



An
Bord
Pleanála

Inspector's Report ABP-305922-19

Development

Permission to 1) Widen the front door to be wheelchair accessible, 2) Construct a roof over the front door and windows, 3) Complete the boundary wall treatment. Also applying for retention permission of the following home improvement works a) Boundary wall treatment, b) Roof velux windows.

Location

16 Stradbroom Lawn, Blackrock, Co. Dublin.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D19A/0633

Applicant(s)

Ms. Yvonne Dunne and Dr. Shafeeq Alraqi

Type of Application

Permission & Permission for Retention

Planning Authority Decision

Grant subject to conditions

Type of Appeal

First Party v. Condition

Appellant(s)	Ms. Yvonne Dunne and Dr. Shafeeq Alraqi
Observer(s)	None.
Date of Site Inspection	11 th February, 2020
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located in an established residential area in the outer suburb of Blackrock, Co. Dublin, approximately 1.3km southeast of the Blackrock Shopping Centre and 1km west of Monkstown neighbourhood centre. It is situated within a small housing scheme known as Stradbroom Lawn which comprises a series of cul-de-sacs that are predominantly characterised by conventional suburban housing typified by two-storey, detached dwellings with front and rear garden areas and off-street car parking. The site itself is positioned on the outside of a bend in the roadway, is generally rectangular in shape, and is presently occupied by a detached, two-storey, asymmetrical, front-gabled dwelling house with an integrated garage. The driveway to the property has been widened whilst the front garden area is enclosed by a partially completed brickwork wall which has been finished to match the main house.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- The widening of the front door to the dwelling house from 0.9m to 1.2m in order to be wheelchair accessible.
 - The provision of a canopy roof feature extending over the front doorway and windows with a matching construction to be provided over a new bay window.
 - The retention and completion of the front boundary walls (and the associated piers) which enclose the front garden area and define the vehicular entrance.
 - The retention of a series of 4 No. rooflights within the southern pitch of the roof over the garage area.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 21st October, 2019 the Planning Authority issued a notification of a decision to grant permission & permission for the retention of the proposed development subject to 4 No. conditions which can be summarised as follows:

- Condition No. 1 - Refers to the submitted plans and particulars.
- Condition No. 2 – Requires all the external finishes to harmonise in material, colour and texture with the existing dwelling house, unless otherwise stated.
- Condition No. 3 – Requires the width of the vehicular entrance to be reduced to 3.5m and for the front and side boundary walls & piers to be reduced in height by varying degrees.
- Condition No. 4 – Requires the applicant to prevent any mud, dirt, debris or building material from being carried onto or placed on the public road or adjoining property as a result of the site construction works and to repair any damage to the public road arising from the carrying out of those works.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Details the site context, planning history, and the applicable policy considerations before concluding that the proposal will not seriously injure the residential amenity of neighbouring properties and will not significantly detract from the character of the area. The report subsequently recommends that the entirety of the proposed development be granted permission / permission for retention subject to conditions, including a requirement that the boundary treatment and vehicular entrance be revised to accord with the recommendations of the Transportation Planning Dept.

3.2.2. Other Technical Reports

Drainage Planning, Municipal Services Dept.: No objection.

Transportation Planning: No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. A single submission was received from an interested third party and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- The need for consistency / harmonisation of the external finishes.
- Detrimental impact on the residential amenity of neighbouring property by reason of overlooking.
- The potential implications as regards any requirement for access through, or damage to, adjacent property.
- Concerns as regards the overall scale, height and finish of the boundary treatment.

4.0 Planning History

4.1. *On Site:*

None.

4.2. *On Sites in the Immediate Vicinity:*

PA Ref No. D07A/1253. Was granted on 26th October, 2007 permitting Mr. & Mrs. Crowley permission for (i) retention of extension to front hall, (ii) retention of 1st floor bedroom extension to rear and side, (iii) retention of garage conversion and elevational revisions, (iv) demolition of existing lean-to store to side, (v) erection of 2 no. new lean-to stores to side, (vi) installation of new ground floor window to side (vii) erection of new single-storey extension to rear with rooflights (viii) new gates, piers and railings to front boundary, (ix) new hard landscaping to front and rear gardens (x) with associated site-works, services, drainage, levelling, walling, and boundary treatment. All at 10 Stradbrook Lawn, Blackrock, Co. Dublin.

5.0 Policy and Context

5.1. ***Dún Laoghaire Rathdown County Development Plan, 2016-2022:***

5.1.1. *Land Use Zoning:*

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

5.1.2. *Other Relevant Sections / Policies:*

Chapter 8: Principles of Development:

Section 8.2.3.4: *Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings*

Section 8.2.4.9: *Vehicular Entrances and Hardstanding Areas*

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 800m northeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 800m northeast of the site.

