



An
Bord
Pleanála

Inspector's Report ABP-305087-19

Development	Removal of eastern boundary and replacement with new masonry wall
Location	Castle View House, Carriganarra Road, Ballincollig, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/5349
Applicant(s)	John O'Donovan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Gerard Allen Tom Bruton
Date of Site Inspection	15 th October, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. Castle View House is a two-storey detached house set back from the southern side of Carrignarra Road at the southern end of Ballincollig in County Cork. The front of the house faces a southerly direction. There is a detached two-storey house to the north-west of the appeal site fronting onto Carrignarra Road and the property is flanked to west by two-storey terraced housing in Ashton Court and by semi-detached and detached houses to the east in the Carriganarra estate. The eastern boundary of the property comprises a wall backplanted by a high hedgerow along its northern section (i.e. from the frontage to beyond the building line of the house) and a stone wall along its remaining southern section on lower ground.

2.0 Proposed Development

2.1. The proposed development would comprise the removal of the existing eastern boundary of the residential property comprising part hedgerow / part masonry wall and part stone wall and the construction of a new masonry wall with a concrete coping. The wall would be for a length of 104 metres and would be constructed to a height of 3 metres for a distance of approximately 54 metres at the front section and to a height of 2 metres behind this.

3.0 Planning Authority Decision

3.1. Decision

On 17th July 2019, Cork County Council decided to grant permission for the proposed development subject to four conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning history, reports received and third party submissions made. She noted the Area Engineer had no objection to the proposal and recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

The Area Engineer had no objection to the proposal.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. Third Party Observations

Objections to the proposal were received from Gerard Allen and others and from Tom Bruton. The grounds of the appeals reflect the principal concerns raised.

4.0 Planning History

P.A. Ref. 00/1643

Permission was granted for partial demolition, alterations and construction of an extension to the dwelling.

5.0 Policy Context

5.1. Ballincollig Carrigaline District Local Area Plan

The site lies within a designated 'Existing Built-Up Area' within the settlement boundary of the Plan for Ballincollig.

5.2. Appropriate Assessment

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 The Appeals

6.1. Appeal by Gerard Allen

The appellant resides at 23 Carrignarra immediately to the east of the appeal site.

The grounds of the appeal may be summarised as follows:

- There is concern about the 3m height of the proposed wall overshadowing and reducing natural light to the appellant's living space. The height would be 4m as the appellant's garden is approximately one metre below the proposed wall.
- There is concern that the hedgerow and stone wall is on the boundary line.
- The wall, given its prominent location next to the road, makes it a potential eyesore.
- The proposal, given its height and prominent location to the appellant's back garden, makes it an eyesore and will devalue the appellant's property.
- The hedgerow enhances the enjoyment of the appellant's home, including its use by a range of bird species. Removing the hedgerow will disrupt their habitat and it must be kept.
- The proposal will be an eyesore and devalue the properties of Nos. 1, 24, 25, 26, 27 and 28 Carrignarra.

In conclusion, the appellant noted his submission to the planning authority and considers his letter of objection was ignored by the planning authority.

6.2. Appeal by Tom Bruton

The appellant resides at 1 Carrignarra immediately to the east of the appeal site and submits that he has no objection to the construction of a wall *per se*. The grounds of the appeal may be summarised as follows:

- The proposal would require the removal of the appellant's concrete panel wall and permission has not been requested to remove this. If the wall is to be located to the west of this there is lack of clarity as to how far it would be from

the appellant's wall, which could have ramifications for the stability of the appellant's wall.

- The proposed wall detail is incomplete and the full detail design should form part of the planning application.
- There is concern about the stability of the wall if vehicles are allowed to drive close to it.
- A drainage pipe is shown at a high level on the wall construction drawing. This should be at the base otherwise there could be a build-up of water behind the wall.
- A 3m high concrete block wall would be unsightly along the appellant's boundary, with ground levels on the appeal site above those of the appellant's property. If permission is granted, a more visually suitable construction should be used.

Photographs were attached with the appeal submission.

