



An
Bord
Pleanála

Inspector's Report

ABP-307028-20

Development	Retention of widened vehicular gate to 2.5m wide, front wall and side fence to driveway.
Location	15 Auburn Drive, Killiney, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0043
Applicant(s)	Tomas Mac An Bhreithiun
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party
Appellant(s)	Tomas Mac An Bhreithiun
Observer(s)	None
Date of Site Inspection	18 th June 2020
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.0271ha is located on the western side of Auburn Drive. The site is within a mature residential area that is characterised by two-storey, detached dwellings with front gardens and a mix of street and off street car parking. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Retention permission is sought for a widened vehicular gate to 2.5m wide, front wall and side fence to driveway comprising low block rendered wall with willow wicker fence above, block gate pillars with timber gates and willow wicker fence to side of driveway.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to grant permission subject to 5 no conditions. Conditions relevant to this appeal are as follows:

2) *That within 3 months of the date of the final grant of planning permission the piers and timber gate for retention are reduced in height to a maximum of 1.1m.*

Reason: *To ensure visibility and to avoid traffic hazards for pedestrians and vehicles.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- **Case Planner** – In terms of visual amenity it was considered that the high piers and timber gate on site appear overbearing. Together with concerns raised by the Transportation Department regarding visibility it was recommended that the height of the piers and gate be reduced to 1.1m in the interest of safety and that the electrically operated gate be omitted and replaced with a manual operating gate.

In conclusion it was recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Transportation** – The height of the piers and gates are an issue for visibility. Also require manually operated gates in lieu of electrically operated. Typically would ask that the front boundary be 1.1m in height but 1.2m is considered acceptable.
- **Drainage** – No objection.

3.3. Prescribed Bodies

3.3.1. There are no reports recorded on the planning file.

3.4. Third Party Observations

3.4.1. There is one observation recorded on the appeal file from Andrew Abbott, No 53 Auburn Drive. The issues raised may be summarised as follows:

- Contrary to established policies and guidelines set out in the DLRCC Development Plan 2016 – 2022
- Contrary to guidelines and key planning principles set out by the Department of Housing, Planning and Local government in their document “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Contrary to best practise desing consideration as set out by the Department of Housing, Planning and Local Government in their document “Urban Design Manual – A Best Practise Guide” (2009)

4.0 Planning History

4.1.1. There is no evidence of any previous planning application or subsequent appeal recorded on the appeal file.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned **Objective A** where the objective is *to protect and/or improve residential amenity*. Chapter 8 deal with the **Principles of Development** including **Vehicular Entrances and Hardstanding Areas** (Section 8.2.4.9 refers).

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

- 6.1.1. The first party appeal has been prepared and submitted by the applicant, Tomas Mac An Bhreithiun and may be summarised as follows. While not explicitly stated it would appear that the applicant is not appealing the overall decision to grant permission but rather the condition attached pertaining to the reduction in height of the piers and timber gate to 1.1m.

- The willow screen and gate are for protection and security as over the years there have been situations of attempted entry and robbery at this address. Details of such incidences together with health impacts for the applicant are provided in the submission and are noted.

- In addition, there is often people passing in front of the house late at night, speaking loudly and sometimes drunk as the estate is a short cut to the local pub. If the size of the gates and columns are reduced to 1.1m the applicant will no longer feel safe and will not be able to use the front garden comfortably.
- Stated that the drive is not used to park the applicants car but is used as part of the garden area for sitting. Stated that the car is parked on the road which is what many residents do. This avoids any impact with pedestrians and also any visibility issues with the car exiting the garden.
- Submitted that the works are also required to prevent human and animals urinating in the garden
- The willow screens on top of the wall and to the side are semi-transparent and filter out the wind with the result that the house is warmer in winter and the damp and mould have disappeared.
- There are many houses nearby with similarly sized gated and even bigger walls and entry ways. Photos attached.

6.2. Planning Authority Response

- 6.2.1. DLRCC considered that the grounds of the 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.

6.3. Observations

- 6.3.1. There are no observations recorded on the appeal file.

6.4. Further Responses

- 6.4.1. There are no further responses recorded on the appeal file.

7.0 Assessment

- 7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the

key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Visual Impact
- Traffic Impact
- Other Issues

7.2. Principle

7.3. The operative plan for the area is the Dun Laoghaire Rathdown County Council 2016 – 2022. Under the provision of this Development Plan the site is zoned Objective A which seeks *to protect and / or improve residential amenity* and where residential development is permitted in principle. The scheme now before the Board is for the retention of a widened vehicular gate to 2.5m wide, block gate pillars with timber gates and willow wicker fence to side of driveway. Having regard to residential nature of the scheme together with the zoning objective for the site I am satisfied that the principle of the proposed development is acceptable at this location subject to compliance, with the relevant policies, standards and requirements set out in plan.

7.4. Residential Amenity

7.4.1. In terms of overshadowing and impact to adjoining properties I agree with the Case Planner that the side fence for retention and low front boundary wall with semi-transparent wicker fence above are not cause for concern and will not adversely affect the residential amenities of adjoining properties.

7.5. Visual Amenity

7.5.1. As documented by the Case Planner and observed on day of site inspection the immediate area is characterised by two-storey, detached dwellings with a mix of front boundary treatments ranging from no front boundary treatment to low front boundary walls, low hedges and some high hedging which enclose front garden areas. Site photos refer. Having regard to the variety of boundary and access treatment in the area I do not consider that the proposal would be overbearing or detract from the urban character of the area to such an extent that would merit alterations or reduction in

height. Accordingly, in terms of visual impact I consider the proposal to be acceptable at this location.

7.6. Traffic Impact

- 7.6.1. I note the concerns raised by the DLRCC Transportation Department in relation to the height of the piers and gates and the impact of same on visibility. Accordingly, it was requested that the front boundary be reduced to 1.1m. I further note Section 8.2.4.9(i) General Specifications of the Development Plan where it states that “*vehicle entrances and exits shall be designed to avoid traffic hazards for pedestrians and passing traffic*”
- 7.6.2. However having regard to the location of the site within a mature residential estate where vehicular speeds are significantly reduced and where there are multiple residential vehicular access points and where one would expect a vehicular to traverse the public footpath in order to enter / exit the site I do not consider that the retention of the scheme as proposed would create a traffic hazard for pedestrians and vehicles.
- 7.6.3. It is therefore recommended that Condition No 2 be omitted in its entirety and that the scheme be permitted as is, save for the requirement of the Transportation Department that the electrically operated gate be omitted and replaced with a manual operating gate. I am satisfied that this matter can be dealt with by way of a suitably worded condition.

7.7. Other Issues

- 7.7.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development and its distance 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
- 7.7.2. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. While I note that there is no stated floor area for the development in the application form the works to be retained occupy a land area albeit restricted in nature. As this is an application for “retention permission” it does not fall under the exemptions listed in the scheme. It is therefore recommended that should the Board be minded to grant

permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below

9.0 Reasons and Considerations

9.1. Having regard to the site's location on serviced urban lands and the policy and objective provisions in the Dun Laoghaire Rathdown County Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the widened vehicular gate, front wall and side fence to driveway to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity</p>
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2.	<p>The electrically operated gate shall be omitted and replaced with a manual operating gate. No gates shall open across a public footpath. Details shall be agreed in wiring with the planning authority and works completed within 6 months from the date of this decision.</p> <p>Reason: To ensure visibility and to avoid traffic hazards for pedestrians and vehicles.</p>
3.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

Mary Crowley

Senior Planning Inspector

29th July 2020