5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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 inclusion of Condition No. 3 is unnecessary as the speed limit within the estate is 30kph whilst the presence of a series of sharp bends in the roadway and high hedging serves to lower traffic speeds to 10-20kph.
- Having regard to the positioning of the application site within Stradbrook Lawn, the availability of alternative pedestrian routes, and the demographics of the estate, only limited levels of traffic, both pedestrian and vehicular, pass

by the applicant's dwelling house. The amount of traffic crossing the site entrance is minimal whilst pedestrian footfall is insignificant.

- The visibility of the applicant's front boundary wall, entrance and garden area is significantly better than most of the other properties in the estate and beyond.
- The height of the front boundary walling proposed for retention and completion is considerably lower than those hedgerows which serve to define neighbouring properties.
- The front boundary walling is proposed to improve the security of the applicants' property on the advice of An Garda Síochána following several instances of burglary / attempted burglary.
- There are multiple examples of boundary walls and pillars exceeding 2m in height both within Stradbroke Lawn and the wider Blackrock area.
- It is commonplace for boundary hedgerows to exceed 3m in height and it is notable that whilst their effect on visibility and the safety of passing pedestrians / traffic is the same as boundary walls there are no restrictions in place as regards their height.
- The overall height of the boundary walls is less than other examples whilst the location of the vehicular entrance at a low point along the site frontage allows for improved visibility.
- Neighbouring housing within Stradbroke Lawn is bounded by high hedging and gates as the occupants of same value their privacy and security. Although there is near zero visibility in these instances, there has never been a danger posed to pedestrians or passing traffic due primarily to the careful driving of residents.
- There is more than adequate visibility available from and towards the site entrance so as to ensure the safety of pedestrians and other road users (particularly when compared to other housing in the wider area).
- The changes required by the Planning Authority would compromise the architectural integrity of the design and result in a less aesthetically pleasing appearance.

- Compliance with the requirements of Condition No. 3 of the grant of permission would compromise the privacy and security of the applicants' property.
- The proposed changes would disturb the letter box set within one of the entrance piers and would give rise to unnecessary costs.
- The height of the boundary walls and piers provides for an aesthetically pleasant appearance and is also necessary to support the entrance gates and letter box.
- The reduction required in the height of the wall between the application site and No. 15 Stradbrook Lawn would distort its appearance, give rise to additional coats, and would not result in any improvement in the visibility available from the neighbouring entrance.
- The Board is requested to consider the following measures which have been put in place to ensure sufficient visibility and pedestrian / traffic safety:
 - The decision to build a boundary wall (as opposed to reinstating the hedging) was purposely made so as to improve visibility given the ongoing maintenance requirements associated with a hedge and the need to avoid vegetative growth compromising either visibility or the use of the public footpath.
 - Due to the prevailing topography, the height of the boundary wall is between 1.2m and 1.5m, which is considerably lower than the original hedge since removed.
 - The design of the new boundary wall and entrance piers, when taken in combination with the change in levels, improves the visibility of the front of the applicants' dwelling house.
 - The height of the boundary walls is significantly lower than that of hedging within neighbouring properties.
 - The height of the pillars compensates for the drop in ground level from the dwelling house and is also required to accommodate the weight of the entrance gates.

- The topography of Stradbrook Lawn allows for clear visibility of the applicants' entrance and driveway.
 - The increased width and design of the vehicular entrance increases visibility for both the applicants and other road users.
 - Both of the applicants' cars have reversing cameras with vehicle path display.
 - Upon completion of the works, the applicants will avail of the available on-site parking thereby improving visibility along the roadside.
 - Cars will only exit the site in a forward movement and will not reverse onto the roadway.
 - Sensor-activated lights etc. provide excellent illumination of the front of the property.
- The reductions in height sought by the Planning Authority would make no tangible difference to the visibility available given the obstructions already caused by features such as roadside hedges, trees and lampposts etc.

6.2. Planning Authority Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.0 Assessment

- 7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issue raised by the appeal relates to the inclusion of Condition No. 3. Furthermore, in accordance with the provisions of Section 139 of the Planning and Development Act, 2000, as amended, I am satisfied that this appeal should relate only to the merits of the inclusion of the aforementioned condition.

