation to health and safety and his personal circumstances and I note that the Inspector referred to these personal circumstances in a recent history case on the site under PL27.249252. I also note the unusual topography of the site which has a significant impact on the height of the boundary wall from the roadside elevation.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

8.0 Recommendation

- 8.1. Based on the above assessment, I recommend that permission be granted for reasons and considerations set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the variety of boundary treatments in the area and to the pattern of development in the area, it is considered that the retention and completion of the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Emer Doyle

5th of June 2019