6.3. Applicant Response

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

- It is not intended to disturb the concrete wall panel. The proposed foundation would be significant and the new wall would be set back at least 300mm from the existing panel. It is intended to further support the support post for the existing concrete panel wall with additional 50N concrete during the foundation construction.
- The exact foundation is not complete because the hedge is still in place and it is not possible to access the foundation area to conduct site investigations to establish the load bearing capacity of the ground.
- Regarding concerns about vehicles driving close to the wall, it is intended to construct either a cast in situ or a precast support wall from new foundation level up to ground level on top of which shall be constructed the remainder of a new wall from block on flat with pointed joints.

- Any drainage pipe shall be located at the lowest possible point to the base.
- It is intended to construct the wall with standard blocks on the flat with pointed joints on both sides of the wall.

6.4. **Planning Authority Response**

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

7.0 **Assessment**

- 7.1. I must first acknowledge the matter raised in the third party appeal that the planning authority failed to consider the objection at that stage when the application was with the planning authority. It is very clear that there was no planning assessment of any of the planning concerns raised by the third parties who made submissions to it. This is in spite of these concerns being relevant to assessing this proposal and notwithstanding the payment of a fee for their submissions to be taken into consideration by the planning authority.
- 7.2. A second issue that merits acknowledgement is the lack of any understanding in the application details as to why the proposed wall is required in light of an existing boundary being in place, i.e. a substantial high hedgerow on the applicant's side behind a concrete panelled wall along its northern section and a stone wall along its southern section. I accept that it may reasonably be determined that a new wall may be considered to be required for security, amenity, structural stability or other reasons and, therefore, the principle of providing a wall may be accepted. However, the need in particular for the 3 metre high wall along the front section is not explained. Acknowledging that there is a notable ground level difference between the appeal site and the appellants' properties to the east (up to one metre higher on the applicant's side), the impact of a three metre high wall on confined rear garden spaces could be understood to be somewhat overbearing. The proposed wall if reduced, for example, by a metre for this section would remain a sufficient boundary more than adequate in height between the site and adjoining properties to meet any security or amenity needs.
- 7.3. It is my submission that, in isolation of any specific need for the 3 metre height, a boundary wall of two metre height would be more than adequate for the full length of

the eastern flank of this property to address the amenity or other needs of the applicant's property. I acknowledge that the wall would accordingly be stepped down in the garden area to the front of the existing house and that at this location it would reflect the original proposal.

- 7.4. I note that the appellants raise concern about the loss of hedgerow and impact on bird species. The Board should note that the hedgerow is provided as backplanting and is within the applicant's property. There could be no reasonable prohibition of the removal of such hedgerow.
- 7.5. With regard to the actual construction of the proposed wall, it is clear that the applicant seeks to provide the development in a manner that would not undermine the structural integrity of boundaries on appellants' properties and that appropriate drainage provisions are intended. It is my submission that there can be no doubt that a two metre high wall along the flank boundary can be satisfactorily constructed in a manner that will not undermine the stability of existing features sought to be retained and would not pose particular concerns relating to drainage. In securing such an outcome, it could reasonably be a condition of planning permission that the construction works be overseen by a Structural Engineer. This should, in my opinion, adequately alleviate third party concerns on the potential adverse impacts that could result from the proposed development.
- 7.6. In conclusion, it is my submission that the provision of a two metre high wall, whose construction is overseen by a Structural Engineer, should not undermine the residential amenities of adjoining properties, should not devalue these neighbouring properties, should not undermine the structural integrity of existing boundary treatment to be retained, and should provide adequately for the amenity, security or other needs of the applicant's property.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the form and layout of the proposed development and the separation distance between the proposed wall and neighbouring dwellings, it is considered that the proposed boundary wall would not seriously injure the residential amenities of adjoining properties and would otherwise be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed 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 details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The boundary wall shall not exceed two metres in height along the full length of the eastern boundary of the site. Details of the layout, form, materials, textures and associated coping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development'

Reason: In the interest of residential and visual amenity.

3. The developer shall employ a suitably-qualified Structural Engineer to assess and monitor all site development works at the construction phase. A report containing the results of the assessment and detailing the proposed construction methodologies shall be submitted to the planning authority for written agreement prior to commencement of construction works.

Reason: To protect the amenities of residential property in the vicinity.

4. 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.

Kevin Moore
Senior Planning Inspector

21st October 2019