7.2. Condition No. 3:

- a) *The height of the front side boundary wall between 16 Stradbrook Lawn and 15 Stradbrook Lawn shall be reduced by a minimum of approximately 150mm for a minimum distance of 1.5m back from the end pier, in order to provide sufficient/satisfactory visibility to both pedestrians, passing the exit from 15 Stradbrook Lawn, on the footpath and traffic approaching the exit on the road, for vehicles exiting from 15 Stradbrook Lawn,*
- b) *The height of the end pier of the front side boundary wall between 16 Stradbrook Lawn, and 15 Stradbrook Lawn shall be reduced by a minimum of approximately 465mm in order to provide sufficient/satisfactory visibility to both pedestrians, passing the exit from 15 Stradbrook Lawn on the footpath, and traffic approaching the exit on the road, for vehicles exiting from 15 Stradbrook Lawn.*
- c) *The height of the front boundary wall to 16 Stradbrook Lawn on the north side of the vehicular entrance, shall be reduced by a minimum of approximately 225mm for a minimum distance of 2.0m back from the pier/vehicular entrance to 16 Stradbrook Lawn, in order to provide sufficient/satisfactory visibility to both pedestrians, passing the exit from 16 Stradbrook Lawn on the footpath, and traffic approaching the exit on the road, for vehicles exiting from 16 Stradbrook Lawn.*
- d) *The height of the north vehicular entrance pier to 16 Stradbrook Lawn, shall be reduced by a minimum of approximately 465mm, in order to provide sufficient/satisfactory visibility to both pedestrians, including small children, passing the exit from 16 Stradbrook Lawn on the footpath, and traffic approaching the exit on the road, for vehicles exiting from 16 Stradbrook Lawn.*
- e) *The heights of the front boundary wall and vehicular entrance pier on the south side of the vehicular entrance to 16 Stradbrook Lawn shall be the same as the heights on the north side of the vehicular entrance.*
- f) *The Applicant shall submit plans and details to the Planning Authority (Transportation Planning Section) for written agreement indicating the width of*

the vehicular entrance, to be retained, reduced to the required maximum width of 3.5 metres.

g) All works (a-f) inclusive shall be carried out within a period of six months from the date of the final grant of permission and permission for retention.

Reason: In the interest of proper planning and sustainable development of the area.

- 7.3. From a review of the available information, it is apparent that the foregoing condition was imposed by the Planning Authority on the recommendation of the Transportation Planning Department for the purposes of pedestrian / traffic safety (although the stated reason for its inclusion is somewhat more ambiguous). In this regard, the report of the Transportation Planning Department has stated that it requires part of the existing / proposed boundary wall construction to be lowered in height in order to provide for the satisfactory visibility of pedestrians using the adjacent footpath and of vehicles exiting the site onto the public road.
- 7.4. Having conducted a site inspection, in my opinion, it is of relevance at the outset to note the site location within the small established housing development of Stradbroke Lawn where traffic volumes and speeds are likely to be relatively low given the limited number of dwellings involved and as the layout of the scheme itself serves to mitigate against excessive traffic speeds by reference to the alignment of the internal service roads and the use of cul-de-sacs. Further cognisance should be taken of the presence of a grass margin between the footpath and the carriageway which allows for greater visibility of vehicles exiting the site onto the adjacent roadway.
- 7.5. Whilst I would concede that the sight distance from the existing site entrance is somewhat limited, with particular reference to that in a southerly direction due to the obstruction caused by the roadside boundary hedging of the neighbouring property, by way of comparison, the sightlines available in both directions from the new partial bell-mouthed entrance arrangement likely represent an improvement over the previous access which was seemingly defined by mature hedging to either side of same. Moreover, I would advise the Board that the sightlines available from a number of the other entrances serving neighbouring properties in the estate are clearly more significantly obstructed by the presence of the high roadside boundary

hedging which is characteristic of the area. The applicants have also sought to emphasise the prevalence of comparable front boundary treatments and entrance designs within the wider Blackrock area.

7.6. On balance, having regard to the surrounding pattern of development (and noting that front entrance piers and railings of a comparable height were previously approved at No. 10 Stradbroke Lawn by the Planning Authority under PA Ref. No. D07A/1253), and the likely traffic volumes and speeds prevalent in the area, it is my opinion that the front boundary treatment as proposed for retention and completion will not result in any significant additional traffic hazard.

7.7. **Appropriate Assessment:**

7.7.1. Having regard to the nature and scale of the development under consideration, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, to **REMOVE** Condition No. 3 as follows for the reasons set out:

9.0 **Reasons and Considerations**

1. Having regard to the limited nature and scale of the proposed development, it is considered that the imposition of condition number 3 is not warranted and that the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

17th February, 2020